

Rankin School District #98 - Board of Education

Policy Committee Meeting

April 30, 2020

5:15 PM

Meeting Held Remotely

Meeting Held Remotely

Pekin, IL: 61554

Agenda

1. Call to Order
2. Review and Determine Recommendations for Issue 103, March 2020 of Policy Reference Education Subscription Service (PRESS)
3. Review of Board Policy 5:330 (Educational Support Personnel - Sick Days, Vacation, Holidays, and Leaves)
4. Other
5. Review of District's Strategic Planning
6. Adjournment

Policy Committee Members - Lori Davis, Dr. Matt Gordon, Stephanie Leichtenberg, April McLaughlin, and Brittany Webb

School Board

Board Member Compensation; Expenses 1

Board Member Compensation Prohibited 2

School Board members provide volunteer service to the community and may not receive compensation for services, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides.

Roll Call Vote 3

All Board member expense requests for travel, meals, and/or lodging must be approved by roll call vote at an open meeting of the Board.

Regulation of School District Expenses 4

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the District by resolution.⁵ No later than approval of the annual budget and when necessary,⁶ the Superintendent will

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

¹ State law controls this policy's content (105 ILCS 5/10-9, 5/10-10 and 5/22-1 (no compensation allowed, conflicts of interest prohibited); 105 ILCS 5/10-22.32 (expense advancements); ~~and the Local Government Travel Expense Control Act (ECA), 50 ILCS 150/10, added by P.A. 99-604, eff. 1-1-17 (regulation of travel expenses); and the Grant Accountability and Transparency Act, 30 ILCS 708/130 (regulation of travel expenses under grants).~~ ~~The deadline for implementation of this policy under the ECA is 7-1-17, but as a practical matter, see the third paragraph of f/n 3, below.~~

² The legal limit for board secretary compensation is \$500. (105 ILCS 5/10-14).

³ 50 ILCS 150/15, ~~added by P.A. 99-604, eff. 1-1-17~~. 105 ILCS 5/10-7 also states, "[o]n all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board," i.e., a roll call vote.

Although the School Code has always required a roll call vote on public expenditures, ~~on and after 60 days after the effective date of the ECA requires~~ a roll call vote ~~will also be required~~ for any:

1. Officer or employee of the board that exceeds the *maximum allowable reimbursement amount* (MARA) set by the board in its resolution to regulate expenses, ~~and or~~
2. Board member (50 ILCS 150/15, ~~added by P.A. 99-604, eff. 1-1-17~~).

A majority of school law firms agree that the "on or after 60 days" date discussed in the paragraph above is 3-2-17. Some school law firms will use the date 3-1-17. There is also a policy component deadline "[o]n and after 180 days after the effective date of [the ECA]." That date is 6-30-17. Many school law firms opine that, as a practical matter, boards should complete both the MARA and policy requirements of the ECA by late Feb. 2017 and no later than 3-1-17. Consult the board attorney about these dates. See f/n 13, below, for more discussion about amending or adopting another resolution when expenses exceed the MARA required by the ECA.

⁴ 50 ILCS 150/10, ~~added by P.A. 99-604, eff. 1-1-17~~ requires boards to regulate the reimbursement of expenses by *resolution* or *ordinance*. Unlike like the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *policies*. (105 ILCS 5/10-20.5). Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. (105 ILCS 5/10-20). Therefore, to effectuate the intent of the ECA's requirement to *regulate* expenses with an ordinance or resolution and stay within the confines of the School Code and best practice (minimize liability while aligning with the IASB "Foundational Principles of Effective Governance"), the language in this subhead:

1. Retains with the board its duty to *regulate* expenses through policy with a reference to a resolution that will define and set the types of allowable expenses in the district through the adoption of board policies 2:125, *Board Member Compensation; Expenses*, and 5:60, *Expenses* (105 ILCS 5/10-20)(see f/n 5, below);
2. Delegates to the superintendent the duty to recommend an appropriate MARA to the board for adoption in its resolution to regulate expenses (see f/n 7, below).

recommend a maximum allowable reimbursement amount for expenses to be included in the resolution.⁷ The recommended amount should be based upon the District's budget and other financial considerations.⁸

Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the Board member,⁹ (2) anyone's personal expenses,¹⁰ or (3) entertainment expenses.¹¹ Entertainment includes, but is not limited to, shows, amusements, theaters, circuses,

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

⁵ *Id.* For a sample resolution, see 2:125-E3, *Resolution to Regulate Expense Reimbursements*. Consult the board attorney about how often the board should adopt or revisit its resolution (see f/n 6 and 8, below). For discussion about setting an annual time of year to adopt the resolution, see f/n 6, below.

⁶ 50 ILCS 150/10, ~~added by P.A. 99-604, eff. 1-1-17~~ allows boards to determine this timeline locally.

While the ECA does not require boards to adopt an *annual* resolution to regulate expenses, an annual review provides a way for the board to monitor this policy's implementation and its duties under the ECA and policy 2:240, *Board Policy Development*.

This sample policy uses "No later than approval of the annual budget" to align with 105 ILCS 5/17-1 (annual budget adoption within the first quarter of *each* fiscal year). The words *and when necessary* allow for flexibility in situations discussed in f/n 13, below (*emergency and/or an extraordinary circumstance*).

Consider consulting the board's auditors to assist with this decision. Other options for the timing of when boards should set the MARA include:

1. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each fiscal year"
2. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each school year"
3. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each calendar year" or
4. Deleting "~~No later than approval of the annual budget~~" and replacing it with "When presenting the proposed budget"

⁷ For practical purposes, this duty is delegated to the superintendent because:

1. The School Code:
 - a. Allows the board to delegate duties to the superintendent (105 ILCS 5/10-16.7), and
 - b. Assigns to the superintendent the duty to make recommendations to the board concerning the budget (105 ILCS 5/10-21.4); and
2. The MARA should be based upon a district's **financial resources** and other considerations important to the local district.

⁸ The ECA does not define MARA or how to determine it (see the first sentence of f/n 6, above). The board and superintendent should have a conversation that addresses at minimum the following topics:

1. Should the superintendent use and refer to line items from the current budget?
2. Would the board set per diems or set a very large number for the board and/or all of the district employees – both have their advantages and disadvantages.
3. Should the board categorize MARA by activity?
4. Will it be categorized by individual responsibilities to the district or job titles/classes?
5. Should there be an amount category for each type of travel: airfare, train, automobile, taxi, etc.?
6. Will there be a special category for recurring and/or required training opportunities for teachers and board members?

These choices will depend upon many factors, including the budget, perhaps an auditor's recommendation, the community's preferences, and advice from the board attorney.

Amend the language throughout this subhead and in the fourth WHEREAS paragraph in 2:125-E3, *Resolution to Regulate Expense Reimbursements*, to reflect local preferences. Consider that inserting the actual MARA into the policy would likely require more formal continual policy updates as opposed to amending the resolution if a board needs to increase its MARA for any reason. For example, see the discussion in f/n 13, below.

⁹ 105 ILCS 5/10-22.32. The final paragraph of this law prohibits money for expenses from being advanced or reimbursed to any person other than a board member or employee of the district.

¹⁰ Optional. *Personal expenses* are not defined in 50 ILCS 150/25, ~~added by P.A. 99-604, eff. 1-1-17~~ or 105 ILCS 5/10-22.32. Consult the board attorney about this term and delete it only at the direction of the board attorney. Excluding personal expenses from advancements, reimbursements, and purchase orders is a generally-accepted best practice. The practice also aligns well with the State's widely-accepted transparency movement. Reimbursing personal expenses is also a magnet for the media.

¹¹ 50 ILCS 150/25, ~~added by P.A. 99-604, eff. 1-1-17~~.

sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event. 12

Exceeding the Maximum Allowable Reimbursement Amount(s)

All requests for expense advancements, reimbursements, and/or purchase orders that exceed the maximum allowable reimbursement amount set by the Board may only be approved by it when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting. 13

Advancements

The Board may advance to its members actual and necessary expenses to be incurred while attending:14

1. Meetings sponsored by the Illinois State Board of Education or by the Regional Superintendent of Schools; 15
2. County or regional meetings and the annual meeting sponsored by any school board association complying with Article 23 of the School Code; and
3. Meetings sponsored by a national organization in the field of public school education.

Expense advancement requests must be submitted to the Superintendent or designee on the Board's standardized estimated expense approval form. After spending expense advancements, Board members must use the Board's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. A Board member must return to the District any portion of an

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

12 Id.

13 50 ILCS 150/10 and 15, ~~added by P.A. 99-604, eff. 1-1-17.~~ A board may need to revisit its resolution to regulate expenses more often than annually if (a) an expense reimbursement amount exceeds the MARA set in the board's resolution, and (b) an *emergency* or an *extraordinary circumstance* does not exist. Consult the board attorney in these circumstances to determine whether the board may need to revisit and amend its resolution to increase the MARA before approving the expenses exceeding it.

Emergency or an *extraordinary circumstance* is not defined by the ECA, but these terms are meant to allow boards flexibility when expenses exceed the MARA. Yet approving expense reimbursement requests that exceed the MARA as *emergencies* or *extraordinary circumstances* when the board or superintendent "did not plan well" or "an organization's conference fees went up more than expected this year after the board adopted its resolution," may open the board to public relations and other legal challenges. See Laukhuf v. Board of Education, 2003 WL 23936148 (Ill.Cir. 2003)(addressing what constitutes an *emergency* in the context of the Open Meetings Act (OMA)(5 ILCS 120/), which similar to the ECA, also does not define the term, and holding an emergency meeting to cure a situation that a school board created itself is not an emergency within the confines of OMA).

While the ECA does not provide for specific legal penalties for the wrongful approval of expenses, it is not clear whether a court may find in circumstances of poor MARA planning, that an *emergency* or *extraordinary circumstance* under the ECA did not exist and grant relief requested by a challenger as allowed under State law.

14 105 ILCS 5/10-22.32 authorizes advancements for the listed items. This advancement language pre-dates the ECA and is narrower than the ECA. A reasonable interpretation is that the MARA required in the ECA would apply to any advancement amount. This policy seeks to reconcile and highlight the differences between the School Code and the ECA requirements by separating School Code advancements into a separate subhead from ECA reimbursements (estimated and actual). For more distinctions between these laws and further discussion, see f/n 20, below.

15 Use this alternative for districts in suburban Cook County: replace "Regional Superintendent of Schools" with "appropriate Intermediate Service Center." ~~The Ill. Gen. Assembly abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.~~

expense advancement not used.¹⁶ If an expense advancement is not requested, expense reimbursements may be issued by the Board to its members for the activities listed in numbers one through three, above, along with registration fees or tuition for a course(s) that allowed compliance with the mandatory trainings described in policy 2:120, *Board Member Development* and other professional development opportunities that are encouraged by the School Code (see the **Reimbursements and Purchase Orders** subhead, below).¹⁷ Expense advancements and vouchers shall be presented to the Board in its regular bill process.

Reimbursements and Purchase Orders

Expense reimbursement is not guaranteed and, when possible, Board members should seek pre-approval of expenses¹⁸ by providing an estimation of expenses on the Board's standardized estimated expense approval form, except in situations when the expense is diminutive. When pre-approval is not sought, Board members must seek reimbursement on the Board's standardized expense reimbursement form. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

Credit and Procurement Cards ¹⁹

Credit and procurement cards shall not be issued to Board members.

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

¹⁶ 105 ILCS 5/10-22.32 requires the return of excess advancements that are issued.

¹⁷ Boards have this power under 105 ILCS 5/10-20; this statute specifies that the grant of powers to school boards is not exclusive and that school boards may exercise other powers that are not inconsistent with duties. A board may expand this provision's scope by amending and adding to the sentence as follows:

“, and other professional development opportunities that are encouraged by the School Code, and other training provided by one of the entities described in the above list.”

See also f/n 8 in policy 2:120, *Board Member Development* for an example of a board member professional development opportunity that is encouraged by the School Code.

¹⁸ Optional. Consult the board attorney to determine whether a pre-approval process is appropriate for the district. Neither 105 ILCS 5/10-22.32 (expense advancements) nor 50 ILCS 150/ (expense reimbursements and estimates) address expense *pre-approvals*. 50 ILCS 150/20 states: “an *estimate* if expenses have not been incurred ...” or “a *receipt* ... if the expenses have already been incurred,” suggesting no pre-approval is necessary. However, pre-approval is a best practice, and a board member who incurs expenses without pre-approval may run the risk that his or her expenses will not be approved. On the other hand, submitting estimated expenses for approval begs a pre-approval process, and some attorneys may read the law to require pre-approval of expenses. The pre-approval process also provides school officials with better information for financial planning.

Consult the board attorney to determine whether a pre-approval process is appropriate for the district. If it is required, ensure that 2:125-E3, *Resolution to Regulate Expense Reimbursements*, reflects the district's specific pre-approval requirements. For an example of a standardized *estimated* expense form that could be used as a form of pre-approval, see 2:125-E2, *Board Member Estimated Expense Approval Form*. The form provides three methods for board members to submit estimated expenses: providing estimated expenses (50 ILCS 150/), expense advancements for the specific activities (105 ILCS 5/10-22.32), or a purchase order.

¹⁹ Optional. Consult the board attorney about issuing credit and procurement cards to board members. See f/n 1 of policy 4:55, *Use of Credit and Procurement Cards*.

If in consultation with the board attorney credit and procurement cards will be issued to board members, delete “~~Credit and procurement cards shall not be issued to Board members~~” and insert “Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.”

Standardized Expense Form(s) Required 20

All requests for expense advancement, reimbursement, and/or purchase orders in the District must be submitted on the appropriate itemized, signed standardized form(s). The form(s) must show the following information:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and office of the Board member who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants. ²¹
3. The date(s) of the official business on which the expense advancement or reimbursement will be or was expended.
4. The nature of the official business conducted when the expense advancement or reimbursement will be or was expended.

Types of Official Business for Expense Advancements, Reimbursements, and Purchase Orders

1. Registration. When possible, registration fees will be paid by the District in advance.
2. Travel. The least expensive method of travel will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for:
 - a. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Fees for the first checked bag will be reimbursed.²² Copies of airline tickets and baggage receipts must be attached to the expense form.
 - b. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
 - c. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
 - d. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
 - e. Taxis, airport limousines, ride sharing or other local transportation costs.
3. Meals. Meals charged to the School District should represent mid-fare selections for the hotel/meeting facility or general area, consistent with the maximum allowable reimbursement

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

²⁰ 50 ILCS 150/20, added by P.A. 99-604, eff. 1-1-17. The School Code uses the term *voucher* for expense advancements (105 ILCS 5/10-22.32). The **PRESS** materials on expenses marry the School Code's advancement voucher requirement into the ECA's requirement for a standardized estimated expense form. For an example, see 2:125-E2, *Board Member Estimated Expense Approval Form*, and 5:60-E2, *Employee Estimated Expense Approval Form*. These forms provide three methods for board members or district employees to submit anticipated/estimated expenses:

1. Providing estimated expenses under 50 ILCS 150/ (including for grant-related travel, see /n 24, below),
2. Requesting expense advancements for the activities listed under 105 ILCS 5/10-22.32, or
3. Obtaining a purchase order (highly unlikely for anticipated board member expenses but possible).

²¹ 50 ILCS 150/20(2) ~~id.~~ at (2) and (3).

²² Optional. This language reflects the standard for expenses permitted for federal and State grants, 41 C.F.R. §301-12.2. If the board does not reimburse baggage fees, delete this sentence and ~~and baggage receipts~~ from the next sentence.

amount set by the Board.²³ Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

4. Lodging. Board members should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Board members should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.
5. Miscellaneous Expenses. Board members may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

Additional Requirements for Travel Expenses Charged to Federal and State Grants ²⁴

All Board member expenses for travel charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must comply with Board policy 5:60, *Expenses*, and its implementing procedures. Travel expenses include costs for transportation, lodging, meals, and related items.

LEGAL REF.: 105 ILCS 5/10-20 and 5/10-22.32.
30 ILCS 708/, Government Accountability and Transparency Act.
Local Government Travel Expense Control Act, 50 ILCS 150/, Local Government Travel Expense Control Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:120 (Board Member Development), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 5:60 (Expenses)

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

²³ Alternatively, a board could set a daily limit on meal costs, such as:

Board members will be reimbursed for meal costs and tips up to \$_____ per day consistent with the maximum allowable reimbursement amount(s) set by the Board.

But see also f/n 8, above and ensure this amount is consistent with the MARA set by the board resolution.

²⁴ Required by 30 ILCS 708/130. See policy 5:60, *Expenses*, and its f/ns 22-36 for details. Federal travel regulations state that requests for authorization for actual expense reimbursement should be made *in advance* of travel. 2 C.F.R. §301-11.302, 2:125-E2, *Board Member Estimated Expense Approval Form*, can be used as a form for pre-approval.

March 2020

School Board

Exhibit - Board Member Expense Reimbursement Form

Submit to the Superintendent, who will include this request in the monthly list of bills presented to the School Board. Please print and attach receipts for all expenditures. Use of this form is required by 2:125-E3, Resolution to Regulate Expense Reimbursements. Please print.

Name: _____ Title/Office: _____

Travel Destination: _____ Purpose: _____

Departure Date: _____ Return Date: _____

Receipts attached Request Date: _____

Estimated expenses attached (Completed 2:125-E2, Board Member Estimated Expense Approval Form)(pre-approval is required for federal and State grants).

Approved expense advancement (voucher) attached, if applicable* (Completed 2:125-E2, Board Member Estimated Expense Approval Form.)

Actual Expense Report

*Board members will be reimbursed for actual and necessary expenses that exceed the amount advanced, but must refund any expense advancement that exceeds the actual and necessary expenses incurred. 105 ILCS 5/10-22.32. For federal and State grants, board members will be reimbursed for actual and necessary expenses that exceed estimated expenses as permitted by Board policy 2:125, Board Member Compensation; Expenses.

Auto Travel Allowance: _____ per mile

Date	Auto Mileage		Transp. Expenses	Lodging	Meals or Per Diem			Other		Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner	Item	Cost	
Subtotal										
Advances									-	
TOTAL (a negative amount indicates refund due from Board member)									\$	

Submitting Board Member's Signature

Date

Superintendent Signature

Date

School Board Action: Approved Denied
 Approved in Part Exceeds Maximum Allowable Amount
 Grant Funding Source (if applicable): _____

Comments: _____

Draft

Submitting Board Member's Signature

Date

Superintendent Signature

Date

School Board Action: Approved Denied
 Approved in Part Exceeds Maximum Allowable Amount
 Grant Funding Source (if applicable): _____

Comments: _____

Draft

School Board

Administrative Procedure - Superintendent Committees

The Superintendent or designee creates Superintendent or administrative committees as deemed necessary, makes all appointments, and directs all activities. A Superintendent or administrative committees reports to the Superintendent or administrator who directs its activities. The Superintendent or designee should consult the Board Attorney (a) concerning whether any of these committees must comply with the Open Meetings Act (OMA), and/or (b) to receive guidance for ensuring that the meetings either comply with OMA requirements or do not trigger OMA.¹ Unless otherwise indicated, the listed Superintendent or administrative committees are optional:

Communicable and Chronic Infectious Disease Program Task Force

This task force assists in the development and review of a chronic and infectious disease program consistent with the District's policies and State and federal laws and regulations, and reports directly to the Superintendent or designee. Appointments are made to the task force only if the Superintendent or designee determines that its input is desirable. See [Board policies 5:40, General Personnel—Communicable and Chronic Infectious Disease](#); and 7:280, [Students—Communicable and Chronic Infectious Disease](#).

Task force members include the Superintendent or designee, school medical advisor, a school nurse, and representatives from the School Board, local health department, PTA, the professional staff, and other employee groups.

Communicable and Chronic Infectious Disease Review Team

This review team monitors those employees and students who have a communicable and chronic infectious disease, and:

1. Reviews individual medical case histories.
2. Recommends the most appropriate educational setting for a student, which may include temporary removal from and return to the regular educational setting.
3. Recommends the most appropriate work setting for an employee; this may include retention in his/her present position, transfer to another position, or temporarily excused from or returned to his/her work assignment.

Team members include the District's medical advisor, a school nurse, the Building Principal, and the Superintendent or designee.

The footnotes should be removed before the material is used.

¹ Superintendent and administrative committees are generally not governed by the Open Meetings Act (OMA), but the operation and function of specific committees may make the Act applicable. For example, any committee, whether superintendent or board, having as members at least a majority of the quorum (three out of seven) of the board, will be subject to OMA. 5 ILCS 120/1.02. Other factors that determine whether a committee is governed by OMA include "who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's bylaws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes." [University Professionals v. Stukel](#), 344 Ill.App.3d 856, 865 (1st Dist. 2003).



The review team is guided by the Board's policies, Ill. Dept. of Public Health (IDPH) rules and regulations, and all other applicable State and federal laws. It reports directly to the Superintendent or designee. See also policies 5:40, ~~General Personnel—Communicable and Chronic Infectious Disease~~; and 7:280, ~~Students—Communicable and Chronic Infectious Disease~~. The review team consults the employee's or the student's personal physician and local health department officials before making any recommendations.

The Communicable and Chronic Infectious Disease Review Team respects the privacy rights of each employee and student and takes such precautions as may be necessary to secure confidentiality.

Food Allergy Management Committee

This committee develops and implements the District's Food Allergy Management Program and reports directly to the Superintendent or designee. It monitors the program for effectiveness and establishes a schedule for the Superintendent to report this information to the Board. See policy 7:285, *Food Allergy Management Program*, based upon the *ISBE/IDPH Guidelines* at: www.isbe.net/Documents/food_allergy_guidelines.pdf. See also the modifiable Microsoft® Word version of the *ISBE/IDPH Guidelines* at: www.isbe.net/Pages/Food-Allergy-Guidelines.aspx.

Committee members include District-level administrators, Building Principals, the District Safety Coordinator (see 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), District 504 Coordinator (see policy 6:120, *Education of Children with Disabilities*), staff members, parents/guardians, community members, and students.

Employee Substance Abuse Prevention Committee

This committee makes recommendations **directly** to the Superintendent or designee regarding the issues of employee substance abuse and resulting employee conduct standards, and:

1. Cooperates with community and State agencies on substance abuse programs.
2. Gathers information about substance abuse and suggests methods to disseminate it to employees.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration any directives from the Board to the Superintendent regarding the District's obligation to provide a safe environment and to ensure high quality performance, which may include but not be limited to:
 - a. Securing training for designated district employees to educate them to identify symptoms of being impaired by or under the influence of substances prohibited by policy. For guidance about what *impaired by or under the influence of means*, see:
 - i. Footnote discussions in numbers five and six in policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*;
 - ii. 625 ILCS 5/11-501.2 and 5/11-501.9, amended by P.A. 101-27 (chemical and other tests, validity, etc., a/k/a *field sobriety tests*);
 - iii. 410 ILCS 705/10-50(d), added by P.A. 101-27 (an employer may consider an employee to be impaired or under the influence of cannabis if the employer has a *good faith belief* that an employee manifests specific articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual

- behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others) **Note:** Consult the Board Attorney about identifying cannabis use)); and
- iv. Professional development opportunities in the area, e.g., local law enforcement agencies may be a place to begin.
 - b. Implementing a reasonable suspicion and/or drug testing² program(s) to enhance the District's ability to identify and discipline employees suspected of being impaired by and/or under the influence of prohibited substances. **Note:** Consult the Board Attorney before implementing any drug-testing program(s) or disciplining employees based upon the results of these programs. Drug testing will likely assist the District with the challenges of identifying cannabis-related issues, but the science behind impairment identification and behavioral testing for cannabis impairment is new and emerging.
 - c. Addressing expectations for employees in positions of leadership who are perpetually *on call*³ due to the nature of their positions and responsibilities.
 - d. Holding licensed educators to a higher standard than non-licensed employees due to their professional code of conduct expectations.
 - e. Holding employees working directly with students to a higher standard than employees not working directly with students.
 5. Recommends a method to explicitly inform employees of the consequences of violating the District's policy.
 6. Recommends best practices for discipline of employees who are suspected of or violating the District's policy.⁴

Committee members include the Superintendent or designee, the District's medical advisor/medical review officer, and employee representatives from both professional and educational support personnel. The committee is guided by Board policies, administrative procedures, and relevant State and federal statutes. See policies 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*, 5:120, *Employee Ethics; Conduct; and Conflict of Interest*, and administrative procedure 5:120-AP2, *Employee Conduct Standards*.

Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and community.

The footnotes should be removed before the material is used.

² The best practice for ensuring the strongest defense when disciplining an employee for undertaking tasks while being impaired and/or under the influence of prohibited substances is a confirmed, positive, drug test used in combination with reasonable suspicion of impairment. Drug testing may be cost prohibitive and disruptive for school districts while also presenting several other legal considerations, including possible collective bargaining implications upon request by the employee representative. For example, while the Americans with Disabilities Act allows the results of such tests to be used as the basis for disciplinary action (42 U.S.C. §12114; 29 C.F.R. §1630.16 (c)), drug tests may still violate other laws, e.g., Title VI and the Rehabilitation Act (42 U.S.C. §2000e et seq.; and 29 U.S.C. §706 et seq.). Identifying and disciplining employees for cannabis use on a drug testing alone may present a unique set of challenges because cannabis can remain in a person's system for weeks.

³ See f/n 3 of policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*.

⁴ Consult the board attorney regarding any disciplinary action explored for employees based solely on a positive cannabis test result. Employee discipline options may be an item on which collective bargaining may be required.

See policy 4:180, *Pandemic Preparedness*, and procedure 4:180-AP1, *School Action Steps for Pandemic Influenza*.

Team members may include one or two Board members, administrators, and staff members. It reports directly to the Superintendent or designee.

Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent or designee on prevention, intervention, and education. Committee members may include community representatives, District administrators, teachers, and students. See policies 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 7:10, *Equal Educational Opportunities*; and 7:20, *Harassment of Students Prohibited*.

School Violence Prevention Team

This team builds awareness about and supports the development and implementation of the District's:

1. Targeted School Violence Prevention Program. See policy 4:190, *Targeted School Violence Prevention Program*, and procedure 4:190-AP1, *Targeted School Violence Prevention Program*.
2. Anti-bullying program, when and as appropriate. See policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and procedure 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying*.

All Building Principals or their designees must be on this team. Other team members may include the District Safety Coordinator (see procedure 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), law enforcement representatives, Board Attorney, District psychologist(s), mental health workers and/or social service agencies, faith leaders, community members, and students. It reports directly to the Superintendent or designee.

Title I Parent Advisory Committee

This committee is required if the District receives or desires to receive Title I funds. See policy 6:170, *Title I Programs*; procedure 6:170-AP1, E1, *District-Level Parent and Family Engagement Compact*; 20 U.S.C. §§6312(a)(1)(A), 6318(a)(2)(F). The committee supports the development and implementation of the District's Title I plan. Its activities may include, at the Superintendent or designee's directive:

1. Facilitating the active involvement of parents/guardians in their children's academic success by such activities as coordinating Title I parent-teacher conferences, providing information to help parents/guardians assist their children, coordinating volunteer or paid participation by parents/guardians in school activities, and establishing a process to respond to parents/guardians' inquiries and recommendations.
2. Distributing Title I informational materials.
3. Consulting regarding the District's Title I Plan.
4. Supporting the implementation of Board policy 6:170, *Title I Programs*.

Committee members include parents/guardians and family members of Title I children. It reports directly to the Superintendent or designee.

PERA (Performance Educational Reform Act) Joint Committee and the RIF (Reduction in Force) Joint Committee ⁵

Each committee listed below is required until its function has been fulfilled; each reports directly to the Superintendent or designee.

1. PERA joint committee. This mandatory committee develops a plan for incorporating data and indicators of student growth into the evaluation plan. The joint committee is "composed of equal representation selected by the district and its teachers, or where applicable, the exclusive bargaining representative of its teachers." 105 ILCS 5/24A-4(b). If, within 180 calendar days of the committee's first meeting, the committee does not reach an agreement on the plan, the District must implement ISBE's model evaluation plan with respect to the use of data and indicators on student growth. The amendment of an evaluation plan continues to be a mandatory subject of bargaining. This committee also agrees to the panel of qualified evaluators that reviews appeals of unsatisfactory performance ratings and determines the criteria for successful appeals.⁶ 105 ILCS 5/24A-5.5, added by P.A. 101-591.
2. RIF joint committee. This mandatory committee convenes annually to consider issues identified in the statute concerning the selection of teachers for layoff. 105 ILCS 5/24-12(c). On or before December 1 each year, the RIF joint committee must be established and must hold its first meeting. It is composed of individuals appointed by the Board and the teachers (or the exclusive bargaining representative of its teachers).

Concussion Oversight Team

The Concussion Oversight Team is required until its function has been fulfilled; it reports directly to the Superintendent or designee. State law requires the team to establish protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury during interscholastic athletic activities. See policy 7:305, *Student Athlete Concussions and Head Injuries*. 105 ILCS 5/22-80(d), amended by P.A. 100-309. The Board must appoint or approve a Concussion Oversight Team. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. If it is not practicable for a physician, athletic trainer and/or nurse to be on the Team and other licensed health care professionals are not appointed to serve on the Team, the Team may be composed of only one person who need not be a licensed healthcare professional; however, that individual may not be a coach.

The footnotes should be removed before the material is used.

⁵ These committees are not subject to OMA. 105 ILCS 5/24A-4(b) and 105 ILCS 5/24-12(c), respectively, amended by P.A. 100-768.

⁶ The PERA joint committee does not determine what rating will be issued to replace an unsatisfactory rating in the event of a successful appeal; that issue must be collectively bargained. 105 ILCS 5/24A-5.5, added by P.A. 101-591.

Wellness Committee 7

The Wellness Committee includes at least one representative from each of the following groups: parents, students, representatives of the school food authority, teachers of physical education, school health professionals, a member of the Board,⁸ school administrators,⁹ and members of the community. It reports directly to the Superintendent or designee. Individuals of this committee will participate in the development, implementation, periodic reviews, and updates of policy 6:50, *School Wellness*. 7 C.F.R. §210.31(d)(1).

Children's Advocacy Center Communication Committee 10

This committee supports the implementation of the Alleged Incidents of Sexual Abuse; Investigations subhead of policy 5:90, *Abused and Neglected Child Reporting*. It includes the District Nondiscrimination Coordinator, District Safety Coordinator, and at least one representative from each of the following groups: District-level administrators, Building Principals, school personnel, and employees from the accredited Children's Advocacy Center (CAC) that serves the District. The CAC Communication Committee reports directly to the Superintendent or designee. See policy 5:90, *Abused and Neglected Child Reporting*, and administrative procedure 5:90-AP, *Coordination with Children's Advocacy Center*.

The footnotes should be removed before the material is used.

⁷ Establishing a wellness committee is optional. The preamble to 7 C.F.R. §210.31(d)(1) suggests one method to comply with the rules is by: "identifying individuals" to serve on a "local school wellness policy committee." However, the final text of 7 C.F.R. §210.31(d)(1) does not specifically require districts to establish a local school wellness policy committee—only that they "permit [groups listed in the procedure above] to participate" See also f/n 23 in policy 6:50, *School Wellness*. If a district establishes a wellness committee, it should be listed here.

⁸ See f/n 1 above. As much of the work of developing a plan to involve local stakeholders is administrative/staff work rather than governance work, the best practice is to have a wellness committee be an administrative committee, but consult the board attorney for guidance about the application of the OMA when three or more board members serve on this committee.

⁹ If a board wants to comply with the U.S. Dept. of Agriculture's encouragement to include Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators or educators in the group to provide input about the wellness policy, insert: "Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators, educators," immediately before: ", and members of the community."

¹⁰ Establishing a Children's Advocacy Center (CAC) communication committee is optional and only applies to school districts within a county served by an accredited CAC. See f/n 13 in policy 5:90, *Abused and Neglected Child Reporting*, and 5:90-AP, *Coordination with Children's Advocacy Center*.

School Board

Board Attorney 1

The School Board may ~~enter into agreements for~~ retain legal services with one or more attorneys or law firms to be the Board Attorney(s). The Board Attorney represents the School Board in its capacity as the governing body for the School District. ~~The Board Attorney shall not represent another client if the representation involves a concurrent conflict of interest, unless permitted by the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.~~ 2 The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services ~~or as memorialized by an engagement letter.~~ 3 The District will only pay for legal services that are provided in accordance with the agreement for legal services, ~~as memorialized by an engagement letter, or that~~ are otherwise authorized by this policy or a majority of the Board.

The Superintendent, his or her designee, and Board President, are each authorized to confer with and/or seek the legal advice of the Board Attorney. 4 The Board may also authorize a specific Board member to confer with ~~the Board Attorney/legal counsel~~ on its behalf.

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to ~~be informed of and/or~~ consider the matter.

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

1 The attorney's selection and duties are totally within the board's discretion – bidding is not required. 105 ILCS 5/10-20.21.

2 ~~This is a restatement of~~ Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct, at www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp. ~~address concurrent conflicts of interest. Board presidents, superintendents, and board attorneys should be prepared to ask potential board attorneys whether they will have the ability to declare that representation of the board and district will be to the exclusion of all other clients having potential conflicts with the board and district's interests. See exhibit 2:160-E, Checklist for Selecting a Board Attorney.~~

3 There is no general format for an agreement for legal services ~~or an engagement letter~~. To help monitor its legal fees, a board should require a written agreement ~~or an engagement letter~~ with the board attorney or law firm that details the services, fees, expenses, and billing format. See ~~Board~~ exhibit 2:160-E, Checklist for Selecting a Board Attorney.

Legal services can be spelled out in the policy but boards face the attendant risk of conflicting lists. However, a board desiring such a list can use the following:

The attorney will:

1. Serve as counselor to the Board and attend Board meetings when requested by the Superintendent or Board President;
2. Represent the District in any legal matter as requested by the Board;
3. Provide written opinions on legal questions as requested by the Superintendent or Board President;
4. Approve, prepare, or supervise the preparation of legal documents and instruments and perform such other legal duties as the Board may request; and
5. Be available for telephone consultation.

4 Depending on the fee arrangement, contacting the board attorney generates fees owed by the district. Thus, ~~to avoid excessive attorney fees, the board should consider needs to~~ limiting individuals who ~~are~~ authorized to contact the board attorney ~~to avoid excessive attorney fees~~. Additional individuals may be added to this sentence as in the alternative below:

The following people are authorized to confer with and/or seek the legal advice of the Board Attorney: Superintendent or designee, Business Manager, District Freedom of Information Officer, Complaint Manager(s), District treasurer, and the Board President.

Individual board members should refrain from discussing their board attorney's advice outside of a board meeting. Disclosing legal advice can waive the attorney-client privilege. Individual board members possess none of the board's powers and are not authorized to individually waive attorney-client privilege on behalf of the board as an entity.

The Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

LEGAL REF.: Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.

CROSS REF.: 4:60 (Purchases and Contracts)

Draft

School Board

Exhibit - Checklist for Selecting a Board Attorney

The School Board selects and retains the Board Attorney(s). The Board may use this checklist for guidance when it selects and retains attorney(s) and/or law firms for legal services. This checklist is designed for the Board to use a request for proposal (RFP) process to seek outside attorneys/law firms. The Board may also select an attorney without using an RFP process and adapt this checklist. The Board may also adapt this checklist and use it for an application process, if the Board seeks an in-house attorney. For more information, call the IASB Office of General Counsel; see its current phone numbers at www.iasb.com/about-us/staff/#office-general-counsel.

Determine what type of legal services the District needs.

1. Review Board policy 2:160, *Board Attorney*. **Note:** Critically analyze whether the District's legal needs are best served by in-house attorney(s) or outside attorney(s)/law firms. Many districts use a combination of these services. Many districts also use multiple attorney(s)/law firms for their specialties, e.g., different law firms for bond counsel, special education, or labor law. Some boards also approve a panel of attorneys and allow the administration to choose which attorney to use.
2. Consider the following factors to analyze the type(s) of legal services needed for the District including, but are not limited to:
 - District's size;
 - Any past and current experiences with legal matters;
 - Complexity of the District's legal needs;
 - Availability of expertise; and
 - Cost of outside fees compared to internal staff expenses for an in-house arrangement.

Develop a list of qualifications necessary for providing quality legal services to the District.

1. Review policy 4:60, *Purchases and Contracts*. **Note:** While State law exempts hiring an attorney from bidding requirements (105 ILCS 10-20.21(a)), the Board may want to review its procurement processes and align procurement for legal services to its non-bidding-related standards for purchases, e.g., avoiding favoritism, staying within the District's budget, etc.
2. Develop the list of qualifications. The major qualifications include, but are not limited to:
 - Licensed to practice law in Illinois and in good standing with the Ill. Attorney Registration and Disciplinary Commission (ARDC) (see checklist item *Conduct a reference check and other background investigations*, below)
 - Member of the District's assigned United States district court and the Seventh Circuit Court of Appeals
 - Substantive knowledge and experience in the legal areas matching District's needs, e.g., bidding, civil rights, collective bargaining, education reform, employment law, Freedom of Information Act, Open Meetings Act, other records laws, special education, student rights, etc. **Note:** This list of knowledge and experience must be created by the District's identified needs and may change from time to time.
 - Experience in all aspects of contract, employment, and school law

- Experience that meets the District's needs, including litigation experience in State and federal courts
- Membership in professional associations, such as, the Ill. Council of School Attorneys (ICSA) and education law sections of bar associations, etc.
- Demonstrated knowledge of and ability to apply professional responsibility rules
- Accessibility for the District's identified needs, e.g., evening Board meetings, phone calls, etc.
- Ability to declare that representation of the District will be to the exclusion of all other clients having potential conflicts with the District's interests
- When additional qualifications apply, list those qualifications for providing legal services. This may include specialties such as bond counsel, etc.

Develop the RFP.

1. Insert the list of qualifications that the Board developed.
2. Include the following information:
 - The deadline for responses to be submitted
 - The location (address or email) where responses should be sent
 - A statement that the Board is soliciting proposals from qualified lawyers and law firms to provide legal services to the School District
 - Significant information about the District (see policy 1:30, *School District Philosophy*, for the District's mission statement that is specific to the community's goals)
 - The scope of work, e.g., "The Board Attorney will provide legal advice concerning [*typical duties, specific duties, excluded duties*]."
 - Qualifications
 - Details about interviews and presentations
3. Specify what responders must include in their responses, such as the following:
 - Cover letter, complete name, address, and legal structure (if the responder is a law firm)
 - The individuals who prepared the response, including their titles
 - If different from above, the identity of and directory information for the individuals who have authority to answer questions regarding the submitted proposal
 - A proposed fee schedule, e.g., "Respondents may combine set fees and hourly fees. If hourly fees are proposed, please provide the minimum time increment for billing purposes. If a retainer agreement is proposed, please specifically describe options."
 - A summary of the responder's relevant experience representing public schools
 - A writing sample
 - An assurance that the responder meets the RFP's qualifications
 - References including current or past clients

Announce the RFP.

1. Title the announcement. **Note:** How and where the RFP is announced are at the Board's sole discretion. The Board may want to announce the RFP during an open meeting, post it on the District's website, mail or email it to local law firms, and/or place it in the local newspaper(s) or other legal publications. A directory of those lawyers belonging to the ICSA is on the IASB website, www.iasb.com. A printed copy is available upon request. Inclusion in the directory does not represent an IASB endorsement. Some attorneys who practice school law do not belong to ICSA. Other online sources, such as the Ill. State Bar Association, also maintain directories of information about attorneys. The Board may want to title the

announcement "The [Insert District's name] School Board Requests Proposals to Provide Legal Services."

2. Announce that the Board seeks an attorney or law firm to serve as its Board Attorney.
3. Inform the reader that the attorney or law firm selected will serve either *at will* or from the date of appointment to [date]. The length of the appointment is at the Board's discretion.
4. State the School District's philosophy or mission statement.
5. Insert the RFP location and contact information with the beginning date and time.
6. Tell prospective responders that completed RFPs must be returned by [certain time and date] to [name and title of person receiving applications].

Receive and manage responses to the RFP.

1. Review policy 2:110, *Qualifications, Term, and Duties of Board Officers*. The Board President is a logical officer to accept the applications, but this task may be delegated to the Secretary or Superintendent's secretary if the Board determines that it is more convenient. Who accepts applications is at the Board's sole discretion and should be decided by the Board prior to posting the RFP announcement.
2. The Board will discuss, at an open meeting, its process to review the applications and who will contact RFP responders for an interview.
3. The designated person will contact RFP responders for interviews.

Develop interview questions if the Board interviews attorneys or law firms.

1. Interview questions are at the Board's discretion.
2. A prospective attorney or law firm to fill the Board Attorney position may raise other specific issues that the Board will want to cover during an interview.
3. The following non-exhaustive list of interview questions may help the Board tailor its questions toward finding an attorney or law firm with an approach to the role of the Board Attorney that the Board desires:
 - What do you see as your role as Board Attorney?
 - How many other school districts do you currently represent?
 - What kind of legal services do you provide to your school clients? Please explain how your other experience is relevant to this position.
 - How many years of experience does your firm (or, the attorney) have? How long have you been practicing law? How long have you been representing school districts?
 - What methods will you use to ensure all members of the Board, which is your client, remain informed? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - How would you manage a situation in which the Board feels strongly about its position but you believe that position is not legally supportable? The *Ill. Rules of Professional Conduct*, at www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp, require attorneys to represent the Board in its capacity as the governing body for the District. The responders should be discussing these rules, specifically Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client), among others, in their answers to this question. See also, **PRESS** policy 2:160, *Board Attorney*.

- How would you manage a situation in which the Board's interest may be or become adverse to one or more of its members? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- How would you manage a situation in which the Board and Superintendent are in conflict? How about a divided Board? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- If the Board did something that you had advised against, could you still defend the Board's action? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Will you try to shape Board decisions or do you have a *whatever the Board decides philosophy*? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Do you give clients specific recommendations or do you advise them of the available options and let the client decide? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Do you provide your school Board clients with any updating services gratis?
- How do you keep your Board clients apprised of litigation and other legal matters you are handling for them?
- Will you be handling this business personally, i.e., will you delegate to your associates or partners?
- Can anyone else in your firm handle our inquiries when you are unavailable?
- How do you keep current on school law?
- When do you tell your school clients to contact you regarding a matter with possible legal repercussions?
- Have you represented a school district in a matter involving the rights of disabled students? ...involving disabled employees? ... involving a student expulsion? ... involving a teacher dismissal? ... involving an employee's contract or dismissal? ... involving a building contract or bidding matter? ... Can you tell us about that case?
- How do you bill? How are you to be paid? Please explain your rates and/or fees. The subject of billing should cover whether the attorney or law firm prepares a budget for representation and its method for billing in detail, including the date and time, what work was performed, and who worked on the project, along with expenses.
- Did you bring a written agreement for legal services, engagement letter, or a retainer agreement? If yes, please review it for us now. If not, please explain the options for a written agreement for legal services, engagement letter, or a retainer agreement.

Develop an interview protocol. Interviews may occur in closed session pursuant to 5 ILCS 120/2(c)(1).

1. The Board President will lead the Board as it interviews responders to its RFP. See 105 ILCS 5/10-13 stating that the Board President presides at all meetings and policy 2:110, *Qualifications, Term, and Duties of Board Officers*.
2. The Board may also want to consider allowing an equal amount of time for each interview.
3. Discuss the following items with each responder during the interview:
 - Introduce Board members to the responder
 - Describe the Board's interview process, selection process, and ask the responder if he or she has questions about the Board's process for selecting its attorney
 - Describe the District's philosophy or mission statement

- Describe the Board Attorney position by reviewing the RFP
- Begin asking the interview questions (see *Develop interview questions*, above)
- Ask the responder whether he or she has any questions for the Board
- Thank the responder and inform him or her when the Board expects to make its decision and how the responder will be contacted regarding the Board's decision

Conduct a reference check and other background investigation(s).

1. The Board President may perform this check or direct the Superintendent to:
 - Check the ARDC's master roll of attorneys as "Authorized to Practice Law" (To do this, enter the attorney's name into the ARDC's registration and public disciplinary records database at: www.iardc.org/lawyersearch.asp.)
 - Click on the attorney's name to review whether any disciplinary actions are pending or resolved; current and prior actions will appear at the bottom of the screen
 - If disciplinary actions are listed, ask the attorney or law firm for more information
2. There are other online attorney review services available. These services may be overly subjective and/or the attorney may have control over the content in these services. Always check with the ARDC.
3. Call references provided by the responder.

Enter into a written agreement or engagement letter with the selected attorney or law firm.

1. All *agreements for legal services* should be in writing. At minimum, the agreement should provide the fee arrangement and the scope of services. *Agreements for legal services* and individual billing statements from the Board Attorney are subject to disclosure pursuant to a Freedom of Information Act request (PAO 14-02).
2. Discuss the fee arrangements with the responder and decide:
 - Whether to enter into a fee arrangement and/or a retainer agreement (**Note:** Attorneys typically bill by a pre-determined percentage of the hour, e.g., in one-tenth of an hour increments. Many districts enter into a retainer agreement for legal services or an engagement letter that requires them to pay the attorney a pre-determined fee every month. In return, the attorney provides a pre-determined amount of legal services whenever the district needs him or her. Districts find this useful because (1) they can budget for legal expenses, (2) legal advice is available up to the pre-determined amount for lower fees, and (3) this arrangement often provides for an enhanced, long-term relationship with the attorney.)
 - The appropriate scope of services
3. Review the written contract or memorialized relationship (*agreement for legal services* or *engagement letter*) for these provisions:
 - Fee arrangement
 - Scope of services
 - Which attorneys will be providing legal services
 - A statement that the Board controls all legal decisions
 - A statement that the attorney and his or her law firm have no conflicts of interest or, if a conflict exists, that the Board understands the conflict and waives it
 - Board's right to terminate the services of the attorney and law firm at any time for any reason

4. Approve the *agreement for legal services* or *engagement letter* during an open Board meeting.

Announce the appointment to District staff and community.

1. The contents of the announcement and length of time it is displayed are at the Board's sole discretion.
2. The Board may want to consider announcing during an open meeting. See policy 8:10, *Connection with the Community*.
3. The Board may want to include the following information in its announcement:
 - The Board appointed [attorney's name or law firm name] as the Board Attorney
 - The appointment will begin on [date] for [length of time]
 - The Board previously established qualifications for the Board Attorney in a careful and thoughtful manner, e.g., "[Attorney or law firm's name] meets these qualifications and has demonstrated the willingness to accept its duties and responsibilities. [Attorney or law firm's name] brings a clear understanding of the demands and expectations of the Board Attorney position along with a constructive attitude toward the challenge."

Unchanged

Operational Services

Payment Procedures ¹

The Treasurer shall prepare a list of all due and payable bills, indicating vendor name and amount, and shall present it to the School Board in advance of the Board's first regular monthly meeting or, if necessary, a special meeting. These bills are reviewed by the Board, after which they may be approved for payment by Board order.² Approval of all bills shall be given by a roll call vote, and the votes shall be recorded in the minutes.³ The Treasurer shall pay the bills after receiving a Board order or pertinent portions of the Board minutes, even if the minutes are unapproved, provided the order or minutes are signed by the Board President and Secretary, or a majority of the Board. ⁴

The Treasurer is authorized, without further Board approval, to pay Social Security taxes, wages, pension contributions, utility bills, and other recurring bills.⁵ These disbursements shall be included in the listing of bills presented to the Board.

The Board authorizes the Superintendent or designee to establish revolving funds and a petty cash fund system for school cafeterias, lunchrooms, athletics, or similar purposes, provided such funds are maintained in accordance with Board policy 4:80, *Accounting and Audits*, and remain in the custody of an employee who is properly bonded according to State law. ⁶

LEGAL REF.: 105 ILCS 5/8-16, 5/10-7, and 5/10-20.19.
23 Ill.Admin.Code §100.70.

CROSS REF.: 4:55 (Use of Credit and Procurement Cards), 4:60 (Purchases and Contracts),
4:80 (Accounting and Audits)

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

¹ State or federal law controls this policy's content.

² 105 ILCS 5/8-16 and 5/10-20.19.

³ 105 ILCS 5/10-7.

⁴ Except for the payment of social security taxes and recurring bills, 105 ILCS 5/8-16 permits the treasurer to "pay out funds of the school district only upon an order of the board signed by the president and clerk or secretary or by a majority of the board." 105 ILCS 5/10-20.19 grants the treasurer authority to pay bills after receipt of "a certified copy of those portions of the board minutes, properly signed by the secretary and president, or a majority of the board." As minutes are not approved until the following meeting, a literal reading of this statute would result in late payments. The policy uses a pragmatic solution: the treasurer may pay bills upon receiving a board order or minutes, even if the minutes are unapproved, provided the order or minutes are signed by the president and secretary, or a majority of the board.

The Local Government Prompt Payment Act (50 ILCS 505/) governs the timelines for a board's approval and payment of bills and potential penalties for late payment. Unless otherwise agreed to between the board and a vendor/contractor, bills must be approved or disapproved within 30 days after receipt of the bill or 30 days after the date on which the goods or services are received, whichever is later, and payment is due within 30 days after the date of approval. 50 ILCS 505/3, 505/4, and 505/6.

⁵ 105 ILCS 5/8-16 and 5/10-20.19.

⁶ 105 ILCS 5/10-20.19(2); 23 Ill.Admin.Code §100.70.

Operational Services

Administrative Procedure - Federal and State Award Procurement Procedures

In addition to the State legal requirements for purchases and contracts set forth in Board policy 4:60, *Purchases and Contracts*, and 4:60-AP1, *Purchases*, the following procedures apply to District procurement under federal awards and State awards governed by the Grant Accountability and Transparency Act (GATA). ¹

Consult the Board Attorney regarding the legal requirements presented by this administrative procedure as well as before a contract is presented to the Board. ²

Code of Conduct ³

Board policies 2:100, *Board Member Conflict of Interest*, and 5:120, *Employee Ethics; Conduct; and Conflict of Interest*, contain standards of conduct covering conflicts of interest and governing the actions of board members and employees engaged in the selection, award, and administration of contracts.

General Procurement Standards ⁴

- A. The District shall avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. **Note:** A conflict between this regulation's requirements and the Illinois Criminal Code of 2012 may exist. See 720 ILCS 5/33E-2(i-5) and 5/33E-18 (prohibits bid stringing; violation is a Class 4 felony) and 720 ILCS 5/33E-3 (prohibits bid rigging, a Class 3 felony).
- B. To foster greater economy and efficiency, the District may enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- C. The District may use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- D. The District may use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost. **Note:** A conflict between this regulation's requirements and the Illinois Criminal Code of 2012 may exist. See 720 ILCS 5/33E-2(i-5) and 5/33E-18 (defines and prohibits bid stringing, a Class 4 felony).

The footnotes should be removed before the material is used.

¹ 2 C.F.R. §§200.318-200.326; 30 ILCS 708/, Grant Accountability and Transparency Act (GATA). GATA adopts the federal uniform guidance for all grants, unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education, see www.isbe.net/gata.

² Many legal issues will be solved by early and frequent consultation with the board attorney.

³ 2 C.F.R. §200.318(c).

⁴ 2 C.F.R. §200.318(d)-(k).

- E. The District shall only award contracts to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. **Note:** State law requires award to the “lowest responsible bidder.”
- F. The District shall maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- G. The District may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. **Note:** The Illinois Criminal Code of 2012 (720 ILCS 5/33E-9) requires approval of the Board or designee when a contract cost increases or decreases by \$10,000, a/k/a *change orders*. If a change order will exceed the original contract price by 10%, it must be rebid.
- H. The District shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.

Competition 5

- A. All procurement transactions shall be conducted in a manner providing full and open competition consistent with the standards of State law (105 ILCS 5/10-20.21) and policy 4:60, *Purchases and Contracts*, and this section. To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Situations considered to be restrictive of competition include, but are not limited to:
1. Placing unreasonable requirements on firms in order for them to qualify to do business;
 2. Requiring unnecessary experience and excessive bonding;
 3. Noncompetitive pricing practices between firms or between affiliated companies;
 4. Noncompetitive contracts to consultants that are on retainer contracts;
 5. Organizational conflicts of interest;
 6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 7. Any arbitrary action in the procurement process.
- B. The District shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. **Note:** State law may also encourage or discourage these preferences. Discuss these with the Board Attorney. See also Doyle Plumbing and Heating Co. v. Bd. of Educ., Quincy Pub. Sch. Dist. No. 172, 291 Ill.App. 3d 221 (4th Dist. 1997); Cardinal Glass v. Bd. of Educ. of Mendota Comm. Consol. Sch. Dist. 289, 113 Ill.App.3d 442 (3rd Dist.

The footnotes should be removed before the material is used.

5 2 C.F.R. §200.319.

4:60-AP4

1983). Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. **Note:** The Board must also follow the Local Government and Professional Services Selection Act. (50 ILCS 510/).

C. Procurement Transactions. All solicitations will:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
 - a. Such description must not, in competitive procurements, contain features which unduly restrict competition.
 - b. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use.
 - c. Detailed product specifications should be avoided if at all possible.
 - d. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated.
2. Identify all requirements which offerors must fulfill and all other factors to be used in evaluating bids and proposals.

D. The District shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. **Note:** State laws may conflict with this provision. See 105 ILCS 5/10-20.21 and 50 ILCS 510/.

E. The District shall not preclude potential bidders from qualifying during the solicitation period.

Methods of Procurement 6

The District shall use one of the following methods of procurement:

- A. Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$10,000, as may be amended from time to time.⁷ To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the Board considers the price to be reasonable. **Note:** See 105 ILCS 5/10-20.21 and policy 4:60, *Purchases and Contracts*.
- B. Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold of \$250,000, as may be amended from time

The footnotes should be removed before the material is used.

⁶ 2 C.F.R. §200.320.

⁷ The *micro-purchase threshold* is set by the Federal Acquisition Regulation (FAR) at 48 C.F.R. Subpart 2.1 (Definitions) and is periodically adjusted for inflation. 2 C.F.R. §200.67. The federal government's Office of Management and Budget (OMB) issued a memo increasing the micro-purchase threshold to \$10,000, pursuant to the National Defense Authorization Act FY 2018 (Pub. L. No. 115-91), pending amendments to the FAR. OMB Memorandum 18-18 (6-20-18), at: www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf.

to time⁸. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

- C. Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract⁹ (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. **Note:** 105 ILCS 5/10-20.21 requires "lowest responsible bidder." The sealed bid method is the preferred method for procuring construction, if the conditions in 2 C.F.R. §200.320(c)(1) apply. If sealed bids are used, the requirements in 2 C.F.R. §200.320(c)(2) apply. **Note:** 105 ILCS 5/10-20.21 requires sealed bids.
- D. Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the requirements in 2 C.F.R. §200.320(d) apply. **Note:** 105 ILCS 5/10-20.21 requires sealed bids.
- E. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the circumstances in §200.320(f) apply. **Note:** 50 ILCS 510/ may conflict with this regulation.

Procurement of Recovered Materials¹⁰

When the District procures items designated by the Environmental Protection Agency (EPA) as capable of being produced with recovered materials¹¹, and the purchase of the items exceeds \$10,000 or the quantity of the items (or functionally equivalent items) purchased in the preceding fiscal year exceeded \$10,000, the District shall:

- A. Ensure the items contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition. The decision not to procure such items must be based on a determination that the items: (1) are not reasonably available within a reasonable period of time, (2) fail to meet the performance standards in the applicable specifications, or (3) are only available at an unreasonable price.¹²
- B. Procure solid waste management services in a manner that maximizes energy and resource recovery.

The footnotes should be removed before the material is used.

⁸ **Simplified acquisition threshold** means the dollar amount below which a non-federal entity may purchase property or services using small purchase methods. Non-federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by the Federal Acquisition Regulation (FAR) at 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. §1908 and is periodically adjusted for inflation. (Also see definition of §200.67 Micro-purchase.) 2 C.F.R. §200.88. The ~~federal government's OMB Office of Management and Budget~~ issued a memo increasing the simplified acquisition threshold to \$250,000, pursuant to the National Defense Authorization Act FY 2018 (Pub. L. No. 115-91), pending amendments to the FAR. OMB Memorandum 18-18 (6-20-18), at: www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf.

⁹ **Contract** means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used in this part does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward (see §200.92 Subaward). 2 C.F.R. §200.22.

¹⁰ 42 U.S.C. §6962; 2 C.F.R. §200.322.

¹¹ 40 C.F.R. Part 247. For recommendations that the EPA has developed for recovered (recveled) content and for its list of designated products, see: www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program, which was developed as part of the EPA's Comprehensive Procurement Guideline (CPG) Program.

¹² 42 U.S.C. §6962(c)(1).

C. Establish an affirmative procurement program for procurement of recovered materials identified in EPA guidelines. The program must contain the following elements: 13

1. Preference program for purchasing the designated items;
2. Promotion program;
3. Procedures for obtaining estimates and certifications of recovered materials content and for verifying the estimates and certifications; and
4. Annual review and monitoring of the effectiveness of the program.

Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms 14

The District shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

- A. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- B. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Dept. of Commerce; and
- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (A) through (E) of this section.

Contract Cost and Price 15

- A. The District shall perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-federal entity must make independent estimates before receiving bids or proposals.
- B. The District shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the

The footnotes should be removed before the material is used.

13 40 C.F.R. §247.6. For a summary of the requirements of an Affirmative Procurement Program, see: www.epa.gov/smm/summary-affirmative-procurement-program.

14 2 C.F.R. §200.321. See also the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, 30 ILCS 575/.

15 2 C.F.R. §200.323.

quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- C. Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the District under Subpart E, Cost Principles, of 2 C.F.R. Part 200.
- D. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

Federal Awarding Agency or Pass-Through Entity Review 16

The District shall make available, upon request of the federal awarding agency¹⁷ or pass-through entity¹⁸ (ISBE):

- A. Technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition; and
- B. Procurement documents (such as requests for proposals or invitations for bids, or independent cost estimates) for pre-procurement review when one or more of the circumstances in §200.324(b) apply.

Bonding Requirements 19

- A. For construction or facility improvement contracts or sub contracts exceeding the Simplified Acquisition Threshold²⁰, the federal awarding agency or pass-through entity may accept the bonding policy and requirements of the District provided that the federal awarding agency or pass-through entity has made a determination that the federal interest is adequately protected.
- B. If such a determination has not been made, the minimum requirements shall be as follows:
 - 1. A bid guarantee from each bidder equivalent to five percent of the bid price. The *bid guarantee* must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
 - 2. A performance bond on the part of the contractor²¹ for 100 percent of the contract²² price. A *performance bond* is one executed in connection with a contract to secure fulfillment of all the contractor's obligations²³ under such contract.

The footnotes should be removed before the material is used.

¹⁶ 2 C.F.R. §200.324.

¹⁷ *Federal awarding agency* means the federal agency that provides a federal award directly to a non-federal entity. 2 C.F.R. §200.37.

¹⁸ *Pass-through entity* means a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program. 2 C.F.R. §200.74.

¹⁹ 2 C.F.R. §200.325.

²⁰ See f/n 8, above.

²¹ *Contractor* means an entity that receives a contract as defined in §200.22 Contract. 2 C.F.R. §200.23.

²² *Contract* means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used in this part does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward (see §200.92 Subaward). 2 C.F.R. §200.22.

²³ When used in connection with a non-federal entity's utilization of funds under a federal award, *obligations* means orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-federal entity during the same or a future period. 2 C.F.R. §200.71.

3. A payment bond on the part of the contractor for 100 percent of the contract price. A *payment bond* is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Contract Provisions 24

The District's contracts shall contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200, *Contract Provisions for non-Federal Entity Contracts Under Federal Awards*.

Draft

The footnotes should be removed before the material is used.
24 2 C.F.R. §200.326.

Operational Services

Exhibit - School Staff AED Notification Letter

On District letterhead

Date:

To: Staff members

Re: Notification to School Staff of the Physical Fitness Facility Medical Emergency Response Instructions and AED Availability

We would like to notify you about our plan for responding to medical emergencies that might occur in our physical fitness facilities. This plan includes access to an Automated External Defibrillator (AED) in the following locations in these facilities:

Facility	Location
_____	_____
_____	_____
_____	_____

The AEDs are strategically placed and readily accessible to predetermined AED users to maximize rapid use. The AED is available during school hours and after school during any activity or program organized by the school and supervised by a school employee. The predetermined AED users are school nurses and any other person who has received AED training (American Heart Association, American Red Cross, or equivalent training) and has a completion card on file with the Superintendent. Any anticipated rescuers or users should now also be trained and certified.

The following information is posted with each AED:

1. Instructions to immediately call 9-1-1 and instructions for emergency care.
2. Instructions for using an AED.

Please contact me if you would like information on becoming a trained AED user. If you anticipate that your duties make you more likely to use an AED, you should become trained and certified. It is important to note that the Physical Fitness Facility Medical Emergency Preparedness Act and the Local Governmental and Governmental Employees Tort Immunity Act protect staff members from liability. We appreciate your support.

Sincerely,

Superintendent

Attachments: Step-by-Step Emergency Response Plan (bottom of page 4 of 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED*)



General Personnel

Compliance with the Fair Labor Standards Act ¹

Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non-exempt.”² “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday.³ Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours.⁴ “Overtime” is time worked in excess of 40 hours in a single workweek.

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

¹ State or federal law controls this policy’s content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

The Illinois Minimum Wage Law, 820 ILCS 105/4a, covers all school employees, although many are exempt from overtime requirements. The federal Fair Labor Standards Act (FLSA) (29 U.S.C. §201 *et seq.*) also covers school employees. The law offering the greatest benefits to employees will control specific issues. However, under both State and federal law, non-exempt employees who work over 40 hours in a single workweek are entitled to overtime pay of a rate not less than one and one-half times the employees’ regular rate of pay. 29 U.S.C. §207; 820 ILCS 105/4a.

School districts in several states are experiencing widespread action by non-exempt employees to recoup unpaid overtime wages. Many of these actions have been successful because the school district did not strictly comply with overtime requirements or recordkeeper’s requirements. See 29 C.F.R. Part 785 (Hours Worked) and 29 C.F.R. Part 516, (Records to Be Kept by Employers). The U.S. Dept. of Labor (DOL) frequently finds employees misclassified as independent contractors or exempt employees. School officials are strongly encouraged to seek assistance from their attorney when making decisions involving wage and hour issues.

² “Exempt” employees are exempt from overtime requirements. An exempt employee, according to Illinois law, is “any employee employed in a bona fide executive, administrative or professional capacity, . . . , as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [in the current rules].” 820 ILCS 105/4a. By referring to the definitions in the former federal rules, the Illinois legislature rejected the DOL’s effort to expand the number of employees who are exempt from overtime requirements. To qualify for exemption in Illinois, employees generally must meet certain tests regarding their job duties and be paid on a “salary basis” at not less than \$684.455 per week. 29 C.F.R. Part 541. To check compliance, districts should review their list of exempt employees with their attorneys.

³ Employers must identify the workweek, but may designate any seven-day period. **Boards should ascertain what is currently used as a workweek to avoid inadvertently adopting a policy containing a different designation.** The workweek in this sample policy allows supervisors to adjust employee schedules at the end of the week if an employee was required to work the weekend.

⁴ Setting the workweek at 40 hours avoids having to pay an employee additional “straight time” compensation for the extra hours up to 40.

Overtime

A non-exempt employee shall not work overtime without his or her supervisor's express approval.⁵ All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.⁶

Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status.⁷ Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel—Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Educational Support Personnel—Employment Termination and Suspensions*.

Implementation⁸

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

LEGAL REF.: 820 ILCS 105/4a.
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

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

⁵ This policy requires a supervisor's express approval as a best practice. However, employers will also be liable for work time when the employer knows or has reason to know work is continuing on or offsite. See 29 C.F.R. §785.11 and 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*. Employees must be compensated for all time worked, even if it is unauthorized overtime. However, employees who intentionally work unauthorized overtime may be subject to disciplinary action.

⁶ Optional. The FLSA regulates the use of *comp-time*. 29 C.F.R. §§553.22-553.28. Before offering comp-time, a board must have a compensatory time-off policy or the topic must be covered in an applicable collective bargaining agreement. See 5:310, *Compensatory Time-Off* and 5:310-E, *Agreement to Receive Compensatory Time-Off*.

⁷ Docking an exempt employee's salary (e.g., for a disciplinary suspension) may result in the loss of the exemption unless the deduction was specifically authorized. Teachers, however, are not covered by this restriction.

⁸ The FLSA is administered by the Wage and Hour Division of the DOL. Its website contains compliance guidance, posters, and e-tools (www.dol.gov/WHD/flsa/index.htm).

General Personnel

Administrative Procedure - Fair Labor Standards Act Exemptions 1

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

Overview

- An exempt employee in Illinois is “any employee employed in a bona fide executive, administrative or professional capacity, ... as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [current federal rules].” 820 ILCS 105/4a.
- According to the U.S. Dept. of Labor’s (DOL’s) rules, “[t]o qualify as exempt executive, administrative or professional employee,... an employee must be compensated on a salary basis at a rate of not less than \$684455 per week.” 29 C.F.R. §541.600.
- Guidance on the DOL’s website includes:

Exemptions from overtime pay provisions: www.dol.gov/elaws/esa/flsa/screen75.asp

Exempt vs. non-exempt status of a particular job: www.dol.gov/elaws/esa/flsa/overtime/jobs.htm



FLSA Exemption Category	Staff Positions
Non-covered persons	Independent contractors: www.dol.gov/elaws/esa/flsa/docs/contractors.asp Volunteers: www.dol.gov/elaws/esa/flsa/docs/volunteers.asp Student teachers who: (1) receive academic credit for their work experience, (2) do not displace regular employees, (3) work under close supervision, and (4) are not entitled to a job at the end of their training www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.htm
Executive employees	Superintendent Associate/Assistant Superintendents Directors Supervisors Other department managers
Administrative employees	Building Principals Assistant Principals Data systems analysts or computer programmers involved in obtaining

The footnotes should be removed before the material is used.

1 This sample procedure must be customized to reflect the positions in the District and the actual duties performed. The list should be reviewed by the board attorney. Problematic employment positions requiring careful analysis include: (1) cafeteria, transportation, maintenance, and janitorial supervisors who primarily perform manual or non-office work, and (2) executive assistants “e.g., the superintendent’s secretary” who primarily spend their time doing secretarial work, not managerial work.

FLSA Exemption Category	Staff Positions
	solutions to complex business problems: www.dol.gov/agencies/whd/fact-sheets/17e-overtime-computer Other certificated administrative staff
Professional employees	Teachers Counselors Registered nurses Media coordinators Other non-supervising certificated staff
Non-exempt employees	Secretaries (<u>includes administrative assistants</u>) Receptionists Bookkeepers Cafeteria workers Crossing guards Before/after school program workers Bus drivers/transportation workers Computer lab managers Custodians Maintenance workers Pre-school workers (whose primary duty is to care for physical needs of children rather than teaching; does <i>not</i> include licensed special education early childhood teachers) Teacher aides, paraprofessionals, and assistants



October 2019 March 2020

General Personnel

Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition 1

All District workplaces are drug- and alcohol-free workplaces. 2

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

1 State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. The Right to Privacy in the Workplace Act (RPWA) allows employers to regulate employees' use of lawful products that impair an employee's ability to perform his or her assigned duties. 820 ILCS 55/5(b), amended by P.A. 101-27. The Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/10-35(a)(8), amended by P.A. 101-593, allows penalties issued by employers of law enforcement officers for consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances while on or off-duty to be collectively bargained; districts that employ school resource officers should consult their board attorneys about this provision of the CRTA.

The federal Drug-Free Workplace Act applies only to the specific programs receiving federal funds. 41 U.S.C. §8101 et seq. For ease of administration, this policy makes its requirements applicable to all employees to avoid confusion during implementation and to avoid complications when obtaining and maintaining federal funds. The Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/, added by P.A. 101-27 and amended by P.A. 101-593, legalized cannabis, but it remains a Schedule I (c)(17) controlled substance under federal law, meaning that it has no currently accepted medical use in addition to a high potential for abuse. 21 U.S.C.A. §812 (exempting hemp as defined at 7 U.S.C.A. §1639o). 41 U.S.C. §§8101, 8102 and 8103. While not law, in June 2019, the U.S. House of Representatives, in a voice vote, voted in favor of an amendment to H.R. 3055, which was introduced by Reps. Earl Blumenauer (D-OR), Tom McClintock (R-CA), and Eleanor Holmes Norton (D-D.C.), prohibiting the U.S. Dept. of Justice (DOJ) from interfering with a state's decision to implement laws governing the legalization of cannabis (recreational and medicinal). This marked the first time that either branch of the U.S. Congress has voted to protect state recreational cannabis laws from federal enforcement actions. If the amendment becomes law, it would block the DOJ from using funds to intervene in state and territory cannabis legalization laws. This policy continues to prohibit employees from using cannabis as allowed by the CRTA. See f/n 9, below.

The federal Safe and Drug-Free Schools and Communities Act provides funds, upon application, for drug and violence prevention programs; it does not contain policy mandates. Illinois also has a Drug Free Workplace Act (30 ILCS 580/) that applies to districts with 25 or more employees working under a state contract or a grant of \$5,000 or more.

2 Replace this sentence with the district's drug- and alcohol- free policy goal(s), if any.

With the passage of the CRTA, 410 ILCS 705/, added by P.A. 101-27 and amended by P.A. 101-593, each board and superintendent may wish to engage in a risk-management conversation about the district's drug- and alcohol- free policy enforcement and discipline goals. Enforcement and discipline goals depend upon a board's risk-level tolerance and community expectations. Risk-level-tolerance decisions will depend upon many factors, including, but not limited to: (1) the board attorney's recommendations, (2) the district's budget parameters, if any, for reasonable suspicion training on identification of symptoms of impairment and/or being under the influence, (3) drug testing, and (4) the community's expectations. Answers to the following questions might structure this risk-management conversation:

1. Does the board want to implement a reasonable suspicion program (or any other type of *just cause* provisions in an applicable collective bargaining agreement) to identify employees suspected of being impaired and/or under the influence to enhance its ability to discipline?
2. Does the board want the superintendent to secure training for designated district employees to educate them to identify symptoms of impairment or being under the influence of the substances prohibited in this policy?
3. How does the board want to address employees in positions of leadership, e.g., the superintendent and/or building principal(s), who are perpetually on call due to the nature of their positions and responsibilities (see f/n 3, below)?
4. How will the district manage its duty to educate students about the dangers of drugs and alcohol against the reality that employees are allowed to use lawful products off-duty and off the district's premises (820 ILCS 55/5(b), amended by P.A. 101-27)?
5. Will licensed educators be held to a higher standard than non-licensed employees due to their professional code of conduct expectations?
6. Will employees working directly with students be held to a higher standard than employees not working directly with students?

All employees are prohibited from engaging in any of the following activities while on District premises or while performing work or being *on call*³ for the District: ⁴

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance. ⁵
2. Distribution, consumption, use, possession, or being impaired by or under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectable, regardless of when and/or where the use occurred. ⁶
3. Distribution, consumption, possession, use, or being impaired by or under the influence of cannabis; being present on District premises or while performing work for the District when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to *Ashley's Law*, 105 ILCS 5/22-33.⁷ The District considers

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

³ An employee is *on call* when the employer schedules him or her with at least 24 hours' notice to be on standby or otherwise responsible for performing employment-related tasks either at the employer's location or another previously-designated location. 820 ILCS 55/5, amended by P.A. 101-27. Consult the board attorney regarding how the board wants to treat employees who may be considered on call, e.g., superintendents, principals, coaches, and/or maintenance workers, etc.

For boards that do not want this text, delete ~~or being on call~~.

⁴ To align with best practices for identifying and subsequently initiating discipline of employees for violating this policy (especially with the passage of the CRTA) and any possible collective bargaining agreement provisions, the superintendent may want to convene the **Employee Substance Abuse Prevention Committee** (see 2:150-AP, *Superintendent Committees*).

⁵ These actions are prohibited by both federal (41 U.S.C.A. §§8101, 8102 and 8103) and State Workplace Acts. See f/n 12, below. These laws do not address *under the influence* but a board may add: “, or being impaired by or under the influence of any illegal substance or any detectable use of any illegal substance regardless of when or where the use occurred.” This option is limited to *illegal substances* to avoid prohibiting employees from using lawfully prescribed controlled substances. See f/n 12. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. This policy's -third paragraph addresses prescribed medications other than cannabis.

⁶ Optional; alcohol is not addressed in either the federal or State Drug-Free Workplace Acts. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. The Ill. Court of Appeals held that when the policy defines *under the influence* as any “mental, emotional, sensory or physical **impairment** due to the use of drugs or alcohol,” the school district must prove that the teacher showed signs of impairment even though she registered 0.056 blood-alcohol level on a Breathalyzer. Kinsella v. Bd. of Ed. of the City of Chicago, 27 N.E.3d 226 (Ill.App.1st: 2015).

⁷ “[R]egardless of when and/or where the use occurred” is intended to mean that an employer may reach an employee's conduct on or off-duty depending upon the facts of the disciplinary situation; however, the CRTA contains a specific requirement that law enforcement employers adopt a policy outlining penalties for discipline of law enforcement employees for their on or off-duty conduct involving consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances. Id. at 10-35(a)(8), amended by P.A. 101-593. See also f/ns 1, above, and 9, below. Consult the board attorney if the district employs a school resource officer(s) (SRO(s)) as opposed to contracting with a local law enforcement agency for SRO services.

410 ILCS 130/25(b) prohibits discipline or arrest of school nurses and/or administrators for acting in accordance with *Ashley's Law*, 105 ILCS 5/22-33, amended by P.A. 101-370, ~~eff. 1-1-20~~. Employers may enforce drug-free workplace policies when they are applied in a nondiscriminatory manner. 410 ILCS 705/10-50(a), added by P.A. 101-27, includes disciplining employees – even those who are ~~a~~ *registered qualifying patients* – for violating ~~a~~ drug-free workplace policies (410 ILCS 130/50 and 705/10-35(a)(1), added by P.A. 101-27). Contact the board attorney for advice concerning the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)).

employees impaired by or under the influence of cannabis when there is a good faith belief that an employee manifests the specific articulable symptoms⁸ listed in the Cannabis Regulation and Tax Act (CRTA).⁹

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

For purposes of this policy, *District premises*¹⁰ means workplace as defined in the CRTA in addition to District and school buildings, grounds, and parking areas; vehicles used for school purposes; and

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

⁸ Specific articulable symptoms listed in 410 ILCS 705/10-50(d), added by P.A. 101-27, include: the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. In contrast to the CRTA, the MCPA, while listing the same specific, articulable, symptoms, does not require an employer to have a *good faith belief* that a *registered qualifying patient* is under the influence of cannabis. 410 ILCS 130/50(f), and scheduled to be repealed on 7-1-20.

⁹ 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 allows reasonable, nondiscriminatory, zero-tolerance policies. If the district seeks to discipline an employee on the basis that he or she is under the influence of or impaired by cannabis, it must afford the employee a reasonable opportunity to contest the basis of the determination. *Id.* at 10-50(d), added by P.A. 101-27. *See also f/n 7, above.* **Contact the board attorney for advice concerning this provision and whenever the district seeks disciplinary action or dismissal of an employee on the basis of the cannabis prohibitions in the policy.**

See also the Ill. Vehicle Code 625 ILCS 5/11-501.2(b-5) number one: when an individual's tetrahydrocannabinol concentration (THC) is five nanograms or more in whole blood or 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), a presumption under Illinois law exists that the individual is under the influence of cannabis. Under 625 ILCS 5/11-501.2(b-5) number two: when an individual's [THC] is less than five nanograms in whole blood or less than 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), the individual may still be considered impaired.

In addition to a zero-tolerance policy, the CRTA also allows civil, criminal, or other penalties for:

1. Engaging in tasks under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct (410 ILCS 705/10-35(a)(1));
2. Possessing cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(2)(A)-(B) unless permitted under the MCPA);
3. Using cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(3)(A)-(B) unless permitted under the MCPA);
4. [Using cannabis] in a public place [while impaired or under the influence of cannabis] (*Id.* at 10-35(a)(3)(F));
5. Knowingly being [impaired by or under the influences of cannabis] in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the MCPA (*Id.* at 10-35(a)(3)(G));
6. Smoking [and/or *vaping* (see f/n 18, below for a definition of *vaping*)] it in any place where smoking is prohibited under the Smoke Free Illinois Act (*Id.* at 10-35(a)(4));
7. Using [cannabis] as an on-duty law enforcement officer, corrections officer, probation officer, or firefighter (*Id.* at 10-35(a)(8)), or consuming, possessing, selling, purchasing, or delivering cannabis or a cannabis-infused substance(s) while on or off-duty [only if a policy has been adopted] *Id.* at 10-35(a)(8), amended by P.A. 101-593;
or
8. [Using cannabis while [b]eing on duty as an individual holding a school bus permit or Commercial Driver's License (*Id.* at 10-35(a)(9)).

any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. *School grounds* means the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. "Vehicles used for school purposes" means school buses or other school vehicles.

As a condition of employment, each employee shall: **11**

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than five calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired. **12**

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following: **13**

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted. **14**
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations. **15**
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.

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

10 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 and amended by P.A. 101-593, allows employers to prohibit cannabis in the *workplace*. Many attorneys agree it is a best practice for employers to define workplace in policies that prohibit cannabis. 410 ILCS 705/10-50(h), added by P.A. 101-27, defines *workplace* as the employer's premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in performance of the employee's job duties, and vehicles, whether leased, rented, or owned – and may be further defined by the employer's written policy when it is consistent with this definition.

This policy's definition of workplace expands the above CRTA definition to areas that board policy and/or the School Code impose duties upon districts to keep students safe, including:

1. The *school property* definition from policy 8:30, *Visitors to and Conduct on School Property*;
2. The *school grounds* definition at 105 ILCS 5/10-27.1A(d); and
3. Places that school districts must prevent and respond to bullying, including vehicles used for school purposes. 105 ILCS 5/27-23.7(a).

11 Required by the State and federal Drug-Free Workplace Acts.

12 This optional paragraph is not addressed in State or federal drug-free workplace acts. An employer should generally not ask an employee about his or her use of medication. See rules implementing the Americans with Disabilities Act, 29 C.F.R. §1630.14. Consult the board attorney if an employee is suspected of working while impaired or under the influence.

13 Numbers one through five in this paragraph are required by the State and federal Drug-Free Workplace Acts. 30 ILCS 580/3.

14 As an alternative, replace the phrase "in a place where other information for employees is posted" with the district's local method, e.g., staff intranet, Internet, etc.

15 Grants may be available from the Ill. State Board of Education for developing a drug-free awareness program. 105 ILCS 5/2-3.93. The drug-free awareness program requirement can be met by developing a brochure on drug abuse or by contacting local, State, or national anti-drug abuse organizations for materials. The materials should be distributed to employees along with a list of places employees may call for assistance.

5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. The penalties that the District may impose upon employees for violations of this policy.
6. Remind employees that policy 6:60, *Curriculum Content*, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence. 16

E-Cigarette, Tobacco, and Cannabis Prohibition 17

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of e-cigarettes,¹⁸ tobacco, and cannabis products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location.

Tobacco shall have the meaning provided in 105 ILCS 5/10-20.5b.

Cannabis shall have the meaning provided in the CRTA, 410 ILCS 705/1-10.

E-Cigarette is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah,

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

¹⁶ Optional. This statement serves as a display of good judgement and a reminder to employees that 105 ILCS 5/27-13.2 and 23.4 (provided it can be funded by private grants or the federal government) require districts to educate students about the dangers of substance abuse.

¹⁷ 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act, 410 ILCS 82/, and the CRTA, 410 ILCS 705/10-35(a)(4)(smoking anyplace where smoking is prohibited under the Smoke Free Illinois Act). Federal law prohibits smoking inside schools. 20 U.S.C. §6083(a).

The prohibition in 8:30, *Visitors to and Conduct on School Property*, referred to here, applies "on school property or at a school event." Here, "at a school event" is clarified with the phrase "while ... performing work for the District" in order to align with this policy's other prohibitions.

¹⁸ While 720 ILCS 675, amended by P.A. 101-2, excludes e-cigarettes from its definition of tobacco, it does not address vaporization. Prohibiting *e-cigarettes* aligns with the district's obligation to maintain a safe, smoke-free environment and is logical extension of 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act (410 ILCS 82/), and The Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675, amended by P.A. 101-2 (raising the legal age to buy tobacco and e-cigarette products to 21 years of age). In addition, the U.S. Food and Drug Administration now regulates e-cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143, amended by 81 Fed.Reg. 28973.

E-Cigarettes may resemble cigarettes but contain a battery-operated heating element that turns a liquid into an aerosol (or vapor) that sometimes includes nicotine, flavorings, and other chemicals. The act of inhaling and exhaling the aerosol is known as *vaping*. See www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping. For ease of administration, this policy treats *vaping*, whether tobacco products or not, and smoking tobacco the same due to the outbreaks of lung disease associated with the use of e-cigarettes and vaping. Some e-cigarettes do not look like tobacco products; they are designed to resemble other objects, such as USB flash drives, to be more easily concealed. Like smoking tobacco, vaporization products may include nicotine, which is derived from and is the addictive drug in tobacco, and other potentially harmful chemicals. See *Tobacco/Nicotine and E-Cigs* at: www.drugabuse.gov/drugs-abuse/tobacconicotine-e-cigs. Unlike smoking tobacco, vaping does not produce smoke, but rather the aerosol, often mistaken for water vapor and consisting of fine particles. Many of these particles contain varying amounts of toxic chemicals, which have been linked to cancer and respiratory and heart disease. An outbreak of lung disease has been associated with e-cigarette use and vaping. See articles at:

www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html; and
www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease/health-departments/index.html.

vape pen, or similar product or device, and any components or parts that can be used to build the product or device. ¹⁹

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. ²⁰ In addition or alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction. ²¹

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction. ²²

Disclaimer ²³

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies** subhead in policy 2:240, *Board Policy Development*.

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

¹⁹ Optional. If a district does not want to include the statutory example that includes the term *vape pen*, which provides notice that vaping products are also prohibited through the term e-cigarette, replace ~~includes but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device with "shall have the meaning provided in the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675/1(a-9)."~~

²⁰ An employee who currently uses *illegal* drugs is not protected under the Americans With Disabilities Act (ADA) when the district acts on the basis of such use. 42 U.S.C. §12114. Legal drug abusers and alcoholics may still be protected as *handicapped* under the Rehabilitation Act of 1973 (29 U.S.C. §706 et seq.) or the Ill. Human Rights Act (IHRA). 775 ILCS 5/1-101 et seq. and 56 Ill.Admin.Code §2500.20. The Rehabilitation Act, however, excludes from protection "an alcohol or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment ... would constitute a direct threat to the property or the safety of others." 29 U.S.C. §706-(7)(B).

The ADA neither authorizes nor prohibits drug testing; it allows the results of such tests to be used as the basis for disciplinary action. (42 U.S.C. §12114; 29 C.F.R. §1630.16 (c)). Drug tests may still violate other laws, e.g., Title VI and the Rehabilitation Act. (42 U.S.C. §2000e et seq.; and 29 U.S.C. §706 et seq.). Drug tests may also be a subject of collective bargaining. See paragraph one of *f/n* 1, above. Consult the board attorney before implementing a drug testing program to enforce this policy.

²¹ Required by both the federal and State Drug-Free Workplace Acts.

²² *Id.*

²³ Optional best practice text.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12114.
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.
Drug-Free Workplace Act of 1988, 41 U.S.C. §8101 et seq.
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.
30 ILCS 580/, Drug-Free Workplace Act.
105 ILCS 5/10-20.5b.
410 ILCS 82/, Smoke Free Illinois Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.
720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and
Sale and Distribution of Tobacco Products Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
21 C.F.R. Parts 1100, 1140, and 1143.
23 Ill.Admin.Code §22.20.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:120
(Employee Ethics; Conduct; and Conflict of Interest), 6:60 (Curriculum Content),
8:30 (Visitors to and Conduct on School Property)

Draft

General Personnel

Expenses ¹

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution.² Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee,³ (2) anyone’s personal expenses,⁴ or (3) entertainment expenses.⁵ Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event.⁶ The District is not responsible for losses due to an employee’s own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District’s negligence.⁷ Employees must submit the appropriate itemized, signed, standardized form(s) to support any requests for expense advancements, reimbursements, or purchase orders that show the following: ⁸

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

¹ State law controls this policy’s content. 105 ILCS 5/10-9, 5/10-10, and 5/22-1 (no compensation allowed, conflicts of interest prohibited); 105 ILCS 5/10-22.32 (expense advancements); 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~ (regulation of employee expenditures under the Ill. Wage Payment and Collection Act)(WPCA); ~~and the Local Government Travel Expense Control Act (ECA) 50 ILCS 150/10, added by P.A. 99-604 (regulation of travel expenses); and the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/130 (regulation of travel expenses under grants).~~ See ~~the third paragraph in~~ f/n 13 of policy 2:125, *Board Member Compensation; Expenses*.

105 ILCS 5/10-22.32 states that “[t]he school board may advance to teachers and other certified employees the anticipated actual and necessary expenses incurred in attending meetings that are related to that employee’s duties and will contribute to the professional development of that employee.” This policy expands beyond those two categories (105 ILCS 5/10-20) of employees, and the limited purpose of attending meetings, to reimburse all employees for approved expenses necessary for the employee to perform his or her duties.

The WPCA, 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~, defines *necessary expenditures* as all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of the employer.

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. If a local collective bargaining agreement contains a provision on expenses, consult the board attorney about how this policy may impact it.

² 50 ILCS 150/10, ~~added by P.A. 99-604~~. See f/ns 4 through 8 in policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

For a sample resolution, see 2:125-E3, *Resolution to Regulate Expense Reimbursements*.

³ 105 ILCS 5/10-22.32. The final paragraph of this law prohibits money for expenses to be advanced or reimbursed to any person other than a board member or employee of the district.

⁴ Optional. *Personal expenses* are not defined in 50 ILCS 150/25, ~~added by P.A. 99-604~~ or 105 ILCS 5/10-22.32. Consult the board attorney about this term and delete it only at the direction of the board attorney. Excluding personal expenses from advancements, reimbursements, and purchase orders is a generally-accepted best practice. The practice also aligns well with the State’s widely-accepted transparency movement. Reimbursing personal expenses is also a magnet for the media.

⁵ 50 ILCS 150/25, ~~added by P.A. 99-604~~.

⁶ *Id.*

⁷ Optional. 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~. The purpose of this sentence is to provide information to employees and the community about WPCA exclusions from reimbursable expenses.

⁸ 50 ILCS 150/20, ~~added by P.A. 99-604~~. The School Code uses the term *voucher* for expense advancements (105 ILCS 5/10-22.32); the ECA requires submission of itemized, signed, standardized forms. Both 5:60-E1, *Employee Expense Reimbursement Form*, and 5:60-E2, *Employee Estimated Expense Approval Form* incorporate *voucher* into the ECA’s requirement to use standardized forms. See f/n 12 below, and see also f/n 20 of policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and title of the employee who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants. ⁹
3. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended. ¹⁰
4. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended. ¹¹

Advancements

The Superintendent may advance expenses to teachers and other licensed employees for the anticipated actual and necessary expenses to be incurred while attending meetings that are related to their duties and will contribute to their professional development,¹² provided they fall below the maximum allowed in the Board's expense regulations. ¹³

Expense advancement requests must be submitted to the Superintendent or designee on the District's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the District's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts.¹⁴ Any portion of an expense advancement not used must be returned to the District.¹⁵ Expense advancements and vouchers shall be presented to the Board in its regular bill process.

Reimbursements and Purchase Orders

Expense reimbursements and purchase orders may be issued by the Superintendent or designee to employees, along with other expenses necessary for the performance of their duties, provided the expenses fall below the maximum allowed in the Board's expense regulations.

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

Additionally, while the WPCA (820 ILCS 115/9.5(a)) allows employees to submit a signed statement regarding any receipts when supporting documentation is nonexistent, missing, or lost, 820 ILCS 115/9.5(b) outlines that employers are not liable for expenditure amounts that exceed the specifications or guidelines the employer has established for necessary expenditures. The ECA requires districts to establish such specifications and guidelines. 50 ILCS 150/10 and 20, added by P.A. 99-604 (regulation of travel expenses).

⁹ 50 ILCS 150/20(2) and (3). This sentence mirrors the statute. The term *offices* is not defined. Consult the board attorney about whether inserting *job titles* would be sufficient for this requirement.

¹⁰ *Id.* at (4).

¹¹ *Id.*

¹² 105 ILCS 5/10-22.32 authorizes advancements for the listed items. This statute addresses expense advancements for certain activities; its language pre-dates the ECA and is narrower than the ECA. This policy seeks to reconcile the differences by separating advancements into a separate subhead. See f/n 8 above, and see also f/n 20 of policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

¹³ 50 ILCS 150/10 and 20, added by P.A. 99-604. This phrase recognizes that while advancements are allowed in these situations, they should remain below the MARA set by the board.

¹⁴ 50 ILCS 150/20, added by P.A. 99-604.

¹⁵ This paragraph's provisions are required by 105 ILCS 5/10-22.32.

Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses¹⁶ by providing an estimation of expenses on the District's standardized estimated expense approval form for employees, except in situations when the expense is diminutive. When pre-approval is not sought, employees must seek reimbursement on the District's standardized expense reimbursement form for employees. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

Use of Credit and Procurement Cards

Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.

Exceeding the Maximum Allowable Expense Amount(s)¹⁷

All requests for expense advancements, reimbursements, and purchase orders exceeding the maximum allowed in the Board's expense regulations may only be approved when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.¹⁸

Registration¹⁹

When possible, registration fees will be paid by the District in advance.

Travel

The least expensive method of travel will be used, provided that no hardship will be caused to the employee. Employees will be reimbursed for:

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

¹⁶ Optional. Consult the board attorney to determine whether a pre-approval process is appropriate for the district. Neither 105 ILCS 5/10-22.32 (expense advancements) nor 50 ILCS 150/ (expense reimbursements and estimates) address expense *pre-approvals*. 50 ILCS 150/20 states: "an *estimate* if expenses have not been incurred ..." or "a *receipt* ... if the expenses have already been incurred," suggesting no pre-approval is necessary. However, pre-approval is a best practice, and an employee who incurs expenses without pre-approval may run the risk that his or her expenses will not be approved. On the other hand, submitting estimated expenses for approval begs a pre-approval process, and some attorneys may read the law to require pre-approval of expenses. The pre-approval process also provides school officials with better information for financial planning.

Consult the board attorney to determine whether a pre-approval process is appropriate for the district. If it is required, ensure that 2:125-E3, *Resolution to Regulate Expense Reimbursements*, reflects the district's specific pre-approval requirements. For an example of a standardized *estimated* expense form that could be used as a form of pre-approval, see 5:60-E2, *Employee Estimated Expense Approval Form*. The form provides three methods for employees to submit estimated expenses: providing estimated expenses (50 ILCS 150/), expense advancements for the specific activities (105 ILCS 5/10-22.32), or a purchase order.

¹⁷ 50 ILCS 150/ does not define *maximum allowable reimbursement amount* (MARA). Consult the board attorney to assist with a conversation about how much authority the board wishes to delegate to the superintendent for purposes of setting the MARA. Topics for these conversations are listed in f/n 8 of policy 2:125, *Board Member Compensation; Expenses*.

¹⁸ 50 ILCS 150/10 and 15. See f/n 13 in policy 2:125, *Board Member Compensation; Expenses* for more discussion.

¹⁹ Amend the language in subheads **Registration, Travel, Meals, Lodging, and Miscellaneous Expenses** to align with the MARA defined in the board's expense regulation resolution. See 2:125-E3, *Resolution to Regulate Expense Reimbursements*, for a sample resolution.

See f/ns 4 and 8 in policy 2:125, *Board Member Compensation; Expenses*, for further discussion about the board's power to set the expense regulations by policy (105 ILCS 5/10-20) and clarify considerations and unanswered questions surrounding its statutorily-imposed duty to set a MARA (50 ILCS 150/10, added by P.A. 99-604).

- 
- 
1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Fees for the first checked bag will be reimbursed.²⁰ Copies of airline tickets and baggage receipts must be attached to the expense form.
 2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
 3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
 4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
 5. Taxis, airport limousines, ride sharing services, or other local transportation costs.

Meals

Meals charged to the District should represent mid-fare selections for the hotel/meeting facility or general area.²¹ Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

Lodging

Employees should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Employees should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.

Miscellaneous Expenses

Employees may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

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

²⁰ Optional. This language reflects the standard for expenses permitted for federal awards. 41 C.F.R. §301-12.2. If the board does not reimburse baggage fees, delete this sentence and ~~and baggage receipts~~ from the next sentence.

²¹ Alternatively, a board could set a daily limit on meal costs, such as:

Employees will be reimbursed for meal costs and tips up to \$_ per day consistent with the maximum reimbursement amount(s) set by the Board.

But see also f/n 8 of policy 2:125, *Board Member Compensation; Expenses*, and ensure this amount is consistent with the MARA set by the board resolution.

Additional Requirements for Travel Expenses Charged to Federal and State Grants ²²

All grant-related travel expenses must be pre-approved by the Superintendent or designee. ²³

Expenses for travel, including expenses for transportation, lodging, meals, and related items incurred by employees and charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must also meet the following requirements:

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award. ²⁴
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy. ²⁵
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official travel status²⁶ for more than 12 hours.²⁷ However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours. ²⁸
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip. ²⁹

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

²² 30 ILCS 708/130. Boards are required to follow this subhead when they use grant money to reimburse employee travel expenses charged to federal pass-through grants and State grants covered by GATA. This policy is designed to be used in conjunction with 5:60-AP, *Federal and State Grant Travel Expense Procedures* to achieve compliance.

GATA adopts the uniform federal guidance for State grants, including for travel costs. 2 C.F.R. §200.474. Additionally, under GATA, boards may charge travel expenses to grants based on their own policy, provided the policy does not exceed federal travel regulations. 30 ILCS 708/130; 41 C.F.R. Chapters 300-304 (federal travel regulations). With regard to lodging, meals, and incidentals specifically, boards not only must keep costs at or below the federal standards, but they also cannot allow costs to exceed those normally allowed by the Governor's Travel Control Board (GTCB). 30 ILCS 708/130. The federal travel regulations and the rules of the GTCB are comprehensive. This policy addresses the most common areas of travel expenses and applies the strictest standard between the State and federal travel rules. To the extent this policy does not cover certain specific types of travel expenses, GATA provides that the GTCB Rules must be followed, provided they do not exceed federal travel regulations. The federal rules are laid out in detail in a Q&A format at: www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-1tr. The GTCB Rules are at: www.ilga.gov/commission/jear/admincode/080/08002800sections.html. Regardless of the federal and State rules, travel expenses must still comply with the MARA set by the Board, unless approved by the board in accordance with this policy.

In GATA and throughout the IASB Policy Reference Manual, the terms *award* and *grant* are used interchangeably. The federal regulations define and use the term *federal award* (2 C.F.R. §200.38), but awards are more commonly referred to as grants.

²³ Federal travel regulations state that requests for authorization for actual expense reimbursement should be made *in advance* of travel. 2 C.F.R. §301-11.302, 5:60-E2, *Employee Estimated Expense Approval Form*, can be used as a form for pre-approval.

²⁴ 2 C.F.R. §§200.474, 200.474(b)(1).

²⁵ 2 C.F.R. §200.474(b)(2).

²⁶ *Travel status* is not specifically defined in the federal travel regulations or in the GTCB rules, however, the Governor's Travel Council Regulation Rules, which apply to State employees and members of State boards, provide that an employee is on *travel status* while away on official business. Travel status begins when an employee leaves his or her work location or, if reporting directly to a destination, from the employee's residence or other location. It ends when an employee returns to his or her work location or, if reporting directly from the original destination, to the employee's residence or other location at the completion of the authorized travel. 80 Ill. Admin. Code §3000.140.

²⁷ 41 C.F.R. §301-11.1.

²⁸ 41 C.F.R. §301-10.300-10.310 are the federal regulations that address mileage reimbursement and related expenses.

²⁹ 2 C.F.R. §200.474(a).



6. Commercial airfare costs in excess of the least expensive coach or economy class are prohibited except when such accommodations would: (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Qualifying circumstances must be explained on the expense form, and Board approval of the additional expense is required. ³⁰
7. Per diem rates and actual reimbursement amounts for mileage, meals, and lodging may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less.³¹ These limits do not apply when: (1) an employee stays in the lowest-priced room available at or near a hotel where a conference or seminar is located or in accommodations arranged by the conference/seminar organization, or (2) lodging at or below the established rate is unavailable.³² In those cases, the employee will be reimbursed for actual lodging expenses with prior approval, but in no case will the reimbursement exceed 300% of the applicable maximum per diem rate.³³ If a conference fee includes a meal, the meal or per diem allowance will be reduced by the actual value of the meal or the applicable meal allowance, whichever is less. ³⁴
8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved.³⁵ The Board does not reimburse employees for collision damage waiver or theft insurance. ³⁶
9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

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

³⁰ 2 C.F.R. §200.474(e).

³¹ To determine the lesser applicable amount, compare the State rates, available at: www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx, with the federal per diem rates, available at: www.gsa.gov/travel/plan-book/per-diem-rates.

³² 80 Ill.Admin.Code §2800.400; 41 C.F.R. §301-11.30.

³³ 41 C.F.R. §301-11.30. 300% is the maximum reimbursement amount permitted under federal travel expense regulations and may be adjusted down by the board. The board may not reimburse over the MARA even if the expense is under the 300% threshold, unless it meets the requirements of the ECA. See ¶n 17, above. See 5:60-AP, *Federal and State Award Travel Expense Procedures*, for details on lodging requirements, including excessive lodging requests.

³⁴ 80 Ill.Admin.Code §2800.500.

³⁵ See 41 C.F.R. §301-10.450 for a list of authorized exceptions.

³⁶ 41 C.F.R. §301-10.451. Federal regulations prohibit reimbursement for collision damage waiver and theft insurance in part because the government has negotiated full insurance coverage into its agreements with rental companies. Similarly, the State has negotiated the cost of damage collision waivers into its preferred vendor agreement. Districts may wish to pursue similar arrangements for additional coverage. Employees will often have coverage for rental car damage through their own personal auto policies. The federal regulations permit employees on official business to be reimbursed for their out-of-pocket deductibles. Id.

LEGAL REF.:

2 C.F.R. §200.474.

30 ILCS 708/130. Grant Accountability and Transparency Act.

50 ILCS 150/, Local Government Travel Expense Control Act.

105 ILCS 5/10-22.32.

820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

CROSS REF.:

2:125 (Board Member Compensation; Expenses), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards)

Draft

General Personnel

Administrative Procedure - Federal and State Grant Travel Expense Procedures

Employees must follow these procedures, **in addition to** the requirements of the Board policy 5:60, *Expenses* subhead entitled **Additional Requirements for Travel Expenses Charged to Federal and State Grants**, when their travel expenses are charged to federal grants and State grants governed by the Grant Accountability and Transparency Act (GATA). 1

Use of Expense Forms

Employees will submit their estimated travel expenses using 5:60-E2, *Employee Estimated Expense Approval Form*, in advance of travel and 5:60-E1, *Employee Expense Reimbursement Form*, following completion of travel. When travel expenses will be charged in part to grant funds and in part to non-grant District funds because certain expenses exceed those permitted to be charged to a grant by policy 5:60, *Expenses*, and/or these procedures, the Superintendent or designee notes that fact and the amount to be charged to each funding source in the “Comments” field on 5:60-E1, *Employee Expense Reimbursement Form*, and/or the “Comments” field on 5:60-E2, *Employee Estimated Expense Approval Form*, as applicable.

Lodging – General

1. Employees are **not eligible** for actual reimbursement of lodging expenses unless they are on official *travel status* for more than 12 hours. Travel status begins when the employee leaves his or her work location or, if reporting directly to a destination, from his or her residence or other location. It ends when the employee returns to his or her work location or, if reporting directly from the original destination, to the employee’s residence or other location at the completion of the authorized travel. See 80 Ill.Admin.Code §3000.140.
2. Employees must first contact any preferred hotel vendors of the District.
3. It is the employee’s responsibility to request the lowest available lodging rate the time of making a reservation. However, if the employee requires special lodging consideration due to a disability the employee may be reimbursed the actual cost of the least costly lodging that is substantially accessible. Employees should always inquire if a hotel offers a discounted rate for local government employees, including public school district employees. If applicable, employees should be prepared to show their school identification to prove school district employment when checking-in.
4. Employees should make hotel reservations as far in advance as possible. Employees need to be aware of hotel cancellation policies. In busier times, cancellation policies will sometimes require the traveler to cancel 72 hours in advance or be charged for the room. If an employee must cancel a reservation, the employee needs to cancel before the deadline, if at all possible. Employees making reservations for several nights in a row need to be aware of hotel early

The footnotes should be removed before the material is used.

1 2 C.F.R. §§200.318-200.326; 30 ILCS 708/, Grant Accountability and Transparency Act (GATA). GATA adopts the federal uniform guidance for all grants, unless the Office of the Governor grants an exception, 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education, see www.isbe.net/gata.

check-out policies. Some hotels charge an early check-out fee if a guest checks out prior to their scheduled departure date.

5. Employees must carefully review the bill upon check-out to ensure that the room charge reflects the appropriate rate and that no unauthorized charges have been added. For example, some hotels will automatically add a security charge or phone usage charge to a bill. If these services are not used, the charges should be removed before checking-out. Energy surcharge and lodging resort fees will be reimbursed if not optional.
6. If direct billing, employees must ensure that all personal or incidental charges are paid when checking-out, i.e., pay movies, personal phone calls, etc.
7. Employees must obtain a copy of the hotel bill to attach to 5:60-E1, *Employee Expense Reimbursement Form*.
8. If traveling by car, an employee needs to inquire regarding self-parking options to minimize parking expenses.

Lodging – Excessive Lodging Requests

When lodging at or below the State or federal rate for a particular location is unavailable, employees must:

1. Document on 5:60-E2, *Employee Estimated Expense Approval Form*, that lodging at the scheduled rate for the location is unavailable.
2. Attach documentation to 5:60-E2, *Employee Estimated Expense Approval Form*, showing that a minimum of three budget to mid-fare hotels were contacted (where available). If there are less than three hotels available in a location to contact, the employee must document that fact on the form. The employee must inquire if the hotels will honor the government rate when obtaining quotes. If the District has any preferred hotels at the location, the employee must contact those hotels first.
3. Submit all excessive lodging requests to the Superintendent or designee for pre-approval. The Superintendent or designee will place a note in the "Comments" field on 5:60-E2, *Employee Estimated Expense Approval Form*, to reflect approval of an excessive lodging amount.

Note: An excessive lodging request is not required if an employee stays in accommodations arranged by a conference/seminar organization or in the lowest-priced room available at or near a hotel where a conference or seminar is located.

Meals

Per diem rates and actual reimbursement amounts for meals may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less. To determine the lesser amount, compare the State rates with the federal per diem rates. Historically, the State meal allowances have been lower than the federal meal allowances. State rates are available at: www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx. Federal rates are available at: www.gsa.gov/travel/plan-book/per-diem-rates.

Airfare

When booking airfare, employees:

1. May not book airfare and lodging as a package through third party vendors. When booked as a package, third party vendors do not provide a detailed receipt which causes an issue verifying that the lodging rates are within the proper guidelines.

2. Should always know the restrictions and potential penalties applicable to the fare in case cancellation or change is necessary, regardless of how an airline ticket is booked.

Ride Sharing Services

When using a ride sharing service such as Uber and Lyft, employees must use the lowest cost service the ride sharing service offers such as “UberX” and “Lyft Standard.” Employees will not be reimbursed for premium services offered by ride share companies such as “Uber XL,” “UberSELECT,” “UberBLACK,” “UberSUV,” “UberLUX,” or “LyftPlus.” Employees need to be aware that ride sharing services may charge users more during times of high demand. Ride sharing services typically let riders know in advance when prime time or surge pricing is in effect. Rides obtained during these higher cost periods are not reimbursable.

Draft

General Personnel

Exhibit - Employee Expense Reimbursement Form

Submit to the Superintendent. Use of this form is required by 2:125-E3, Resolution to Regulate Expense Reimbursements. Please print and attach receipts for all expenditures.

Name: _____ Title/Office: _____

Destination: _____ Purpose: _____

Departure Date: _____ Return Date: _____

Receipts attached Request Date: _____

Estimated expenses attached (Completed 5:60-E2, Employee Estimated Expense Approval Form)(pre-approval is required for federal and state grants).

Approved expense advancement (voucher) attached, if applicable* (Completed 5:60-E2, Employee Estimated Expense Approval Form.)

Actual Expense Report

*Employees will be reimbursed for actual and necessary expenses that exceed the amount advanced, but must refund any expense advancement that exceeds the actual and necessary expenses incurred. 105 ILCS 5/10-22.32. For federal and State grants, employees will be reimbursed for actual and necessary expenses that exceed estimated expenses as permitted by Board policy 5:60, Expenses.

Auto Travel Allowance: _____ per mile

Date	Auto Mileage		Transp. Expenses	Lodging	Meals or Per Diem			Item	Other Cost	Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner			
Subtotal										
Advances										
TOTAL (A negative amount indicates refund due from employee.)									\$	

Superintendent or Designee:
(below maximum allowable amount)

- Approved** **Denied**
 Approved in Part
 Grant Funding Source (if applicable): _____

Superintendent or Designee Signature

Date

Comments: _____

School Board Action (exceeds maximum allowable amount):

- Approved** **Denied**
 Approved in Part
 Grant Funding Source (if applicable): _____

Employee Signature

Date

Draft

General Personnel

Exhibit - Employee Estimated Expense Approval Form

Submit to the Superintendent. Use of this form is required (1) by 2:125-E3, Resolution to Regulate Expense Reimbursements and (2) for pre-approval of expenses to be charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act. Please print.

Name: _____ Title/Office: _____

Travel Destination: _____ Purpose: _____

Estimated Expenses Approval Requested (50 ILCS 150/20 or grant expenditure)

Travel is grant-related* (specify grant): _____

Purchase Order Requested Purchase Order #: _____

Expense Advancement Voucher Requested (105 ILCS 5/10-22.32)

Voucher Amount: _____

Estimated Expense Report

Departure date: _____ Return date: _____

Auto Travel Allowance: _____ per mile

*Grant-related travel only: Except for mileage and other transportation expenses, expense reimbursement/per diem is only allowed if on official travel status for 12 hours or more. If lodging at or below the applicable rate cannot be identified, please indicate below and attach at least three quotes for review.

Date	Auto Mileage		Transp. Expenses	Lodging	Meals or Per Diem			Other Item	Cost	Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner			
Total										\$

Superintendent or Designee
(below maximum allowable amount):

- Approved** **Denied**
 Approved in Part
 Grant Funding Source (if applicable): _____

Superintendent or Designee Signature

Date

Comments: _____

School Board Action (exceeds maximum allowable amount):

- Approved** **Denied**
 Approved in Part
 Grant Funding Source (if applicable): _____

Employee Signature

Date

Draft

General Personnel

Administrative Procedure - Coordination with Children's Advocacy Center ¹

Children's Advocacy Centers (CACs) are child-focused, trauma-informed, facility-based programs that provide a multi-disciplinary, comprehensive response to child abuse. Illinois CACs are organized and operate under the Children's Advocacy Center Act. 55 ILCS 80/. CACs are accredited based on standards set by the National Children's Alliance. 55 ILCS 80/2.5. See www.nationalchildrensalliance.org/.

If the District is located within a county that is served by an accredited CAC, it must coordinate with the CAC to implement the **Alleged Incidents of Sexual Abuse; Investigations** subhead of Board policy 5:90, *Abused and Neglected Child Reporting*. 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531. For a map of accredited CACs, and to identify a CAC that may serve the District, see www.childrensadvocacycentersofillinois.org/about/map. Use this procedure to coordinate with the District's local CAC.

Glossary of Terms

Alleged incident of sexual abuse - An incident of sexual abuse of a child (as defined in the Ill. Criminal Code of 2012, 720 ILCS 5/11-9.1A) that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred either: on school grounds during a school activity, outside of school grounds, or not during a school activity. 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531. ²

Alleged victim - A student who is alleged to be the victim of an alleged incident of sexual abuse.

Appropriate law enforcement agency - A law enforcement agency whose employees have been involved, in some capacity, with an investigation of a particular alleged incident of sexual abuse. 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531.

Child advocate - May be a school social worker, a school or equally-qualified psychologist, or a person in a position the Ill. State Board of Education (ISBE) has identified as an appropriate advocate for a student during a school's investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i) (final citation pending), added by P.A. 101-531.

Forensic interview - An interview between a trained forensic interviewer, as defined by National Children's Alliance standards, and a child in which the interviewer obtains information from children in an unbiased and fact finding manner that is developmentally appropriate and culturally sensitive to support accurate and fair decision making by the multidisciplinary team in the criminal justice and child protection systems. 55 ILCS 80/2.5.

School personnel - School employees, vendors, and volunteers.

Sexual Abuse and Sexual Assault - See Ill. Criminal Code of 2012 definitions at:

The footnotes should be removed before the material is used.

¹ This procedure cites the minimum requirements of State law. Modify this procedure based upon the District's specific implementation needs and any additional needs of the CAC that serves the District.

² Though 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531, defines *alleged incident of sexual abuse*, its definition is circular, using the term *sexual abuse* without defining what that means. To provide boards with clarity, this procedure uses the definition of *sexual abuse* from the Ill. Criminal Code of 2012.

- 720 ILCS 5/11-9.1A. Permitting sexual abuse of a child.
- 720 ILCS 5/11-1.20. Criminal sexual assault.
- 720 ILCS 5/11-1.30. Aggravated criminal sexual assault.
- 720 ILCS 5/11-1.40. Predatory criminal sexual assault of a child.
- 720 ILCS 5/11-1.50. Criminal sexual abuse.
- 720 ILCS 5/11-1.60. Aggravated criminal sexual abuse.

Coordination with CAC

Actor	Action
ISBE	Identifies persons in positions who may be appropriate child advocates for students during a school's investigation into an alleged incident of sexual abuse. As of March 2020, ISBE has not identified any persons.
Superintendent or designee	<p>Establishes a CAC Communication Committee (Committee) to operate as a Superintendent committee. See 2:150-AP, <i>Superintendent Committees</i>. Consider including:</p> <ul style="list-style-type: none"> District Nondiscrimination Coordinator (see 2:260, <i>Uniform Grievance Procedure</i>) District Safety Coordinator (see 4:170-AP1, <i>Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities</i>) District-level administrators Building Principals (Building Principals are mandatory for successful implementation of the Alleged Incidents of Sexual Abuse; Investigations subhead of policy 5:90, <i>Abused and Neglected Child Reporting</i>) School personnel Employees from the accredited CAC that serves the District <p>Chairs and convenes Committee meetings for the purpose of implementing the Alleged Incidents of Sexual Abuse; Investigations subhead of policy 5:90, <i>Abused and Neglected Child Reporting</i>.</p> <p>Note: To achieve the minimum requirement of State law that the District coordinate with its local CAC, this procedure establishes an administrative committee. Establishing a committee provides a best practice for aligning with governance principles and examining implementation issues specific to each individual school district and the CACs that serve each district. While smaller school districts, e.g., one-building districts, may be able to implement a program through one meeting, larger school districts will likely require the uniform coordination this Committee provides.</p> <p>Informs the School Board of the Committee's progress and needs by adding information items to the Board's agendas as needed.</p> <p>Ensures that at least every two years, school personnel are trained to understand, provide information and referrals to, and address issues pertaining to students who are parents, expectant parents, or victims of</p>

Actor	Action
	<p>domestic or sexual violence. Note: 105 ILCS 5/10-22.39(d) requires this training to be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting students and must include training concerning each of the following:</p> <ol style="list-style-type: none"> 1. Communicating with and listening to student victims of domestic or sexual violence and expectant and parenting students. 2. Connecting student victims of domestic or sexual violence and expectant and parenting students to appropriate in-school services and other agencies, programs, and services as needed. 3. Implementing the school district's policies, procedures, and protocols with regard to such students, including confidentiality.
School Personnel	<p>Upon suspecting or receiving knowledge of an alleged incident of sexual abuse, shall perform each of the following (105 ILCS 5/22-85(c) (final citation pending), added by P.A. 101-531):</p> <ol style="list-style-type: none"> 1. Immediately report to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873 (within Illinois); 1-217-524-2606 (outside Illinois); or 1-800-358-5117 (TTY). 2. Follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. 25 ILCS 5/7, amended by P.A. 101-583. The written report shall include, if known, each of the following: <ul style="list-style-type: none"> The name and address of the child, his or her parents/guardians, or other persons having custody; The child's age; The child's condition, including any evidence of previous injuries or disabilities; and Any other information that the reporter believes may be helpful to DCFS for its investigation. 3. Promptly notify the Superintendent or Building Principal that a report has been made.
Superintendent or Building Principal	<p>Immediately coordinates any necessary notifications to the student's parents/guardians with DCFS, the applicable school resource officer (SRO), and/or local law enforcement.</p> <p>Notifies the District's Nondiscrimination Coordinator of the reported alleged incident of sexual abuse.</p>
DCFS and/or Appropriate Law Enforcement Agency	<p>Determines whether to accept a reported alleged incident of sexual abuse for investigation. If a reported alleged incident is accepted, refers the matter to the CAC serving the District. 105 ILCS 5/22-85(d) (final citation pending), added by P.A. 101-531.</p> <p>Note: If neither DCFS nor law enforcement investigate the alleged incident of sexual abuse, the District can move forward with its own investigation without CAC involvement.</p>

Actor	Action
CAC	<p>Coordinates the investigation of the alleged incident of sexual abuse in accordance with its existing multidisciplinary team protocol and National Children's Alliance accreditation standards. 105 ILCS 5/22-85(e)(1) (final citation pending), added by P.A. 101-531.</p> <p>Facilitates communication between the DCFS/law enforcement multidisciplinary team investigating the alleged incident of sexual abuse and the District's Nondiscrimination Coordinator.³ At a minimum:</p> <ol style="list-style-type: none"> 1. Ensures that all applicable parties have each other's contact information; and 2. Shares the CAC's protocol regarding the process of approving the viewing of a forensic interview by school personnel, and a contact person for questions regarding the protocol. 105 ILCS 5/22-85(e)(2) (final citation pending), added by P.A. 101-531.
Nondiscrimination Coordinator	<p>Upon being notified of the reported alleged incident of sexual abuse by the Superintendent or Building Principal, shall:</p> <p>Open and conduct the District's investigation into the alleged incident of sexual abuse in accordance with policy 7:20, <i>Harassment of Students Prohibited</i>.</p> <p>Schedule regular follow-up calls to the CAC to inquire whether DCFS/law enforcement has opened an investigation into the alleged incident of sexual abuse.</p> <p>If DCFS/law enforcement investigation is not opened, stops using this procedure and continues the District's investigation in accordance with policy 7:20, <i>Harassment of Students Prohibited</i>.</p> <p>If DCFS/law enforcement investigation is opened, continues with the following steps.</p> <p>Notes the date DCFS/law enforcement opened its investigation and sets a reminder for 15 calendar days after it.</p> <p>Note: This time period is important because the CAC has 15 calendar days to conduct a forensic interview of the alleged victim. During this time, the District is cannot interview the alleged victim regarding the alleged incident.</p> <p>While the child abuse and/or criminal investigations related to the alleged incident of sexual abuse are being conducted by DCFS/law enforcement, the Nondiscrimination Coordinator:</p> <p>Continues the District's investigation, which may include interviewing the alleged witnesses and/or the alleged perpetrator.</p>

The footnotes should be removed before the material is used.

³ 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 incident of sexual abuse.

Actor	Action
	<p>May request information from the alleged victim or his or her parent/guardian to ensure his or her safety and well-being at school during the investigations. 105 ILCS 5/22-85(f) (final citation pending), added by P.A. 101-531.</p> <p>Refrains from interviewing the alleged victim until after the CAC completes its forensic interview. 105 ILCS 5/22-85(f) (final citation pending), added by P.A. 101-531. ⁴</p> <p>Upon request, must inform DCFS/law enforcement investigators of any evidence it has gathered, as permitted by federal or State law. 105 ILCS 5/22-85(f) (final citation pending), added by P.A. 101-531.</p> <p>Note: Evidence gathered by the Nondiscrimination Coordinator during the District's investigation may be confidential under the Illinois School Student Records Act (105 ILCS 10/) and the Family Rights and Educational Privacy Act (20 U.S.C. §1232g). Consult the Board Attorney regarding what disclosures, if any, are allowed in response to a request from DCFS and/or law enforcement and conditions that must be met prior to disclosure.</p> <p>Schedule regular follow-up calls with the CAC to inquire about the status of the forensic interview of the alleged victim.</p>
CAC	<p>Informs the Nondiscrimination Coordinator that:</p> <ol style="list-style-type: none"> 1. The forensic interview of the alleged victim is complete, and the electronic recording of the forensic interview may be viewed; or 2. The CAC determined a forensic interview will not be conducted. 105 ILCS 5/22-85(g), (h) (final citation pending), added by P.A. 101-531.
Nondiscrimination Coordinator	<p>If the electronic recording of the forensic interview of the alleged victim is available for viewing:</p> <ol style="list-style-type: none"> 1. Verifies the CAC has obtained informed consent from an alleged victim over the age of 13 or the alleged victim's parent/guardian for school personnel to view the forensic interview (105 ILCS 5/22-85(h) (final citation pending), added by P.A. 101-531); and <p>Note: Each CAC may have its own consent form. Contact your local CAC to confirm that it will obtain written consent from the alleged victim over the age of 13 or the alleged victim's parent/guardian (if under the age of 13).</p>

The footnotes should be removed before the material is used.

⁴ The purpose of waiting to interview and coordinating with CACs is to minimize trauma of an alleged victim by preventing multiple interviews of him/her regarding the alleged incident of sexual abuse. When a DCFS/law enforcement investigation is pending, then the CAC's forensic interview serves as the interview that other entities, e.g., school districts, may use by viewing or listening to it for their investigations. If a DCFS/law enforcement investigation is pending but the CAC does not conduct a forensic interview, then the school may conduct its own interview of the alleged victim after following the procedures outlined in this procedure.

Actor	Action
	<p>2. Views the electronic recording of the forensic interview.</p> <p>If the CAC has not performed a forensic interview of the alleged victim within 15 calendar days after DCFS/law enforcement opens an investigation, notifies the CAC that the District intends to interview the alleged victim.</p>
CAC	<p>After receiving notification that the District intends to interview the alleged victim, has 10 additional calendar days to conduct a forensic interview. 105 ILCS 5/22-85(g) (final citation pending), added by P.A. 101-531.</p>
Nondiscrimination Coordinator	<p>If the CAC does not conduct a forensic interview of the alleged victim within the 10 additional calendar days, proceeds with the District's interview of the alleged victim. <u>Id.</u></p> <p>If the alleged victim is under 18 years old, makes a child advocate available to the alleged victim and allows the child advocate to be present during the interview. A child advocate may be a school social worker, a school or equally qualified psychologist, or a person in a position that ISBE has identified as an appropriate advocate for a student during a school's investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i) (final citation pending), added by P.A. 101-531.</p> <p>Schedules regular follow-up calls to DCFS/law enforcement to inquire if the investigation of an incident has been suspended and/or is complete, including the outcome of the investigation. 105 ILCS 5/22-85(j), (k) (final citation pending), added by P.A. 101-531.</p>

General Personnel

Administrative Procedure - Statement of Economic Interests for Employees

Date	Action
Upon initial employment	All employees who are required to file a statement of economic interests (see School Board policy 5:120, <i>Employee Ethics; Conduct; and Conflict of Interest</i>) must file such a statement upon initial employment if employed by May 1. 5 ILCS 420/4A-105(c).
On or before February 1, annually [†]	Superintendent or designee shall certify to the appropriate county clerks a list of names and addresses of employees who are required to file a statement of economic interests (see School Board policy 5:120, <i>Employee Ethics; Conduct; and Conflict of Interest</i>). The list shall set out the names in alphabetical order by county of residence. The Superintendent or designee shall send the list to county clerks of the counties in which those employees reside, or if any employee resides outside of Illinois, to the county clerk of the county in which the District's principal office is located. 5 ILCS 420/4A-106.5, added by P.A. 101-221 and amended by P.A. 101-617.
On or before April 1, annually	County clerk of each county shall notify employees whose names have been certified to him or her of the requirements for filing statement of economic interests. 5 ILCS 420/4A-106.5, added by P.A. 101-221.
On or before May 1, annually	All employees who are required to file a statement of economic interests (see Board policy 5:120, <i>Employee Ethics; Conduct; and Conflict of Interest</i>) must file a statement of economic interests with the county clerk of the county in which the principal District office is located (5 ILCS 420/4A-106.5), unless he or she has already filed a statement in relation to the District within the calendar year. 5 ILCS 420/4A-105.
After January 1, 2011	Any county clerk who uses a system of Internet-based filing of economic interest statements must: (1) post the contents of statements, without filers' addresses or signatures, that were filed using the Internet on a publicly accessible website, and (2) otherwise comply with 5 ILCS 420/4A-108. The times for the filing of statements of economic interests set forth in Section 4A-105 must be followed in any system of Internet-based filing.

The footnotes should be removed before the material is used

[†] Confirm the February 1st deadline with the county clerk because the deadline no longer appears in 5 ILCS 420/106.5, added by P.A. 101-221.

Draft

General Personnel

Personnel Records 1

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. 2
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*. 3

Unchanged

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

¹ State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the applicable collective bargaining agreement."

² An employee has the right to view his or her personnel file contents, with a few exceptions. Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/. Thus, personnel files should contain only factual and accurate job-related information. In addition, the PRRA identifies records that may not be kept: a record of an employee's associations, political activities, publications, communications, or non-employment activities (820 ILCS 40/9, amended by P.A. 101-531) and records identifying an employee as the subject of an investigation by the Ill. Dept. of Children and Family Services (DCFS) if the investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act (820 ILCS 40/13). See f/n 5.

³ Unless a specific exemption is available, personnel file information is available to anyone making a FOIA request. 5 ILCS 140/. Specific exemptions protect the following:

1. *Private information* meaning "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b); 5 ILCS 140/2(c)-5.
2. *Personal information* "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7(1)(c).

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance.⁴ The Superintendent shall execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS.⁵

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

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

3. Information prohibited from being disclosed under the Illinois Educational Labor Relations Act (IELRA). 5 ILCS 140/7.5(oo), added by P.A. 101-620 (final citation pending); 115 ILCS 5/3(d). The prohibitions in the IELRA overlap with some categories of private information identified in FOIA and include: (a) the employee's home address (including ZIP code and county); (b) the employee's date of birth; (c) the employee's home and personal phone number; (d) the employee's personal email address; (e) any information personally identifying employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization or a labor federation; and (f) e-mails or other communications between a labor organization and its members. Unless a specific exception in the IELRA applies, if a district receives a third party request for any of these six categories of information about an employee, the district must provide the union with a copy of the written request (or written summary of an oral request), as well as a copy of the district's response within five business days of sending the response. If the employee is not in a bargaining unit, then these notices must be given directly to the employee. 115 ILCS 5/3(d). Note: It is best practice to maintain union-related documents, such as grievances, separately from an employee's personnel file.

2.4. Information prohibited from being disclosed by the PRRA. 5 ILCS 140/7.5(q). The PRRA prohibits the disclosure of a performance evaluation under FOIA. 820 ILCS 40/11. The treatment of a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record. If the responsive record is more than four years old and is not related to an incident or attempted incident of sexual abuse or severe physical abuse, the request must be denied unless the disclosure is permitted by the Act. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A. 101-531. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse or severe physical abuse, the request cannot be denied. 820 ILCS 40/8, amended by P.A. 101-531. If the responsive record is four years old or less (regardless of its nature), the district should provide the record and must notify the employee in written form or through email, if available. 820 ILCS 40/7 and 40/8, amended by P.A. 101-531.

The School Code prohibits the disclosure of school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws. 105 ILCS 5/24A-7.1.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub.L. 104-191) created national standards to protect individuals' medical records and other personal health information. If a district is a *covered entity* (i.e., offers a self-insured group health plan or flexible spending account), it must establish clear procedures to protect the employee's health information. 45 C.F.R. §164.502. Such districts should consult their attorneys and insurance provider for assistance.

⁴ The Employment Record Disclosure Act (745 ILCS 46/10) provides conditional immunity to employers responding to a reference request; it states: "Any employer or authorized employee or agent acting on behalf of an employer who, upon inquiry by a prospective employer, provides truthful written or verbal information, or information that it believes in good faith is truthful, about a current or former employee's job performance is presumed to be acting in good faith and is immune from civil liability for the disclosure and the consequences of the disclosure." This immunity statute does not, however, create an exemption to the requirements in the PRRA. The PRRA requires an employer to give an employee written notice before divulging a "disciplinary report, letter of reprimand, or other disciplinary action to a third party." 820 ILCS 40/7. An employment application may contain a waiver of this notice. *Id.*

⁵ 325 ILCS 5/4(d), amended by P.A. 101-564, *eff. 1-1-20*, requires a superintendent, upon being asked for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. For more information, see 5:150-AP, *Personnel Records*.

LEGAL REF.: [325 ILCS 5/4. Abused and Neglected Child Reporting Act.](#)
[745 ILCS 46/10. Employment Record Disclosure Act.](#)
[820 ILCS 40/. Personal Record Review Act.](#)
23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District's Public Records), 7:340 (Student Records)

Draft

Unchanged

Professional Personnel

Resignations ¹

Tenured teachers may resign at any time with consent of the School Board or by written notice sent to the Board Secretary at least 30 days before the intended date of resignation. However, no teacher may resign during the school term in order to accept another teaching position without the consent of the Board. ²

LEGAL REF.: 105 ILCS 5/24-14.
Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006).

Draft

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

¹ State or federal law controls this policy's content.

² Districts may want to add a liquidated damages clause to individual teacher contracts in order to discourage teacher resignations in violation of this policy and law.

A teacher who resigns during the school term, without the board's permission, in order to accept another teaching assignment may be referred by the board to the State Superintendent of Education, who shall convene an informal evidentiary hearing within 90 days after receipt of a resolution by the board, 105 ILCS 5/24-14, amended by P.A. 100-531. ~~is~~ A teacher found guilty of resigning during the school term to accept another teaching position without board consent ~~unprofessional conduct and liable to suspension of will have his or her license suspended for up to one calendar year.~~ 105 ILCS 5/24-14(d). In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent. Id. See also Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006)(regional superintendent may suspend for one year the teaching certificate of a tenured or nontenured teacher who resigns to accept another position).

For further guidance, see Ill. State Board of Education non-regulatory guidance on the Application of Section 24-14 of the Illinois School Code to Teacher Resignations (10-28-19) at www.isbe.net/Documents/section-24-14-guidance.pdf.

Educational Support Personnel

Duties and Qualifications ¹

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time to time at the Board's sole discretion.

Paraprofessionals ²

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals, and the requirements in this section do not apply. In addition, individuals completing their clinical experiences and/or student teaching do not need to comply with this section, provided their service otherwise complies with ISBE rules. ³

Noncertificated and Unlicensed Personnel Working with Students and Performing Non-Instructional Duties

Noncertificated and unlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long-distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities; ⁴
2. As supervisors, chaperones, or sponsors for non-academic school activities; or ⁵

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

¹ State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

² Educator licensure replaced the previous system of certification on 7-1-2013. All Illinois teaching, administrative, and school service personnel certificates were converted to a corresponding license. Except as provided in ISBE rules §§1.630(b)(2) and 25.510(a), all new applicants for a paraprofessional credential must hold an educator license with stipulations endorsed for a paraprofessional educator. 105 ILCS 5/21B-20(2)(J), amended by P.A.s 101-220 and 101-594; (23 Ill.Admin.Code §§1.630 and 25.510). See ISBE's explanation at: www.isbe.net/Pages/Educator-Licensure-Requirements.aspx.

A district may continue to use the term *teacher aide* to describe licensed personnel performing instructional support activities. In that situation, use the following alternative for the subhead and first paragraph:

Paraprofessionals and Licensed Teacher Aides

Paraprofessionals and licensed teacher aides provide supervised instructional support. Personnel performing instructional support activities must hold a current educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

If a district uses teacher aides to perform non-instructional support activities, *unlicensed teacher aides* may be inserted in the subhead for next section as follows: "Noncertificated and Unlicensed Personnel (Including Unlicensed Teacher Aides) Working with Students and Performing Non-Instructional Duties."

³ Paraprofessionals are not required to maintain discipline under 105 ILCS 5/24-24, 23 Ill.Admin.Code §1.280, 3 105 ILCS 5/10-22.34; 23 Ill.Admin.Code §§1.630(c)(3) (other unlicensed personnel) and 25.620 (student teaching).

This paragraph is optional and may be deleted if the board desires a streamlined policy.

⁴ 105 ILCS 5/10-22.34(a)(2).

⁵ 105 ILCS 5/10-22.34a; 23 Ill.Admin.Code §1.630(ac)(1).

Unchanged

3. For non-teaching duties not requiring instructional judgment or student evaluation.⁶ Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.⁷

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership.⁸ Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health.⁹ Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.¹⁰

Bus Drivers

All school bus drivers must have a valid school bus driver permit.¹¹ The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver,

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

⁶ 105 ILCS 5/10-22.34(a)(1); 23 Ill.Admin.Code §1.630(a).

⁷ 105 ILCS 5/10-22.34b, last paragraph. Noncertificated personnel may be used to provide specialized instruction in a field that an individual is particularly qualified by reason of specialized knowledge or skill.²³ Ill.Admin.Code §1.630(c)(3)(C). Districts that frequently use noncertificated individuals to provide such instruction may consider adding the following optional sentence:

When appropriate, the Superintendent may seek approval from the responsible Regional Superintendent for a noncertificated individual to provide specialized instruction, that is not otherwise readily available in the school environment, in the field that the individual is particularly qualified by reason of specialized knowledge or skill.

⁸ A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Illinois High School Association, the Southern Illinois Junior High School Athletic Association, and the Illinois Elementary School Association.

An optional sentence follows:

The coach for an extracurricular athletic activity sponsored or sanctioned by the Illinois High School Association (IHSA) at or above the ninth grade level must have completed the IHSA's educational program and competency testing on preventing abuse of performance-enhancing substances, provided the program is available.

⁹ Optional and may be amended. The first requirement identifies a basic competency, and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code Part §§525.300 and 525.400).

¹⁰ 225 ILCS 5/3 and 5/4.

¹¹ The regional superintendent is authorized to conduct school bus driver instruction courses and investigate whether persons hired to operate school buses have valid school bus driver permits. (105 ILCS 5/3-14.23, amended by P.A. 100-863).

School bus driver permits are issued by the Ill. Secretary of State (SOS). (625 ILCS 5/6-106.1, amended by P.A.s 100-513 and 101-458). Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Ill. Dept. of State Police (ISP) for criminal background investigations. Districts must also certify in writing to the Secretary of State SOS that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the State Police/ISP and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information. (Id.) The applicant presents this certification to the Secretary of State SOS when submitting the school bus driver permit application. (Id.)

A school bus driver operating a school bus at the time of an accident is deemed by the implied consent law to agree to submit to tests at the direction of a law enforcement officer of the driver's breath, blood, or urine to determine the presence of alcohol, or other drugs, in the person's system. (625 ILCS 5/6-516).

Anyone driving a bus chartered to transport students to or from interscholastic athletic or interscholastic or school-sponsored activities must have a valid school bus driver permit; this does not apply to any driver employed by a public

that the bus driver permit holder has been called to active duty.¹² New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: 34 C.F.R. §§200.58 and 200.59.¹³
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
625 ILCS 5/6-104 and 5/6-106.1.
23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

Draft

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted. transportation provider when the bus is on a regularly scheduled route for transporting other fare-paying passengers. (625 ILCS 5/6-104(d-5)).

¹² This sentence is optional, but the notification is required by 625 ILCS 5/6-106.1(h). *Active duty* is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. 625 ILCS 5/6-106.1(i). Upon notification, the Secretary of State SOS will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(h).

¹³ The statute underlying these regulations (20 U.S.C. §6319) was repealed by the Every Student Succeeds Act, eff. 12-10-15.

Instruction

Administrative Procedure - Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities 1



In its continuing commitment to help school districts and special education cooperatives comply with Ill. State Board of Education (ISBE) requirements for procedures, the special education committee of the Ill. Council of School Attorneys (ICSA) prepared ~~models~~sample special education procedures. ISBE rules at 23 Ill.Admin.Code Part 226 contain the requirements for special education procedures that must be ~~implemented~~ adopted by each school district and cooperative entity. The IASB/ICSA ~~models~~sample procedures ~~are approximately 80 pages and~~ are available on the IASB website: iasb.com/law/icsasped.cfm.

Draft

The footnotes should be removed before the material is used.

1 Check with your district's special education administrator to ensure that this procedure accurately reflects the title and location of the special education procedures implemented by your district.

Instruction

Accelerated Placement Program ¹

unchanged

The District provides an Accelerated Placement Program (APP). The APP advances the District’s goal of providing educational programs with opportunities for each student to develop to his or her maximum potential.² The APP provides an educational setting with curriculum options usually reserved for students who are older or in higher grades than the student participating in the APP.³ APP options include, but may not be limited to: (a) accelerating a student in a single subject; (b) other grade-level acceleration; and (c) early entrance to kindergarten or first grade.⁴ Participation in the APP is open to all students who demonstrate high ability and who may benefit from accelerated placement. It is not limited to students who have been identified as gifted and talented.⁵ Eligibility to participate in the District’s APP shall not be conditioned upon the protected classifications identified in School Board policy 7:10, *Equal Educational Opportunities*, or any factor other than the student’s identification as an accelerated learner. ⁶

The Superintendent or designee shall implement an APP that includes:

1. Decision-making processes that are fair, equitable, and involve multiple individuals, e.g. District administrators, teachers, and school support personnel, and a student’s parent(s)/guardian(s); ⁷
2. Notification processes that notify a student’s parent(s)/guardian(s) of a decision affecting a student’s participation in the APP; and ⁸
3. Assessment processes that include multiple valid, reliable indicators. ⁹

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

¹ State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A, amended by P.A. 100-421, ~~eff. 7-1-18~~ (the Accelerated Placement Act (APA)); 23 Ill. Admin. Code Part 227, Ill. State Board of Education (ISBE) rules require this policy to be posted on the district website, if available, 23 Ill. Admin. Code §227.60(a). ISBE rules also require districts to annually report, by July 31, demographic information regarding students participating in accelerated placement, 23 Ill. Admin. Code §227.60(c).

² Optional. Ensure this statement matches the board’s current educational philosophy and objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

³ 105 ILCS 5/14A-17, added by P.A. 100-421; 23 Ill. Admin. Code §227.5, eff. 7-1-18.

⁴ Id. For high school districts, delete “; and (c) early entrance to kindergarten or first grade” and insert the word “and” between (a) and (b).

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age*). The APA requires accelerated placement to include “early entrance to kindergarten ~~and early entrance to~~ first grade.” 105 ILCS 5/14A-17. 105 ILCS 5/10-20.12 *permits* districts to offer early entrance to kindergarten or first grade “based upon an assessment of the student’s readiness to attend school.” 105 ILCS 5/10-20.12 also states that students may enter first grade early when they: (1) are assessed for readiness; (2) have attended a non-public preschool and continued their education at that school through kindergarten; (3) were taught in kindergarten by an appropriately certified teacher; and (4) will attain the age of 6 years on or before December 31. Id. See sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. **Consult the board attorney for guidance.**

⁵ 105 ILCS 5/14A-32(a)(1), added by P.A. 100-421; 23 Ill. Admin. Code §227.5, eff. 7-1-18.

⁶ 105 ILCS 5/14A-25, amended by P.A. 100-421, ~~eff. 7-1-18~~.

⁷ 105 ILCS 5/14A-32(a)(2), added by P.A. 100-421, ~~eff. 7-1-18~~, requires that the accelerated placement policy include “a fair and equitable decision-making process that involves multiple persons and includes a student’s parents or guardians” but does not specify what individuals are to be involved or limit those individuals to district employees. Amend this listing to align with the local board’s preference.

⁸ 105 ILCS 5/14A-32(a)(3), added by P.A. 100-421, ~~eff. 7-1-18~~.

The Superintendent or designee shall annually notify the community, parent(s)/guardian(s), students, and school personnel about the APP, the process for referring a student for possible evaluation for accelerated placement, and the methods used to determine whether a student is eligible for accelerated placement.¹⁰ Notification may: (a) include varied communication methods, such as student handbooks and District or school websites; and (b) be provided in multiple languages, as appropriate.¹¹

LEGAL REF.: 105 ILCS 5/14A.
23 Ill.Admin.Code Part 227, Gifted Education.

CROSS REF.: 6:10 (Educational Philosophy and Objectives), 6:130 (Program for the Gifted),
7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student
Transfers To and From Non-District Schools)

Draft

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

⁹ 105 ILCS 5/14A-32(a)(4), added by P.A. 100-421, eff. 7-1-18.

¹⁰ Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require "procedures for annually informing the community at-large, including parents or guardians, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement."

¹¹ Optional. 105 ILCS 5/14A does not require this but it is a recommended best practice and aligns with sample policy 7:10, *Equal Educational Opportunities*.

6:135

Instruction

Administrative Procedure - Accelerated Placement Program Procedures 1

The District's Accelerated Placement Program (APP) places qualified students in an educational setting that includes curriculum usually reserved for students who are older or in higher grades than the student, and is implemented by the Superintendent or designee. 105 ILCS 5/14A.

This administrative procedure contains five sections as follows:

1. Definitions
2. Annual Notification
3. Referral Process
4. Evaluation Process
5. Eligibility Determination

Definitions 2

Accelerated placement is the placement of a student in an educational setting with curriculum that is usually reserved for students who are older or in higher grades than the student.³ Accelerated placement includes, but may not be limited to: early entrance to kindergarten or first grade, accelerating a student in a single subject, and grade acceleration.⁴

Early entrance to kindergarten is the admission to kindergarten of a student who: (a) is assessed for and meets the District's readiness standards to attend school; and (b) will not be five years of age on or before September 1 of that school term; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school.⁵



~~The footnotes should be removed before the material is used.~~

¹ Customize this procedure to meet the district's needs. It is written in general terms with regard to 105 ILCS 5/14A, amended by P.A. 100-421, ~~eff. 7-1-18~~ (the Accelerated Placement Act (APA)). Districts may wish to utilize different procedures for different types of accelerated placement. For example, many districts that permit early entrance to kindergarten or first grade require that early entrance requests be submitted by a certain calendar date, often months in advance of the start of a school term, to allow sufficient time for evaluation and the determination of incoming class sizes and staffing needs. The law is silent regarding whether these deadlines may be waived or adjusted for students who move into the district after the deadline; consult the board attorney for further guidance. Districts should also consider implementing specific and objective criteria for early entrance and address such issues as who pays the costs for assessments, etc.

To provide school administrators and personnel with a familiar procedural framework, the **Referral Process, Evaluation Process, and Eligibility Determination** sections of this sample administrative procedure are loosely modeled on the Illinois Council of School Attorneys' *Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities*. See www.iasb.com/law/icsaspeeed.cfm.

² 105 ILCS 5/14A-17, added by P.A. 100-421, ~~eff. 7-1-18~~ (APA), requires districts to have an accelerated placement program that includes, but need not be limited to, the following types of acceleration: early entrance to kindergarten or first grade, accelerating a child in a single subject, and grade acceleration. The APA does not define these types of acceleration; however, they are defined in Ill. State Board of Education (ISBE) regulations at 23 Ill.Admin.Code §227.5; consult the board attorney for guidance.

For high school districts, delete the definitions of *early entrance to kindergarten* and *early entrance to first grade*. If the district offers additional types of acceleration, such as curriculum compacting or telescoping curriculum, then the definitions of such additional types should be added to this section.

³ 105 ILCS 5/14A-17, added by P.A. 100-421; 23 Ill.Admin.Code §227.5; eff. 7-1-18.

⁴ Id. For high school districts, delete "early entrance to kindergarten or first grade." For districts that offer additional types of acceleration, amend this sentence to include those types in the list of accelerated placement offerings.

⁵ 23 Ill.Admin.Code §227.5. Use the following alternative in a district operating on a year-round basis:

Early entrance to first grade is the admission to first grade of a student who ~~(a)~~ is assessed for and meets the District's readiness standards to attend school; ~~A student may, but is not required to, have attended a non-public preschool and continued his or her education at that school through kindergarten; was and been taught in kindergarten by an appropriately certified teacher; and will attain the age of six years on or before December 31; or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school.~~ A student who is younger than six upon starting first grade but who was admitted early to kindergarten does not need to be reevaluated prior to admission to first grade. ⁶

Single/Individual subject acceleration is the practice of assigning a student to a specific content area at a higher subject/instructional level than is typical; given the student's age/grade for the purpose of providing access to appropriately challenging learning opportunities in one or more subject areas.⁷ It may be accomplished by either: (a) physically moving the student to a higher level class for instruction; or (b) using higher level curricular or study materials in the student's current classroom.

Whole grade acceleration is the practice of assigning a student to a higher grade level than is typical, given the student's age, on a full-time basis for the purpose of providing access to appropriately challenging learning opportunities in all subject areas.⁸ Commonly referred to as *skipping* a grade, grade acceleration may be done at the beginning of or during the school term.

Annual Notification ⁹

Actor	Action
Superintendent or designee	Annually notifies the community, including parent(s)/guardian(s), students, and school personnel, about the: <ol style="list-style-type: none"> 1. APP 2. Process for referring a student for possible evaluation for accelerated placement, including: <ol style="list-style-type: none"> a. Steps to be taken to make a referral; b. Individual(s) to whom a referral may be submitted; c. Deadlines by which a referral must be made; and d. Information that must be provided in the referral. 3. Methods used to determine whether a student is eligible for accelerated placement. Provides such notification: <ol style="list-style-type: none"> 1. By varied communication methods, such as student handbooks and District/school websites; and 2. In multiple languages.

The footnotes should be removed before the material is used.

Early entrance to kindergarten is the admission to kindergarten of a student who: (a) is assessed for and meets the District's readiness standards to attend school; and (b) will not be five years of age within 30 days after the commencement of that school term; ~~or (b) is admitted prior to the dates established in the School Code based upon an assessment of his or her readiness to attend school.~~

⁶ 23 Ill. Admin. Code §227.5.

⁷ Id.

⁸ Id.

⁹ Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require "procedures for annually informing the community at-large, including parents or guardians, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement." Delete if the board has not included annual notification language it is adopted policy 6:135, *Accelerated Placement Program*.

Referral Process

Actor	Action
<p>Parent(s)/Guardian(s), Licensed Educational Professionals, Student (with written consent of a parent/guardian), or Peer (through a licensed educational professional who has knowledge of the student's abilities).</p> <p>In addition to the above-noted individuals, referrals for possible early entrance to kindergarten or first grade may also come from: Preschool Educator, Non-public Kindergarten Teacher, Pediatrician, or Psychologist who knows the student. ¹⁰</p>	<p>Refers a student for possible evaluation for accelerated placement using the process set forth in this procedure.</p>
<p>Student Services Director, Building Principal, or designee</p>	<p>Within [insert number] school days after receiving a referral, determines whether an evaluation for accelerated placement is warranted.</p> <p>To determine whether an evaluation is warranted, may review existing data about the student, utilize screening data, and conduct preliminary procedures such as observation of the student, consultation with the teacher or other individual making the request, and a conference with the student.</p> <p>Provides the student's parent(s)/guardian(s) with written notice of the referral determination. For cases not warranting an evaluation, the process ends here. For cases warranting an evaluation, proceed to Evaluation Process, below.</p>

Evaluation Process

Actor	Action
<p>Student Services Director, Building Principal, or designee</p>	<p>Convenes an Evaluation Team (consisting of District teacher(s) and school support personnel, as appropriate) having the knowledge and skills necessary to:</p>

The footnotes should be removed before the material is used.

¹⁰ 105 ILCS 5/14A-32(b)(2), added by P.A. 100-421-~~eff. 7-1-18~~, recommends that the referral process allow for multiple referrers, and specifically notes that referrers for possible early entrance may include "a preschool educator, pediatrician, or psychologist who knows the child." High school districts should delete the list of additional referrers for possible early entrance. ISBE regulations define multiple referrers as including, but not being limited to, "the student's parents or guardian, current teachers, district gifted coordinator or gifted education specialist, guidance counselor, principal, and school psychologist." 23 Ill.Admin.Code §227.5.

Actor	Action
	<ol style="list-style-type: none"> 1. Identify multiple valid, reliable indicators¹¹ to use during the evaluation; 2. Identify appropriate assessment instruments; 3. Administer said assessments; and 4. Interpret evaluation results. <p>The composition of the team may vary depending upon the type of acceleration requested and other relevant factors.</p>
Evaluation Team	<p>Identifies multiple valid, reliable indicators and any assessment instruments appropriate to use during the evaluation.</p> <p>Prepares a written document identifying the evaluation components. This may occur without a meeting.</p>
Student Services Director, Building Principal, or designee	<p>Provides parent(s)/guardian(s) with written notification of the Evaluation Team's conclusions regarding the evaluation components and requests parent(s)/guardian(s)' written consent to conduct the evaluation.</p>
Parent/Guardian	<p>Provides written consent to conduct the evaluation.</p>
Evaluation Team	<p>Completes the evaluation within <i>[insert number]</i> school days following the date of receipt of parent(s)/guardian(s)' written consent to conduct the evaluation.</p> <p>Ensures the evaluation is nondiscriminatory and follows policy 7:10, <i>Equal Educational Opportunities</i>.</p>

The footnotes should be removed before the material is used.

¹¹ Required by 105 ILCS 5/14A-32(a)(4), added by P.A. 100-421, eff. 7-1-18. *Multiple valid, reliable indicators* are not defined in the APA or ISBE regulations; some attorneys prefer using "standardized and norm-referenced indicators" instead.

Eligibility Determination

Actor	Action
Evaluation Team	<p>Convenes a meeting¹² with parent(s)/guardian(s) to review evaluation results and determine eligibility for the APP. Provides parent(s)/guardian(s) with written notice of eligibility determination.</p> <ol style="list-style-type: none"> 1. If the student is found eligible for the APP, prepares and provides parent(s)/guardian(s) with a written plan detailing the type of acceleration the student will receive and strategies to support the student. ¹³ 2. If the student is not found eligible for the APP, provides parent(s)/guardian(s) with written notice of their right to appeal the eligibility determination, within five calendar days after receiving the determination, by submitting a written request to the Superintendent. ¹⁴
Parent/guardian	<p>If desired, within [insert number] calendar days after receiving written notice that student is not eligible for the APP, submits written appeal to the Superintendent.</p>
Superintendent	<p>Within [insert number] calendar days after receiving the written appeal request, reviews the case, and provides parent(s)/guardian(s) with written notice of his/her decision. The Superintendent's decision is final.</p>

The footnotes should be removed before the material is used.

¹² Convening a meeting with parents/guardians is not required, however, 105 ILCS 5/14A-32(a)(2), added by P.A. 100-421, ~~eff. 7-1-18~~, requires "a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians." A meeting logically allows the Evaluation Team to explain evaluation results, parent(s)/guardian(s) to ask questions and be heard, and all stakeholders to be involved in the eligibility determination. Delete this sentence if the district will not offer a meeting.

ISBE regulations define multiple persons as including, but not being limited to, "the student's parent or guardian, current teachers, district gifted coordinator or gifted education specialist, guidance counselor, principal, and school psychologist. 23 Ill. Admin. Code §227.60.

¹³ Optional. The APA permits but does not require this written plan. 105 ILCS 5/14A-32(b)(3), added by P.A. 100-421, ~~eff. 7-1-18~~.

¹⁴ Optional.

July 2016 March 2020

Instruction

Access to Electronic Networks ¹

Electronic networks, including the Internet, are a part of the District's instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication.² The Superintendent shall develop an implementation plan for this policy and appoint system administrator(s).³

The School District is not responsible for any information that may be lost or damaged, or become unavailable when using the network, or for any information that is retrieved or transmitted via the Internet.⁴ Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

Curriculum and Appropriate Online Behavior

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource center materials. As required by federal law and Board policy 6:60, *Curriculum Content*, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response.⁵ Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

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

¹ State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. This policy concerns an area in which the law is unsettled.

A policy on Internet safety is necessary to receive *E-rate* funds under the Elementary and Secondary Education Act, *Student Support and Academic Enrichment Grants Enhancing Education Through Technology* (20 U.S.C. §6751 et seq 7131.) and to qualify for universal service benefits under the Children's Internet Protection Act (47 U.S.C. §254(h) and (i)).

² This goal is repeated in exhibits 6:235-API, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-API, E2, *Staff Authorization for Access to the District's Electronic Networks*.

³ Topics for the implementation plan include integration of the Internet in the curriculum, staff training, and safety issues. The implementation plan can also include technical information regarding service providers, establishing Internet accounts, distributing passwords, software filters, menu creation, managing resources and storage capacity, and the number of dial-up lines or access points for users to connect to their accounts. Another topic is investigation of inappropriate use.

⁴ No system can guarantee to operate perfectly or to prevent access to inappropriate material; this policy statement attempts to absolve the district of any liability.

⁵ Required by 47 U.S.C. §254(h)(5)(B)(iii) and 47 C.F.R. §54.520(c)(i) only for districts that receive *E-rate* discounts for Internet access or plan to become participants in the *E-rate* discount program. All boards receiving an *E-rate* funding for Internet access must certify that they have updated their Internet safety policies. See, *FCC Report and Order 11-125* (August 11, 2011). This sentence is optional if the district only receives discounts for telecommunications, such as telephone service, unless the district plans to participate in the *E-rate* discount program.

Unchanged

The District's electronic network is part of the curriculum and is not a public forum for general use. 6

Acceptable Use 7

All use of the District's electronic networks must be: (1) in support of education and/or research, and be in furtherance of the goals stated herein, or (2) for a legitimate school business purpose. Use is a privilege, not a right.⁸ Students and staff members have no expectation of privacy in any material that is stored, transmitted, or received via the District's electronic networks or District computers. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, contains the appropriate uses, ethics, and protocol.⁹ Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials. ¹⁰

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

⁶ School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. Hazelwood School District v. Kuhlmeier, 408 S.Ct. 562/484 U.S. 260 (1988). This policy allows such control by clearly stating that school-sponsored network information resources are not a "public forum" open for general student use but are, instead, part of the curriculum.

It is an unfair labor practice (U.L.P.) under the Ill. Educational Labor Relations Act (IELRA) for an employer to discourage employees from becoming or remaining members of a union. 115 ILCS 5/14(a)(10), added by P.A. 101-620. In connection with that potential penalty, the IELRA requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14 (e-5), added by P.A. 101-620. This policy aligns with IELRA requirements by clarifying the District's electronic network is not a public forum for general use by outside parties and by limiting use of the network to the purposes stated under the Acceptable Use subhead. However, districts are still prohibited under the First Amendment to the U.S. Constitution from suppressing messages based on viewpoint and may be subject to liability if they affirmatively block individual senders. See Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); Columbia Univ. v. Trump, 302 F.Supp.3d 541 (S.D.N.Y. 2018). Consult the board attorney if the board wants to amend this policy to prohibit access by specific parties and/or before taking steps to "block" any specific party from the district's email system based on the content of the party's message.

⁷ This paragraph provides general guidelines for acceptable use regardless of whether Internet use is supervised. The specific rules are provided in exhibits 6:235-API, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-API, E2, *Staff Authorization for Access to the District's Electronic Networks* (see also fn 1). This paragraph's application to faculty may have collective bargaining implications.

⁸ The "privilege, not a right" dichotomy is borrowed from cases holding that a student's removal from a team does not require due process because such participation is a privilege rather than a right. The deprivation of a privilege typically does not trigger the Constitution's due process provision. Clements v. Board of Education of Decatur Public School District, Dist. No. 61, 478 N.E.2d 1209/133 Ill.App.3d 531 (Ill.App.4th Dist. 1985). Nevertheless, before access privileges are revoked, the user should be allowed to give an explanation.

⁹ If students are allowed only supervised access and are not required to sign the *Authorization for Access to the District's Electronic Networks*, the provisions from the *Authorization* should be used as administrative procedures for covering student Internet use. See 6:235-API, *Acceptable Use of the District's Electronic Networks*. This is an optional sentence:

The Superintendent shall establish administrative procedures containing the appropriate uses, ethics, and protocol for Internet use.

The Harassing and Obscene Communications Act criminalizes harassing and obscene electronic communication. (720 ILCS 5/26.5).

¹⁰ The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. This provision attempts to avoid Fourth Amendment protection for communications and downloaded material by forewarning users that their material may be read or searched, thus negating any expectation of privacy.

Email and computer files are "public records" as defined in the Ill. Freedom of Information Act (FOIA) if they are, in this policy, "under control" of the school board. (5 ILCS 140/2). They may be exempt from disclosure, however, when they contain information that, if disclosed, "would constitute a clearly unwarranted invasion of personal privacy." (5 ILCS 140/7). Alternatively, a school board may believe that making email semi-private enhances its educational value. The following grants limited privacy to email communications and can be substituted for the sample policy's sentence preceding this footnote:

Internet Safety 11

Technology protection measures shall be used on each District computer with Internet access. They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Superintendent or designee.¹² The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator.¹³ The Superintendent or designee shall include measures in this policy's implementation plan to address the following:¹⁴

1. Ensure staff supervision of student access to online electronic networks,¹⁵
2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

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

School officials will not intentionally inspect the contents of email without the consent of the sender or an intended recipient, unless as required to investigate complaints regarding email that is alleged to contain material in violation of this policy or the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*.

¹¹ See ¶/n 1.

¹² This sample policy language is broader than the requirements in federal law (20 U.S.C. §6777131, 47 U.S.C. §254, and 47 C.F.R. §54.520(c)(i)). It does not distinguish between minors (children younger than 17) and non-minors. The terms *minor*, *obscene*, *child pornography*, and *harmful to minors* have not changed, but are now explicitly referred to in the regulations at 47 C.F.R. §54.520(a). Federal law defines *harmful to minors* as:

...any picture, image, graphic image file, or other visual depiction that—(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The Federal Communications Commission specifically declined to find that access to *Facebook* or *MySpace* are per se *harmful to minors*. School officials have discretion about whether or not to block access to these and similar sites. See supra ¶/n 3.

¹³ Permitted by 20 U.S.C. §6777131(c). The policy's provision for prior approval is not in the law and may be omitted. The entire sentence may be eliminated if a board does not want the filtering device to be disabled.

¹⁴ In order to qualify for universal service benefits under the federal Children's Internet Protection Act (CIPA), the district's Internet safety policy must address the items listed in the sample policy (47 U.S.C. §254(l)). The sample policy accomplishes this task by requiring these items be addressed in the policy's implementation plan or administrative procedure.

Note that federal law requires the school board to hold at least one hearing or meeting to address the *initial* adoption of the Internet safety policy. Later revisions of the existing policy need not follow the public notice rule of CIPA, though a board will still need to follow its policy regarding revisions and the mandates of the III. Freedom of Information Act (FOIA).

CIPA also requires this policy and its documentation to be retained for at least five years after the last day of service delivered in a particular funding year. This means the five year retention requirement begins on the last day of service delivered under E-rate, not from the day the policy was initially adopted. Consult the board attorney about this requirement and the best practices for your individual board.

¹⁵ Monitoring the online activities of *students* is broader than the requirement in federal law to monitor *minors*. The definition of minor for this purpose is "any individual who has not attained the age of 17 years." See 47 C.F.R. 54.520(a)(4)(i). The use of the word *students* is a best practice.

Authorization for Electronic Network Access 16

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use. 17

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

The failure of any student or staff member to follow the terms of the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

- LEGAL REF.: No Child Left Behind Act, 20 U.S.C. §6777.
Children's Internet Protection Act, 47 U.S.C. §254(h) and (l).
Enhancing Education Through Technology Act, 20 U.S.C §6751 *et seq.*
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.
720 ILCS 5/26.5.
- CROSS REF.: 5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct), 6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:310 (Restrictions on Publications; Elementary Schools)
- ADMIN. PROC.: 6:235-API (Administrative Procedure - Acceptable Use of the District's Electronic Networks), 6:235-API, E1 (Student Authorization for Access to the District's Electronic Networks), 6:235-API, E2 (Exhibit - Staff Authorization for Access to the District's Electronic Networks)

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

16 The District's administrative procedure, 6:235-API, *Acceptable Use of the District's Electronic Networks*, ~~(6:235-API)~~, rather than this board policy, specifies appropriate conduct, ethics, and protocol for Internet use. This is consistent with the principle that detailed requirements are not appropriate for board policy; instead, they should be contained in separate district documents that are authorized by board policy. Keeping technical rules specifying acceptable use out of board policy will allow for greater flexibility, fewer changes to the policy manual, and adherence to the belief that board policy should be confined to governance issues and the provision of guidance on significant district issues.

17 The Superintendent's implementation plan should describe appropriate supervision for students on the Internet who are not required, or refuse, to sign the *Authorization*.

The use of personal electronic communication devices owned by students but used to gain Internet access that has been funded by *E-rate* is not addressed yet. The FCC has indicated that it does plan to address the issues associated with the application of CIPA requirements to this situation.

Instruction

Grading and Promotion 1

The Superintendent or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians.² The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, and performance on the standardized tests required by the Illinois State Board of Education (ISBE) - Partnership for Assessment of Readiness for College and Careers (PARCC) and/or other assessments.³ A student shall not be promoted based upon age or any other social reason not related to academic performance.⁴ The administration shall determine remedial assistance for a student who is not promoted.⁵

Every teacher shall maintain an evaluation record for each student in the teacher's classroom. A District administrator cannot change the final grade assigned by the teacher without notifying the teacher.⁶ Reasons for changing a student's final grade include:

- A miscalculation of test scores,
- A technical error in assigning a particular grade or score,
- The teacher agrees to allow the student to do extra work that may impact the grade,
- An inappropriate grading system used to determine the grade, or
- An inappropriate grade based on an appropriate grading system.

Should a grade change be made, the administrator making the change must sign the changed record.

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

¹ State law requires districts to have a school board policy containing the reasons for which a grade may be changed and prohibiting social promotion. 105 ILCS 5/10-20.9a. State law controls this policy's content.

If a district uses weighted grades for classes by degree of difficulty, it must be reflected in the affected students' class ranking and permanent records. 105 ILCS 5/27-27.

² Absent a court order to the contrary, upon the request of either parent of a student whose parents are divorced, copies of report cards, along with other notices and records, must be furnished to both parents by the district. 105 ILCS 5/10-21.8.

³ 105 ILCS 5/10-20.9a. Each board may determine its own promotion criteria and augment the statute's criteria. ~~Until July 1, 2014,~~ 105 ILCS 5/2-3.64 contained the State assessment program; ~~until~~ it was repealed by P.A. 98-972.

105 ILCS 5/2-3.64a-5(b) requires ISBE to "establish the academic standards that are to be applicable to students who are subject to State assessments." It contains the schedule for assessing students by calendar year and grade. ISBE selects standardized tests for the Partnership for Assessment of Readiness for College and Careers (PARCC) as the State assessment and accountability measure. In House Joint Resolution 54 (2015), members of the Ill. House and Senate encouraged school districts to not use results of the Partnership for Assessment of Readiness for College and Careers (PARCC) test for the 2014-2015 through the 2017-2018 school years "as a determining factor for making decisions about a student's educational opportunities, the evaluation of educators, and the allocation of resources based on educational achievement on this assessment." Starting in 2019, PARCC was no longer used by ISBE.

105 ILCS 5/2-3.64a-5(c), amended by P.A. 100-7, requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours.

105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-222, no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript; however, the scores must still be placed in the student's permanent record. See also 23 Ill.Admin.Code §375.10.

⁴ 105 ILCS 5/10-20.9a(b).

⁵ Id.

⁶ The specific reasons and procedure for changing a grade are at the local board's discretion; however, State law provides that no grade may be changed without notification to the teacher concerning the nature and reason for the change. 105 ILCS 5/10-20.9a(a). The person making the change must assume all responsibility and must initial the change. Id.

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

Draft

Students

Attendance and Truancy 1

Compulsory School Attendance 2

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age.

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to policy 7:90, Release During School Hours (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical safety or health or safety, or other reason as approved by the Superintendent or designee. 3



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

1 State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/26-13 requires a policy identifying supportive services and available resources for *truants* and *chronic truants* (defined in 105 ILCS 5/26-2a, amended by P.A. 100-918). 23 Ill.Admin.Code §1.290 requires the same plus that the policy contain a definition of *valid cause* for absence in accordance with 105 ILCS 5/26-2a and a description of diagnostic procedures to identify the cause(s) of unexcused student absenteeism.

2 105 ILCS 5/26-2, amended by P.A. 100-825, addresses enrolled students below or over set compulsory attendance ages. The law also requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

105 ILCS 5/26-1 contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to *home school*. See 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student or other student who is medically unable to attend school.

3 These reasons are in 105 ILCS 5/26-2a, amended by P.A. 100-810, except that (1) "other reason as approved by the Superintendent," and (2) absences for students to vote authorized by 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20 were added. An Ill. State Board of Education (ISBE) rule requires that the absenteeism and truancy policy defines valid causes for absence. 23 Ill.Admin.Code §1.290.

For elementary districts, delete the following phrase from the second sentence of this paragraph: "voting pursuant to policy 7:90, Release During School Hours (10 ILCS 5/7-42 and 5/17-15);" and delete 7:90, Release During School Hours, from the Cross References.

For high school and unit districts that do not wish to include the Voting subhead in policy 7:90, Release During School Hours, amend the second sentence of this paragraph as follows: "policy 7:90, Release During School Hours (the Election Code, 10 ILCS 5/7-42 and 5/17-15.3)" and delete 7:90, Release During School Hours from the Cross References.

Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. ⁴
2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran. ⁵
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. ⁶
4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. ⁷
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in ~~the School Code, Section 105 ILCS 5/26-2a.~~
6. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem. ⁸

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

~~⁴ Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board." 105 ILCS 5/26-1. The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:~~

~~A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.~~

~~Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); 820 ILCS 205/ (child labor laws); 56 Ill.Admin.Code Part 250 (child labor regulations).~~

~~⁵ 105 ILCS 5/26-1, amended by P.A. 99-804. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.~~

~~A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.~~

~~⁶ 105 ILCS 5/26-1, amended by P.A. 100-185. Such a student must be granted five days of excused absences in any school year and, at the board's discretion, may be granted additional excused absences to visit the student's parent/guardian. The student and his/her parent/guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his/her return to school from the excused absence period. *Id.*~~

~~⁷ This notification is required by 105 ILCS 5/26-3b.~~

~~⁸ 23 Ill.Admin.Code §1.290(b)(2).~~

~~105 ILCS 5/10-20.63, added by P.A. 100-163, requires school districts to make feminine hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in the bathrooms of school buildings serving students in grades 6 through 12. The General Assembly found this requirement necessary because "when students do not have access to affordable feminine hygiene products, they may miss multiple days of school every month." 105 ILCS 5/10-20.63(a)(3).~~

7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, or information about community agency services.⁹ See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.
8. Reasonable efforts to provide ongoing professional development to teachers, administrators, Board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement.¹⁰
9. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered.¹¹
10. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records.¹²

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

⁹ 23 Ill.Admin.Code §1.290(b)(3). The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E) (ISBE report).

¹⁰ 105 ILCS 5/26-18, added by P.A. 100-156, requires that, beginning 7-1-18, districts to collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. Id. Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). *Chronic absence* means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a *chronic or habitual truant* is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.

¹¹ 105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810, eff. 1-1-19.

¹² Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

¹² 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5.

Counties may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 10 years of age, on the parent or custodian. 55 ILCS 5/5-1078.2. Municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 13 years of age, on the parent or custodian. 65 ILCS 5/11-5-9. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as: (a) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (b) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act, (105 ILCS 10/6(a)(6.5)). Id. A **superintendent should consult with the board attorney before disclosing school student records to non-district entities**. See 7:340-API, *School Student Records*, for a sample procedure for release of such records to juvenile authorities.

11. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student. 13
12. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. 14

[For high school and unit districts only]

13. A process for a 17-year-old resident to participate in the District's various programs and resources for truants.¹⁵ The student must provide documentation of his/her dropout status for the previous six months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *Students School Admissions and Student Transfers To and From Non-District Schools*.
14. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. 16

LEGAL REF.: 105 ILCS 5/26-1 through 16.
705 ILCS 405/3-33.5, Juvenile Court Act of 1987.
23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious

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

¹³ 105 ILCS 5/26-12, amended by P.A. 100-825, prohibits punitive action "unless available supportive services and other school resources have been provided to the student." In addition, "a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available support services, compel the student to return to school." *Id.*

¹⁴ 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

This statute also requires the "clerk or secretary" of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver's license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, see **Funding & Disbursements** subhead, p.2, at: www.isbe.net/Documents_Superintendent_Weekly_Message/message_082807.pdf, that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Dept. of Education's Family Policy Compliance Office that its implementation would violate the federal Family Educational Rights and Privacy Act.

¹⁵ A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive. 105 ILCS 5/26-14.

¹⁶ Optional, but provided in 105 ILCS 5/26-2(c)(3), amended by P.A. 100-825; ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Behavior), 7:340 (Student Records)

Draft

Students

Release During School Hours ¹

For safety and security reasons, a prior written or oral consent of a student's custodial parent/guardian is required before a student is released during school hours: (1) at any time before the regular dismissal time or at any time before school is otherwise officially closed, and/or (2) to any person other than a custodial parent/guardian.

Early Dismissal Announcement

The Superintendent or designee shall make reasonable efforts to issue an announcement whenever it is necessary to close school early due to inclement weather or other reason.

[For high school and unit districts only]

Voting ²

The Superintendent or designee shall specify the hours during which students who are entitled to vote at a primary, general, or special election, or any election at which propositions are submitted to a popular vote in Illinois, may be absent from school for a period of two hours to vote. Students are entitled to be absent from school to vote beginning the 15th day before the primary, general, or

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

¹ This sample policy and its contents are discretionary with each school board. Sample PRESS policy 4:170, *Safety*, authorizes the Superintendent to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property.

Planning for unforeseen early dismissals furthers a positive parent-school relationship and reduces the possibility of unsupervised children. According to this sample policy's introductory section, the school does not need prior parental consent before releasing students for an early dismissal even when it is unforeseen. The second section, however, requires the superintendent or designee to use *reasonable efforts* to announce an early dismissal. The *reasonable efforts* could be satisfied, for example, by a website posting, telephone chain notification, or recorded message on the school's telephone.

² Optional. While 10 ILCS 5/7-42(b) and 5/17-15(b), amended by P.A. 101-624, eff. 6-1-20, do not require this information to be in policy, including it aligns with best practice (ensuring compliance and aligning with good governance principles).

Including it also serves several policy functions and purposes: ensuring legal compliance, directing or authorizing the superintendent or staff members, and/or providing information.

To implement this law, each board and superintendent may wish to engage in a conversation about balancing the students' right to be absent from school with the district's attendance and safety and security goals and its right to minimize disruption to the educational process and/or ensure orderly operation of a school. Factors affecting implementation will depend upon a board's local conditions and the community expectations that may include, but not be limited to: (1) the board attorney's recommendations, (2) the district's budget parameters, if any, for any increased security needs during the 15 days before and the day of the qualifying elections, (3) each individual building's unique needs, and (4) the community's expectations.

The superintendent and building principal may implement this policy differently in different buildings. Once the board and superintendent or designee determine implementation logistics, these should be communicated in student handbooks. A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Ill. Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

For high school and unit districts not wanting to include this subhead, delete it and the Legal Reference to it in this policy, delete it from the Cross References in policy 7:70, *Attendance and Truancy*, and follow the instructions listed in paragraph three of ¶n 3 of policy 7:70, *Attendance and Truancy*.

special election, or any election at which propositions are submitted to a popular vote in Illinois, or on the day of such election.

LEGAL REF.: 10 ILCS 5/7-42(b) and 5/17-15(b), Election Code.

CROSS REF.: 4:170 (Safety)

Draft

Students

Student Rights and Responsibilities ¹

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.² Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures. ³

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, are not sponsored, promoted, or endorsed in any manner by the school or any school employee.⁴ *Noninstructional time* means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends. ⁵

unchanged

LEGAL REF.: 20 U.S.C. §7904.
105 ILCS 20/5.
Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:190 (Student Behavior)

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

¹ State or federal law controls this policy's content.

² In 1969 the U.S. Supreme Court changed the relationship between schools and students by finding that students "do not shed their constitutional rights at the schoolhouse door." Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

³ Consult the board attorney to ensure the district's non-discrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon bullying and/or sexual violence under Title IX's sexual harassment umbrella. The U.S. Dept. of Education's guidance states that while acts of sexual violence are crimes, they may also be discrimination under Title IX. See Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts, U.S. Dept. of Education Office for Civil Rights, 111 LRP 23852 (OCR 04/04/April 4, 2011), at www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html www.ed.gov/about/offices/list/ocr/letters/colleague-201104.html.

⁴ This language is from 105 ILCS 20/5, ~~amended by P.A. 99-410~~. The statute provides these examples of religious-based meetings: prayer groups, B I B L E (Basic Instruction Before Leaving Earth) clubs, and *meet at the flagpole for prayer days*. **Districts with secondary schools should amend the Cross References by adding "7:330 (Student Use of Buildings - Equal Access)."**

In addition, federal law requires districts to certify that "no [district] policy... prevents, or otherwise denies participation in, constitutionally protected prayer in both public elementary and secondary schools." (20 U.S.C. §7904(b)). The State provides certification instructions and the U.S. Dept. of Education provides guidance on constitutionally protected prayer in public schools. (See Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html). Certification with the Ill. State Board of Education occurs through the signed assurances that a superintendent provides through the grant application process.

⁵ 105 ILCS 20/5.

Students

Exhibit - Student Handbook Checklist

The Checklist contains mandatory and recommended notices that schools should give to their students and the students' parents/guardians.¹ *Mandatory* means the notices are legally required. *Recommended* means including the notices are a best practice. The Checklist is in the IASB Policy Reference Manual (PRM) format, and it lists corresponding policies, procedures, and exhibits in numerical order within each sub-headed category. A corresponding citation to the Illinois Principals Association **Online Model Student Handbook (MSH)** is also listed, if one exists. Any handbook should be reviewed by the Board Attorney before distribution to ensure that all mandatory notices are included as this Checklist is subject to change without notice. This Checklist is not a substitute for legal advice.

Mandatory Notices

Student Services

Mandatory Topics	IASB PRM	IPA MSH
Transportation	4:110, <i>Transportation</i>	4.10, <i>Bus Transportation</i>
Transportation reimbursement eligibility and dispute resolution Note: this program has been withdrawn due to lack of funding	4:110, <i>Transportation</i>	4.10, <i>Bus Transportation</i>
Eligibility criteria for free and reduced lunch	4:130, <i>Free and Reduced-Price Food Services</i> 4:130-E, <i>Free and Reduced-Price Food Services; Meal Charge Notifications</i>	3.10, <i>Fees, Fines & Charges; Waiver of Student Fees</i>
Waiver of school fees along with the fee waiver application form	4:140, <i>Waiver of Student Fees</i> 4:140-AP, <i>Fines, Fees, and Charges - Waiver of Student Fees</i> 4:140-E1, <i>Application for Fee Waiver</i> 4:140-E2, <i>Response to Application for Fee Waiver, Appeal, and Response to Appeal</i>	3.10, <i>Fees, Fines & Charges; Waiver of Student Fees</i> 3.10-E1, <i>Application for Fee Waiver</i>
<u>School Wellness</u> <u>(required if the District participates in the National School Lunch Pro-</u>	<u>6:50, School Wellness</u>	



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

¹ In its continuing commitment to help school districts comply with legal requirements for all policies and procedures, the Illinois Principals Association (IPA) in conjunction with the Illinois Association of School Boards' (IASB) PRESS, have prepared this checklist to assist school administrators in preparing their student handbooks. A special thank you also goes to the law firm of Hodges, Loizzi, Eisenhammer, Rodick and Kohn LLP for allowing IPA and IASB to cross check this *Student Handbook Checklist* against its annual version.

Mandatory Topics	IASB PRM	IPA MSH
<u>gram or Breakfast Program)</u>		
Alternative learning opportunities	6:110, <i>Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program</i>	2.90, <i>Course Alternatives & Substitutions Credit for Proficiency, Non-District Experiences, Course Substitutions and Accelerated Placement</i>
Notification to parents/guardians of English Learners regarding their child's placement in, and information about, the District's English Learners programs	6:160, <i>English Learners</i>	12.60, <i>English Learners</i>
Parental involvement under Title I (only when the district receives Title I funds)	6:170, <i>Title I Programs</i> 6:170-AP1, <i>Checklist of Development, Implementation, and Maintenance of Parent and Family Engagement Compacts for Title I Programs</i> 6:170-AP1, E1, <i>District-Level Parent and Family Engagement Compact</i> 6:170-AP1, E2, <i>School-Level Parent and Family Engagement Compact</i> 6:170-AP2, <i>Notice to Parents Required by Elementary and Secondary Education Act, McKinney-Vento Homeless Assistance Act, and Protection of Pupil Rights Act</i>	12.50, <i>Parent Involvement Compact</i> 12.130, <i>Parent Notices Required by the Every Student Succeeds Act</i>
Notice to parents required by the <u>Elementary and Secondary Education Act</u> No-Child Left Behind Act of 2001	6:170-AP2, <i>Notice to Parents Required by Elementary and Secondary Education Act, McKinney-Vento Homeless Assistance Act, and protections Protection of Pupil Rights Act</i>	
Surveys that request personal information from students	7:15, <i>Student and Family Privacy Rights</i>	11.10, <i>Student Privacy Protections</i>
Birth certificate requirements for enrollment	7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i> 7:50-AP, <i>School Admissions and</i>	

Mandatory Topics	IASB PRM	IPA MSH
	<i>Student Transfers To and From Non-District Schools</i>	
<u>Dental examinations</u>	<u>7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students</u>	
<u>Eye examinations (K and students enrolling in public school for the first time only)</u>	<u>7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students</u>	
<u>Vaccinations (influenza and meningococcal)</u>	<u>7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students</u>	
Administration of medications (includes asthma inhalers and epinephrine injectors, <u>opiod antagonists, and glucagon</u>)	7:270, <i>Administering Medicines to Students</i> 7:270-AP1, <i>Dispensing Medication</i> 7:270-E1, <i>School Medication Authorization Form</i>	5.20, <i>Student Medication</i> 5.20-E1, <i>Student Medication Authorization Form</i> 5.20-E2, Authorization for Student Self Medication Form

Student Programs

Mandatory Topics	IASB PRM	IPA MSH
Notice of instruction in recognizing and avoiding sexual abuse (K-8 only)	6:60-AP, <i>Comprehensive Health Education Program</i> 6:60-AP, E1, <i>Notice to Parents/Guardians of Students Enrolled in Family Life and Sex Education Classes</i>	12.40, <i>Sex Education Instruction</i> 12.40-E1, <i>Notice to Parents on Sex Education Instruction</i>
Free appropriate public education to students with disabilities Special education services to eligible children whether or not enrolled in the District	6:120, <i>Education of Children with Disabilities</i> 6:120-API, <i>Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities</i> (downloadable from IASB website, www.iasb.com) 6:120-API, E1, <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>	10.10, <i>Education of Children with Disabilities</i>

Student Responsibilities

Mandatory Topics	IASB PRM	IPA MSH
IHSA policy on banned substances	6:190, <i>Extracurricular and Co-</i>	9.10, <i>Athletic Rules</i>

Mandatory Topics	IASB PRM	IPA MSH
(required only for IHSA schools)	<i>Curricular Activities</i> 6:190-AP, <i>Academic Eligibility for Participation in Extracurricular Activities</i> 7:240, <i>Conduct Code for Participants in Extracurricular Activities</i> 7:240-AP1, <i>Code of Conduct for Extracurricular Activities</i>	<u>& Extracurricular and Athletic Activities - Code of Conduct</u>
Absenteeism and truancy	7:70, <i>Attendance and Truancy</i>	2.10, <i>Attendance</i> 2.50, <i>Truancy</i>
Statement of district ownership of and right to search student lockers	7:140, <i>Search and Seizure</i>	8.10, <i>Search and Seizure</i>
Search procedures for school grounds and lockers	7:140, <i>Search and Seizure</i>	8.10, <i>Search and Seizure</i>
Notification regarding access to student accounts or profiles on social networking websites	7:140, <i>Search and Seizure</i> <u>7:140-E, Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act</u>	8.10, <i>Search and Seizure</i>
Bullying prohibited and reporting encouraged	7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>	6.40, <i>Prevention of and Response to Bullying, Intimidation, & Harassment</i> 6.40-E1, <i>Aggressive Behavior Reporting Letter & Form</i>
Teen dating violence prohibited and reporting encouraged	7:185, <i>Teen Dating Violence Prohibited</i>	
Prohibition of electronic paging devices and making threat by Internet	7:190, <i>Student Behavior</i>	6.30, <i>Student Behavior Discipline</i>
All prohibited conduct in the school discipline code, including, but not limited to: 1. Controlled substances 2. Firearms and other weapons 3. E-cigarettes 4. Gangs and gang-related activity 5. Sexting prohibited	4:170-AP2, E4, <i>Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting</i> 7:190, <i>Student Discipline Behavior</i> 7:190-AP5, <i>Student Handbook - Electronic Devices</i> 7:190-AP6, <i>Guidelines for Investigating Sexting Allegations</i>	6.30, <i>Student Behavior Discipline</i>

Mandatory Topics	IASB PRM	IPA MSH
Inform parents/guardians when their child engaged in aggressive behavior along with the school's early intervention procedures	7:190-E1, <i>Aggressive Behavior Reporting Letter and Form</i>	6.40-E1, <i>Aggressive Behavior Reporting Letter & Form</i>
Suspension and expulsion, and due process requirements	7:200, <i>Suspension Procedures</i> 7:210, <i>Expulsion Procedures</i>	
School bus safety	7:220, <i>Bus Conduct</i> 4:110-AP3, <i>School Bus Safety Rules</i>	4.10, <i>Bus Transportation</i>
Videotape surveillance of buses (if applicable)	7:220, <i>Bus Conduct</i> 7:220-AP, <i>Electronic Recordings on School Buses</i>	4.10, <i>Bus Transportation</i>
Behavior interventions (these may be developed through the Spec. Ed. Coop if the district belongs to one)	7:230, <i>Misconduct by Students With Disabilities</i>	
Dress code	7:160, <i>Student Appearance</i>	6.20, <i>School Dress Code & Student Appearance</i>
All other conduct prohibited by Board policy - school discipline code	7:190, <i>Student Behavior</i>	6.30, <i>Student Behavior Discipline</i>

Student Rights

Mandatory Topics	IASB PRM	IPA MSH
Notice of non-discrimination coordinator(s) and making complaint of discrimination or sexual harassment	2:260, <i>Uniform Grievance Procedure</i>	6.40, <i>Prevention of and Response to Bullying, Intimidation & Harassment</i>
Prohibition of discrimination on the basis of race, color, national origin, sex, sexual orientation, ancestry, age, religious beliefs, physical or mental disability, status as homeless, or actual or potential marital or parental status, including pregnancy	7:10, <i>Equal Educational Opportunities</i>	1.50, <i>Equal Opportunity & Sex Equity</i>
Sex equity and grievance procedures	2:260, <i>Uniform Grievance Procedure</i> 7:10, <i>Equal Educational Opportunities</i>	1.50, <i>Equal Opportunity & Sex Equity</i>
Sexual harassment prohibited and grievance procedures <u>and age-appropriate information about the sexual harassment policy</u>	2:260, <i>Uniform Grievance Procedure</i> 7:20, <i>Harassment of Students Prohibited</i>	6.450, <i>Bullying, Intimidation & Harassment Sexual Harassment & Teen</i>

Mandatory Topics	IASB PRM	IPA MSH
		<u>Dating Violence Prohibited</u>
Notify parents of their right to request their child's classroom teachers' qualifications	5:190-E1, <u>Notice of to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications</u>	12.10, Teacher Qualifications 12.130, <u>Parent Notices Required by the Every Student Succeeds Act</u>
Educational rights of homeless students in the location where homeless children receive services	6:140, <u>Education of Homeless Children</u> 6:140-AP, <u>Education of Homeless Children</u>	12.30, <u>Homeless Child's Right to Education</u>
Notice of parent and student rights under the Children's Privacy Protection and Parental Empowerment Act	7:15, <u>Student and Family Privacy Rights</u> 7:15-E, <u>Notification to Parents of Family Privacy Rights</u>	11.10, <u>Student Privacy Protections</u>
Notice to parents/guardians about social network passwords	7:140, <u>Search and Seizure</u> 7:140- E, <u>Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act</u>	6.70, <u>Access to Student Social Networking Passwords & Websites (Pending)</u>
Notice concerning privacy and access rights to school student records	7:340, <u>Student Records</u> 7:340-AP1, E1, <u>Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records</u> 7:340-AP1, E2, <u>Using a Photograph or Video Recording of a Student</u>	11.20, <u>Student Records</u>
Disclosure of directory information	7:340-AP1, E1, <u>Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records</u> 7:340-AP1, E2, <u>Using a Photograph or Video Recording of a Student</u>	11.20, <u>Student Records</u>
Information classified as directory information and for objecting to disclosure of information	7:340-AP1, E1, <u>Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records</u>	11.20, <u>Student Records</u>
Military recruiting	7:340-AP1, E3, <u>Letter to Parents Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information and Eligible Students</u>	11.20, <u>Student Records</u>

Mandatory Topics	IASB PRM	IPA MSH
	<u>Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information</u> 7:340-AP1, E4, <i>Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information</i>	
Student biometric information (when applicable)	7:340, <i>Student Records</i> 7:340-AP1, E5, <i>Biometric Information Collection Authorization</i>	11.30, <i>Student Biometric Information</i>
Notice of disability accommodation	8:70, <i>Accommodating Individuals with Disabilities</i>	1.110, <i>Accommodating Individuals with Disabilities</i>

General Information

Mandatory Topics	IASB PRM	IPA MSH
Notice before a pesticide application	<u>4:160. Environmental Quality of Buildings and Grounds</u> 4:160-AP, <i>Environmental Quality of Buildings and Grounds</i>	12.80, <i>Pesticide Application Notice</i>
Availability of information concerning sex offenders	4:175-AP1, <i>Criminal Offender Notification Laws; Screening</i> 4:175-AP1, E1, <i>Informing Parents/Guardians About Offender Community Notification Laws</i>	12.1210, Sex Offender Notification Law <u>12.120, Violent Offender Community Notification</u>
School bus safety	4:110-AP3, <i>School Bus Safety Rules</i>	4.10, <i>Bus Transportation</i>
<u>Asbestos management plan, notice of availability</u>		
Notice to parents/guardians and staff of IHSA's online training video about hands-only CPR and AED	4:170, <i>Safety</i> 4:170-AP6, E1, <i>School Staff AED Notification Letter</i>	
Notice that a student athlete and his/her parent must sign acknowledgement of receiving the concussion policy (required only for IHSA schools)	7:305, <i>Student Athlete Concussions and Head Injuries</i> <u>7:305-AP, Program for Managing Student Athlete Concussions and Head Injuries</u>	9.30, <i>Student Athlete Concussions and Head Injuries</i>
School visitation rights notice	8:95-E1, <i>Letter Notifying Parents/Guardians of School Visitation Rights</i> 8:95-E2, <i>Verification of School Visitation Rights</i>	12.70, <i>School Visitation Rights</i>

Mandatory Topics	IASB PRM	IPA MSH
	itation	

Recommended Notices

Student Services

Recommended Topics	IASB PRM	IPA MSH
Information regarding waiver of student fees	4:140, <i>Waiver of Student Fees</i>	
Fire drill program, building specific plan	4:170, <i>Safety</i> 4:170-AP1, <i>Comprehensive Safety and Security Plan</i>	5.40, <i>Safety Drill Procedures and Conduct</i>
School safety plans, including severe weather and injury or sudden illness	4:170, <i>Safety</i> 4:170-AP1, <i>Comprehensive Safety and Security Plan</i> 4:170-AP1, E1, <i>Accident or Injury Form</i>	2.100, <i>Home and Hospital Instruction</i>
<u>Targeted school violence prevention program, including threat assessment teams</u>	4:190, <i>Targeted School Violence Prevention Program</i> 4:190-AP2, <i>Threat Assessment Team (TAT)</i>	
Home and hospital instruction	6:150, <i>Home and Hospital Instruction</i>	2.100, <i>Home and Hospital Instruction</i>
Student residency and tuition	7:60, <i>Residence</i> 7:60-AP1, <i>Challenging a Student's Residence Status</i> 7:60-AP2, <i>Establishing Student Residency</i> 7:60-AP2, E1, <i>Letter of Residence from Landlord in Lieu of Lease</i> 7:60-AP2, E2, <i>Letter of Residence to be Used When the Person Seeking to Enroll a Student is Living with a District Resident</i> 7:60-AP2, E3, <i>Evidence of Non-Parent's Custody, Control and Responsibility of a Student</i>	
Parking, building specific	7:140, <i>Search and Seizure</i>	4.20, <i>Parking</i>
Health and guidance counselor and social work access	7:250, <i>Student Support Services</i>	5.30, <i>Guidance & Counseling</i>
Communicable and infectious disease	7:280, <i>Communicable and Chronic Infectious Disease</i> 7:280-AP, <i>Managing Students with</i>	5.50, <i>Communicable Diseases*</i> 5.60, <i>Head Lice</i>

Recommended Topics	IASB PRM	IPA MSH
	<i>Communicable and Infectious Diseases</i>	
Students with diabetes	6:120-AP4, <i>Care of Students with Diabetes</i>	1.130, <i>Care of Students with Diabetes</i> 1.130-E1, <i>Authorization to Provide Diabetic Care</i>
Medical cannabis administration	7:270-E2, <i>School Medication Authorization Form - Medical Cannabis</i>	
Food allergy management program	7:285, <i>Food Allergy Management Program</i> 7:285-AP, <i>Implementing a Food Allergy Management Program</i>	1.120, <i>Students with Food Allergies</i>
Telephone use, building specific		

Student Programs

Recommended Topics	IASB PRM	IPA MSH
Weighted grades	<u>6:280-AP, <i>Evaluating and Reporting Student Achievement</i></u>	
District philosophy and goals	1:30, <i>School District Philosophy</i> 3:10, <i>Goals and Objectives</i> 6:10, <i>Educational Philosophy and Objectives</i>	
Anti-bias curriculum	6:60, <i>Curriculum Content</i>	
Driver education eligibility and requirements (high schools only)	6:60, <i>Curriculum Content</i>	
Parental objections to sex education, family life instruction, and sexually transmitted diseases	6:60-AP, E1, <i>Notice to Parents/Guardians of Students Enrolled in Family Life and Sex Education Classes</i>	12.40, <i>Sex Education Instruction</i> 12.40-E1, <i>Notice to Parents on Sex Education Instruction</i>
Biking and Walking Safety Education	6:60-AP, E2, <i>Resources for Biking and Walking Safety Education</i>	
<u>Accelerated placement availability</u>	<u>6:135, <i>Accelerated Placement Program</i></u>	<u>2:90, <i>Credit for Proficiency, Non-District Experiences, Course Substitutions and Accelerated Placement</i></u>

Recommended Topics	IASB PRM	IPA MSH
Adaptive physical education program exemption	6:310, <i>High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students</i>	2.80, Exemption Exemption from PE Requirement (Regular Education)
Bilingual education availability	6:160, <i>English Learners</i>	12.60, <i>English Learners</i>
Co-curricular activities	6:190, <i>Extracurricular and Co-Curricular Activities</i>	9.10, Extracurricular and Athletic Activities <i>Rules & Code of Conduct</i>
“No Pass, No Play”	6:190, <i>Extracurricular and Co-Curricular Activities</i> 6:190-AP, <i>Academic Eligibility for Participation in Extracurricular Activities</i>	9.10, Extracurricular and Athletic Activities <i>Rules & Code of Conduct</i>
Parental right to review instructional materials	6:210, <i>Instructional Materials</i>	11.10, <i>Student Privacy Protections</i>
Acceptable use and Internet safety	6:235, <i>Access to Electronic Networks</i> 6:235-AP1, <i>Acceptable Use of the District’s Electronic Networks</i> 6:235-AP1, E1, <i>Student Authorization for Access to the District’s Electronic Networks</i> 6:235-AP1, E2, <i>Staff Authorization for Access to the District’s Electronic Networks</i>	7.10, <i>Internet Acceptable Use</i> 7.10-E1, <i>Internet Acceptable Use Sign-Off</i>
Social promotion	6:280, <i>Grading and Promotion</i> 6:280-AP, <i>Evaluating and Reporting Student Achievement</i>	2.60, <i>Grading and Promotion</i>
High school graduation requirements (high schools only)	6:300, <i>Graduation Requirements</i>	2.120, <i>Graduation Requirements</i>
Right of students with IEP to participate in graduation ceremony (high schools only)	6:300, <i>Graduation Requirements</i>	10.40, <i>Certificate of High School Completion</i>
Physical education, including waiver of required classes	6:310, <i>High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students</i>	2.80, Exemption Exemption from PE Requirement (Regular Education) 10.30, <i>Exemption from PE Requirement (Special Education)</i>
Class schedules, building specific		

Recommended Topics	IASB PRM	IPA MSH
Schedule of testing programs, building specific	6:340, <i>Student Testing and Assessment Program</i>	
Student distribution of non-curricular material	7:310, <i>Restrictions on Publications; Elementary Schools</i> 7:310-AP, <i>Guidelines for Student Distribution of Non-School Sponsored Publications; Elementary Schools</i> 7:315, <i>Restrictions on Publications; High Schools</i> 7:315-AP, <i>Guidelines for Student Distribution of Non-School Sponsored Publications; High Schools</i>	7.20, <i>Guidelines for Student Distribution of Non-School Sponsored Publications</i>

General Information

Recommended Topics	IASB PRM	IPA MSH
Asbestos management plan, notice of availability		
School calendar	6:20, <i>School Year Calendar and Day</i>	
Field trip	6:240, <i>Field Trips</i> 6:240-AP, <i>Field Trip Guidelines</i>	6.60, <i>Field Trips</i>
Release time for religious instruction/observance	7:80, <i>Release Time for Religious Instruction/Observance</i>	2.30, <i>Release Time for Religious Instruction and Observance</i>
<u>Release time for students voting in elections</u>	<u>7:90, Release During School Hours</u>	
Extra-curricular drug and alcohol testing (if applicable)	7:240-AP2, <i>Extracurricular Drug and Alcohol Testing Program</i> 7:240-AP2, E1, <i>Consent to Participate in Extracurricular Drug and Alcohol Testing Program</i>	9.10, <i>Extracurricular and Athletic Activities Rules & Code of Conduct</i>
Eligibility to remove college entrance exams from student transcripts	7:340, <i>Student Records</i>	11.20, <i>Student Records</i>
Equal access to school facilities	8:20, Access to <i>Community Use of School Facilities</i>	
Identification and registration of persons entering the school building	8:30, <i>Visitors to and Conduct on School Property</i>	1.40, <i>Visitors</i>
Statement that the handbook is: 1. Only a summary of board poli-	2:240, <i>Board Policy Development</i>	1.10, <i>Parent/Guardian Handbook</i>

Recommended Topics	IASB PRM	IPA MSH
<p>cies governing the district; board policies are available to the public at the district office</p> <p>2. A document that may be amended during the year without notice</p> <p>3. Is a communication tool of all policies to persons expected to execute and comply with them</p>		<p><i>Acknowledgement</i></p> <p>1.20, <i>Student Handbook Acknowledgement</i></p> <p>1.30, <i>General School Information</i></p>
Address of District offices, list of administrators, and contact information	<p>2:250, <i>Access to District Public Records</i></p> <p>2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i></p>	1.30, <i>General School Information</i>
Board members' names	<p>2:250, <i>Access to District Public Records</i></p> <p>2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i></p>	1.30, <i>General School Information</i>
List of District school addresses	<p>2:250, <i>Access to District Public Records</i></p> <p>2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i></p>	1.30, <i>General School Information</i>

Special Circumstance Notifications

Special Circumstance Topics	IASB PRM	IPA MSH
Notification for unsafe school transfer choice	<p>4:170, <i>Safety</i></p> <p>4:170-AP5, <i>Unsafe School Choice Option</i></p>	12.100, <i>Unsafe School - Transfer</i>
Notification of right to review teachers' qualifications	<p>5:190, <i>Teacher Qualifications</i></p> <p>5:190-E1, <i>Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications</i></p> <p>5:190-E2, <i>Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements</i></p> <p>5:190-E3, <i>Letter to Teacher Who Does Not Meet Applicable State</i></p>	<p>12.10, <i>Teacher Qualifications</i></p> <p><u>12.130, <i>Parent Notices Required by the Every Student Succeeds Act</i></u></p>

Special Circumstance Topics	IASB PRM	IPA MSH
	<i>Certification/Licensure Requirements for the Grade Level and Subject Area of Assignment</i>	
Notice when: 1. Student is being taught by a teacher who is not highly qualified, 2. School identified as in need of improvement, 3. Schools are identified for corrective action, 4. Schools are identified for restructuring, 5. There is eligibility for supplemental educational services, and 6. The district offers voluntary school choice, if applicable.	5:190-E2, <i>Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements</i> 6:15, <i>School Accountability</i>	
Credit for proficiency	6:110, <i>Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program</i>	2.90, <i>Course Alternatives & Substitutions Credit for Proficiency, Non-District Experiences, Course Substitutions and Accelerated Placement</i>



Unchanged

Students

Student Fundraising Activities ¹

No individual or organization is allowed to ask students to participate in fundraising activities while the students are on school grounds during school hours or during any school activity. Exceptions are:

1. School-sponsored student organizations; and
2. Parent organizations and booster clubs that are recognized pursuant to policy 8:90, *Parent Organizations and Booster Clubs*.

The Superintendent or designee shall manage student fundraising activities in alignment with the following directives: ²

1. Fundraising efforts shall not conflict with instructional activities or programs.
2. For any school that participates in the School Breakfast Program or the National School Lunch Program, fundraising activities involving the sale of food and beverage items to students during the school day while on the school campus must comply with the Ill. State Board of Education rules concerning the sale of competitive food and beverage items. ³
3. Participation in fundraising efforts must be voluntary.
4. Student safety must be paramount. ⁴
5. For school-sponsored student organizations, a school staff member must supervise the fundraising activities and the student activity funds treasurer must safeguard the financial accounts.
6. The fundraising efforts must be to support the organization's purposes and/or activities, the general welfare, a charitable cause, or the educational experiences of students generally.
7. The funds shall be used to the maximum extent possible for the designated purpose.

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

¹ State law requires this subject matter be covered by policy. 105 ILCS 5/10-20.19(3) requires districts to have rules governing: (1) "conditions under which school classes, clubs, and associations may collect or acquire funds," and (2) "the safekeeping of such funds for the educational, recreational, or cultural purposes they are designed to serve."

² Except for #2 (*see 1/n 3, below*), all numbered directives are optional and may be deleted or amended. These directives are intended to comply with 105 ILCS 5/10-20.19(3) by stating the conditions under which funds may be collected and by providing for their safekeeping.

³ Selling popular food items to raise funds is restricted by federal and State rules. ISBE limits the sale of competitive food and beverages sold to students on the school campus of any school that participates in the School Breakfast Program or the National School Lunch Program (*participating schools*). ²³ Ill.Admin.Code §305.15(a). *Competitive foods* are all food and beverages that are offered by any person, organization, or entity for sale to students on the school campus during the school day that are not reimbursed under programs authorized by federal law. ⁷ C.F.R. §210.11(a)(2); 23 Ill.Admin.Code §305.5). ~~Beginning in the 2015-16 school year, Participating schools with grades 8 and below have zero exempted fundraising days, and participating schools with grades 9-12 may have no more than nine⁹ exempted fundraising days.~~ ²³ Ill.Admin.Code §305.15 (b)(2)(A)-(B). *Exempted fundraising day* means a school day on which foods and/or beverages not meeting the "general nutrition standards for competitive foods" may be sold to students on the school campus. ⁷ C.F.R. §210.11 (b)(4); 23 Ill.Admin.Code §305.5). See 4:120, *Food Services*; 4:120-AP, *Food Services; Competitive Foods; Exemptions*.

⁴ Two alternatives follow:

- | | |
|----------------|--|
| Alternative 1: | 4. Student safety must be paramount <u>and door-to-door solicitations are prohibited.</u> |
| Alternative 2: | 4. Student safety must be paramount <u>and door-to-door solicitations are discouraged.</u> |

8. Any fundraising efforts that solicit donor messages for incorporation into school property (e.g., tiles or bricks) or placement upon school property (e.g., posters or placards) must: 5
- a. Develop viewpoint neutral guidelines for the creation of messages;
 - b. Inform potential donors that all messages are subject to review and approval, and that messages that do not meet the established guidelines must be resubmitted or the donation will be returned; and
 - c. Place a disclaimer on all fundraising information and near the completed donor messages that all messages are “solely the expression of the individual donors and not an endorsement by the District of any message’s content.”

LEGAL REF.: 105 ILCS 5/10-20.19(3).
23 Ill.Admin.Code Part 305, School Food Service.

CROSS REF.: 4:90 (Activity Funds), 4:120 (Food Services), 8:80 (Gifts to the District), 8:90 (Parent Organizations and Booster Clubs)

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

5 The issue of soliciting or receiving donor messages is an unsettled area of the law that is frequently litigated because of its many complex legal and practical issues. The U.S. Constitution’s Free Speech, Establishment, and Equal Protection Clauses may be triggered. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate on the basis of viewpoint. Requiring that donor messages go through a thorough review process prior to their permanent placement on any medium can avoid issues that may occur when messages are reviewed after placement and found to be unacceptable. For sample cases discussing the issue of a district’s exclusion of donor messages on school property, see Fleming v. Jefferson County Sch. Dist. R-1, 298 F.3d 918 (10th Cir. 2002), *cert. denied* (school’s restriction on the use of religious symbols on tiles that would become a part of the rebuilt school allowed because the messages were school-sponsored speech, and the restrictions had a reasonable relation to legitimate teaching concerns); DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ., 196 F.3d 958 (9th Cir. 1999), *cert. denied* (school district’s refusal to post an advertisement featuring the text of the Ten Commandments on its baseball field upheld because the field was a nonpublic forum for a limited purpose); Gernetzke v. Kenosha Unified Sch. Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied* (school district disallowed religious symbols on Bible Club’s mural so it would not have to allow speech that would cause a disruption like white supremacists who wanted to display the swastika); and Kiesinger v. Mexico Acad. and Central Sch., 427 F.Supp. 2d 182 (N.D.N.Y. 2006)(school district’s removal of bricks inscribed with a donor’s religious messages from a walkway in front of a school was viewpoint discrimination because the district allowed messages about God generally, but not a specific religious viewpoint on God).

Students

Exhibit - Application and Procedures to Involve Students in Fundraising Activities

To be submitted to the Building Principal

Organization Name	School
Activity	Activity Dates

This application must be approved before involving students in a fundraising activity. Only the following organizations are permitted to involve students in fundraising activities while they are on school grounds during school hours or during any school activity: *(check at least one box)*

- School-sponsored student organization; or
- Parent organizations and booster clubs that are recognized pursuant to policy 8:90, *Parent Organizations and Booster Clubs.*

Describe how students will be involved in the fundraising activity, including whether they will be asked to buy or sell items:

Will the proposed activity involve selling food or beverage items to students on campus during the school day?

- Yes - An approval may be contingent on the availability of an *exempted fundraising day*; please attach an exact description of what you propose to sell including the nutritional analysis.
- No - Food and beverage items will not be sold to students on campus during the school day.

Fundraising efforts must not conflict with instructional activities or programs. Sales booths during a school activity or lunch are permissible.

What, if any, activity will be done while students are on school premises?

Student participation must be voluntary. Penalties for failure to participate are prohibited.

Describe student incentives for participation:

Fundraising efforts should not burden students, their families, citizens, or merchants by being too frequent.

When and what was the last fundraising activity done by this organization or club?

Local ordinances must be followed, merchants must approve of any activities on their property, and students must conduct themselves as ambassadors for their School.

How will students be informed?

Student safety must be paramount.

How will students be kept safe if fundraising activities occur away from school?

- Not applicable - all student involvement occurs at school.

Sales or service campaigns to raise money should offer appropriate merchandise or services.

Describe the merchandise or services students will be asked to sell or perform:

For school-sponsored student organizations, a school staff member must supervise the fundraising activities in addition to any other adult volunteers.

List all of the adult sponsors, including staff members and non-staff adult volunteers:

Not applicable - activity is not being proposed by a school-sponsored student organization.

For school-sponsored student organizations, the student activity funds treasurer must safeguard the financial accounts.

Is this agreeable? Yes No

Not applicable - activity is not being proposed by a school-sponsored student organization.

Parent organizations and booster clubs are governed by School Board policy 8:90, Parent Organizations and Booster Clubs.

Is the organization prepared to abide by this policy? _____

Not applicable - activity is not being proposed by a parent organization or booster club.

The fundraising efforts must be to support the organization's purposes and/or activities, the general welfare, a charitable cause, or the educational experiences of students generally.

Describe how funds raised through the proposed activity will be used:

If the activity will help fund a trip or overnight excursion, describe the travel plans:

The funds must be used to the maximum extent possible for the designated purpose.

Is this agreeable? Yes No

Fundraising efforts that solicit donor messages for placement on school property must follow the District's viewpoint neutral guidelines for the creation of messages.

Is this agreeable? Yes No

Not applicable - activity being proposed will not solicit donor messages.

I agree to abide by the conditions stated in this application and agree to adhere to all Board policies and administrative procedures.

Applicant name (please print) _____

Telephone number _____

Address _____

Email address _____

Applicant signature _____

Date _____

The Building Principal will base his or her decision on the information being provided in this form as well as other criteria deemed important. (Note to Building Principal: after approving or denying this application, return a copy of it to the person making the request, send the original to the Superintendent, and retain a copy at the School.)

Approved Denied

Building Principal or designee _____

Date _____

Community Relations

Connection with the Community

Public Relations

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Superintendent or designee shall plan and implement a District public relations program that will: ¹

1. Develop community understanding of school operation.
2. Gather community attitudes and desires for the District.
3. Secure adequate financial support for a sound educational program.
4. Help the community feel a more direct responsibility for the quality of education provided by their schools.
5. Earn the community's good will, respect, and confidence.
6. Promote a genuine spirit of cooperation between the school and the community.
7. Keep the news media accurately informed.
8. Coordinate with the District Safety Coordinator to provide accurate and timely information to the appropriate individuals during an emergency.

The public relations program should include:

1. Regular news releases concerning District programs, policies, activities, and special event management for distribution by, for example, posting on the District website, using social media platforms,² e.g., Facebook, Twitter, etc., or sending to the news media.
2. News conferences and interviews, as requested or needed. The Board President and Superintendent will coordinate their respective media relations efforts. Individuals may speak for the District only with prior approval from the Superintendent. ³

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

¹ These objectives are examples only and should be customized for each district. The District Safety Coordinator is identified as the responsible person for compiling information and preparing communications covering an emergency or crisis (4:170-AP1, *Comprehensive Safety and Crisis Security Plan*). An alternative to the entire first subhead follows:

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Superintendent or designee shall plan and implement a District public relations program to keep the community informed and build support through open and authentic communications. The public relations program shall include, without limitation, media relations; internal communications; communications to the community; communications to students and parents/guardians; emergency communications in coordination with the District Safety Coordinator; the District website and social media platforms/channels; and other efforts to reach all audiences using suitable mediums.

² District social media accounts are likely either limited public forms or public forums. See Knight First Amendment Inst. at Columbia Univ. v. Trump, 302 F.Supp.3d 541 (S.D.N.Y. 2018) (holding that the @realDonaldTrump Twitter account is a public forum under the First Amendment; therefore, (a) it could not exclude plaintiffs based simply on their views because excluding them on that basis is a violation their First Amendment right to petition their government, and (b) by purging critics from the @realDonaldTrump account, the White House deprived those who remained in the public forum the opportunity to hear the critics). Consider that school districts are different than the President of the United States and must ensure other duties to students, e.g., safety and security, which may require excluding certain comments from the district's social media accounts.

3. Publications having a high quality of editorial content and effective format. All publications shall identify the District, school, department, or classroom and shall include the name of the Superintendent, the Building Principal, and/or the author and the publication date.
4. Other efforts that highlight the District's programs and activities. 4

Community Engagement 5

Community engagement is a process that the Board uses to actively involve diverse citizens in dialogue, deliberation, and collaborative thinking around common interests for the District's schools. 6

The Board, in consultation with the Superintendent, determines the purpose(s) and objective(s) of any community engagement initiative.

For each community engagement initiative:

1. ~~The Board will:~~ 7
 - a. ~~Commit~~ to the determined purpose(s) and objective(s), and
 - b. ~~Provide~~ information about the expected nature of the public's involvement. 3
2. ~~The Superintendent or designee will:~~ 8
 - a. Identify the effective tools and tactics that will advance the Board's purpose(s) and objective(s).
 - b. ~~The Superintendent will:~~ (1) ~~at~~ least annually, prepare a report ~~for the of each~~ community engagement initiative, and/or (2)
 - c. ~~Prepare~~ a final report of ~~the each~~ community engagement initiative.

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

3 In alignment with the IASB "Foundational Principles of Effective Governance," the school board president is the board's spokesperson (see 2:110, *Qualifications, Term, and Duties of Board Officers*) and the superintendent is the district's spokesperson.

4 Examples of such programs include senior citizens' brunches, realtors' luncheons, and building tours.

5 This section is optional. A board that includes this subhead should complete the work necessary to develop and implement a community engagement initiative. See *Connecting with the Community: The Purpose and Process of Community Engagement as Part of Effective School Board Governance*. (*Connecting with the Community*) available at www.iasb.com/IASB/media/Documents/communityengagement.pdf ~~iasb.mys1eloud.com/communityengagement.pdf~~. This publication and other materials about community engagement are listed at: www.iasb.com/training/connecting.cfm.

The community engagement process differs from public relations (discussed in the **Public Relations** section, above) or public polling. Public relations push out information to the community. Public polling pulls information or opinions from the community. While most school districts understand how to push and pull information from their communities, the community engagement process is part of the two-way conversation for school boards that involves listening. Listening should not be limited only to the public comment period during board meetings. It is reaching out to the community and having conversations not only with parents but other community members, and then taking into consideration their thoughts and ideas as boards make their decisions. This method of listening must be purposeful for community engagement to work as intended.

6 Optional. This sentence applies the definition of community engagement to a board and its school district. See *Connecting with the Community*, pg. 9, available at www.iasb.com/IASB/media/Documents/communityengagement.pdf ~~iasb.mys1eloud.com/communityengagement.pdf~~.

An alternative introductory sentence that repeats the definition of community engagement follows: "For purposes of this policy, community engagement is the process that school boards use to actively involve diverse citizens in dialogue, deliberation and collaborative thinking around common interests for their public schools."

7 This action clarifies a board's reason(s) for engaging its community in an initiative and frames it to share with all participants in the process. (*Connecting with the Community*, pg. 10).

8 See *Connecting with the Community* at pg. 10 for examples of resources that a superintendent could use to implement the board's purpose and objectives.



The Board will periodically: (1) review whether its community engagement initiative(s) are achieving the identified purpose(s) and objective(s); (2) consider what, if any, modifications would improve effectiveness; and (3) determine whether to continue individual initiatives.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers)

Draft

Community Relations

Visitors to and Conduct on School Property ¹

The following definitions apply to this policy:

School property - District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. ²

Visitor - Any person other than an enrolled student or District employee.

All visitors to school property are required to report to the Building Principal's office and receive permission to remain on school property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto school property or when community members are attending Board meetings, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution. ³

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member to make an appointment. Conferences with teachers are held, to the extent possible, outside school hours or during the teacher's conference/preparation period.

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's special education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee. ⁴

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

¹ State or federal law controls this policy's content. Boards may make and enforce reasonable rules of conduct and sportsmanship for school events and deny future admission to school events to violators for up to one year provided a notice and hearing are given. 105 ILCS 5/24-24. See f/n 20 below.

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

² School-sponsored or school-sanctioned events or activities aligns with the text of 105 ILCS 5/27-23.7(a).

³ This paragraph is up to the local board's discretion. Many public school buildings were built before school security was the concern it is now. A first step in creating a secure environment is to manage access to school buildings. Along with limiting the entrances that may be used, school officials should post signs with instructions for visitors and a warning to trespassers. Signs may be as simple as "Visitors Must Report to Office" and "No Trespassing - Violators will be Prosecuted." Applicable criminal trespass laws include: 720 ILCS 5/21-1 (criminal damage to property); 5/21-1.2 (institutional vandalism); 5/21-3 (criminal trespass to real property); 5/21-5 (criminal trespass to State supported land); 5/21-5.5 (criminal trespass to a safe school zone); 5/21-9 (criminal trespass to a place of public amusement); 5/21-11 (distributing or delivering written or printed solicitation on school property). This sample policy identifies board members as visitors.

The following optional provisions must be modified according to local conditions:

Option 1: The Superintendent or designee may post certain school facilities for the community's use on non-school days when they are not being used for school purposes.

Option 2: The Superintendent or designee shall manage a program to allow community use of the following facilities on non-school days, during the daylight, provided they are not being used for school purposes: tennis courts, playground, and track.

⁴ 105 ILCS 5/14-8.02(g-5). See administrative procedure 6:120-AP2, *Access to Classrooms and Personnel*, and exhibit 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*.

The School District expects mutual respect, civility, and orderly conduct among all people on school property or at a school event. No person on school property or at a school event (including visitors, students, and employees) shall perform any of the following acts:

1. Strike, injure, threaten, harass, or intimidate a staff member, Board member, sports official or coach, or any other person. ⁵
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device. ⁶
4. Damage or threaten to damage another's property. ⁷
5. Damage or deface school property. ⁸
6. Violate any Illinois law,⁹ or town or county ordinance.
7. Smoke or otherwise use tobacco products. ¹⁰
8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug. ¹¹
9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred. ¹²

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

⁵ See e.g., 720 ILCS 5/12-2 (aggravated assault); 5/12-3.05(c) ~~and (d)(3) (crimes aggravated battery on school public property; aggravated battery); 5/12-3.05(d)(3) (a sports official or coach or aggravated battery against a school employee); 5/12-2(b)(9) (aggravated assault against a sports official or coach);~~ 5/12-9 (threats to public officials); 5/24-1.2 (discharge of a firearm).

⁶ With one exception, a license to carry a firearm does not permit an individual to carry a concealed firearm on or into any building, real property, and/or parking area under the control of an elementary or secondary school, or any bus paid for in whole or part with public funds. 430 ILCS 66/65(a) ~~amended by P.A. 99-29~~. The following optional provision adds that exception, which is a restatement of 430 ILCS 66/65(b) ~~amended by P.A. 99-29~~, to the text in number 3:

An individual licensed to carry a concealed firearm under the Illinois Firearm Concealed Carry Act is permitted to: (a) carry a concealed firearm within a vehicle into a parking area controlled by a school or the District and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area, and/or (b) carry a concealed firearm in the immediate area surrounding his or her vehicle in a parking area controlled by a school or the District for the limited purpose of storing or retrieving a firearm within the vehicle's trunk.

Other relevant weapons laws include 705 ILCS 405/5-407, 720 ILCS 5/24-9; 725 ILCS 5/110-4, 5/110-10 (firearms in schools); 720 ILCS 5/24-1.2, 5/24-3 (discharge of firearm ~~and unlawful delivery or sale of a firearm~~ near school); 705 ILCS 405/5-130, 405/5-805 (minor 15 years or older who commits aggravated battery with a firearm at school is tried as an adult).

⁷ See e.g., 720 ILCS 5/2-19.5, 5/16-1, 5/18-1, 5/19-1, 21-1, and 5/21-1.3 (property damage penalties).

⁸ See e.g., 720 ILCS 5/21-1.01, 21-1.3.

⁹ See e.g., 720 ILCS 5/11-9.3 (presence within school zone by child sex offenders prohibited), 5/11-14 (prostitution), 5/11-15 (repealed), and 5/11-18 (patronizing a prostitute); 720 ILCS 5/21-11 (soliciting students to commit illegal act).

¹⁰ Required by 105 ILCS 5/10-20.5b and 410 ILCS 82/1 *et seq.* Federal law prohibits smoking inside schools (20 U.S.C. §6083); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

¹¹ See 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school) and 410 ILCS 705, added by P.A. 101-27. See also the discussion in f/n 5 and 6 of policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*; this statement must be consistent with employee working conditions and employee conduct standards (see 5:120-AP2, *Employee Conduct Standards*).

¹² Each board and superintendent may want to engage in a conversation regarding how the district might partner with local law enforcement to enforce this policy and the penalties available under the Cannabis Regulation Tax Act, e.g., posting signs barring community members from bringing in weapons, alcohol, cannabis, tobacco, etc. Signage reminding visitors of the policy may make it easier for staff and/or local law enforcement to enforce.

10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*. **13**
11. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner). **14**
12. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board.
13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive. **15**
14. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding. **16**
15. Violate other District policies or regulations, or a directive from an authorized security officer or District employee.
16. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

Convicted Child Sex Offender **17**

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender is:

1. A parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending

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

13 Managing cannabis on district property and the school setting presents many unsettled and complex legal issues. To legally use medical cannabis in Illinois, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)). 410 ILCS 130/, amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis, including (a) in a school bus, (b) on the grounds of any preschool or primary or secondary school, or (c) in close physical proximity to anyone under the age of 18 years of age. 410 ILCS 130/30(a)(2), (3), and (4), amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20. However, *Ashley's Law*, 105 ILCS 5/22-33(b) and (g), added by P.A. 100-660, allows *designated caregivers* to administer medical cannabis infused products to students who are *registered qualifying patients* at school or on the school bus, and requires school boards to adopt a policy to implement the law unless the district would lose federal funding. See policy 7:270, *Administering Medicines to Students* and its f/n 20.

Remember that *Ashley's Law* requires the designated caregiver to remove the product from the school premises or the school bus after administering it to the student, so as a result, policy 7:270, *Administering Medicines to Students*, requires immediate removal of medical cannabis infused products after administering them to the student (see f/n 25 of that policy for further discussions).

14 See e.g., 720 ILCS 5/21.2-1 *et seq.* (interference with a public institution of education).

15 See e.g., 625 ILCS 5/11-605 (special speed limit zones). 625 ILCS 5/12-610.1(e), prohibits wireless telephone use while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes.

16 The pivotal question in a negligence case is whether the defendant acted reasonably. A ban on roller-blading demonstrates that the district took reasonable steps to reduce the risk of injury.

17 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*); Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, *Safety*; and administrative procedure 4:175-API, *Criminal Offender Notification Laws; Screening*.

conferences to discuss other student issues concerning his or her child such as retention and promotion; or

2. Has permission to be present from the Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.

Exclusive Bargaining Representative Agent 18

Upon notifying the Building Principal's office, a Authorized agents of an exclusive bargaining representative will be provided reasonable access to employees in the bargaining unit they represent in accordance with State law. Such access shall be conducted in a manner that will not impede the normal operations of the District. ~~upon notifying the Building Principal's office, may meet with a school employee (or group of employees) in the school building during duty free times of such employees.~~

Enforcement

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act.¹⁹ The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from school property. The person is also subject to being denied admission to school events or meetings for up to one calendar year. ²⁰

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

¹⁸ 105 ILCS 5/~~24-24~~ and 24-25; 115 ILCS 5/3(c), added by P.A. 101-620. -If a provision contained in a collective bargaining agreement addresses this issue, it will supersede this policy for those covered employees. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement." For employees whose collective bargaining agreement does not address this subject not covered, the policy should reflect the board's current practice. Duty-free time is used to provide a district with discretion about whether preparation time, etc. may be used.

Consult the board attorney about this subhead. It is an item on which collective bargaining may be required. Any policy that impacts wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Amend the language to reflect what is recommended by the board attorney.

The School Code permits bargaining representatives to meet with employees during duty-free time upon notice to the school office. The Ill. Educational Labor Relations Act, amended by P.A. 101-620, expanded the rights of access by bargaining representatives to also include meeting with employees during the employee work day if the meeting: (1) is to investigate and discuss grievances and workplace-related complaints (no time limit is specified) or (2) is with a newly hired employee within the first two weeks of employment (or on a later date if mutually agreed upon by the employee and bargaining representative) for one hour or less. In those circumstances, the district may not dock employee pay or charge leave time. 115 ILCS 5/3(c). However, the access must be "reasonable" and "shall at all times be conducted in a manner so as not to impede normal operations." Id. Consult the board attorney for guidance regarding specific requests and whether, if granted, they would impede normal operations, e.g., requests for access to staff while they are performing instructional or supervisory duties. Determining whether normal operations are impeded will likely depend upon the position and duties of the employee in the district.

¹⁹ Id.

Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain: ²¹

1. The date, time, and place of the Board hearing;
2. A description of the prohibited conduct;
3. The proposed time period that admission to school events will be denied; and
4. Instructions on how to waive a hearing. ²²

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

²⁰ See Nuding v. Cerro Gordo Community-Comm. Unit School-Sch. Dist., 313 Ill. App.3d 344 (4th Dist. 2000) (board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting); Jordan ex rel. Edwards v. O'Fallon Tp. High School-Sch. Dist., 302 Ill.App.3d 1070 (5th Dist. 1999) (105 ILCS 5/24-24 did not give a high school athlete the right, under the due process clause, to a notice and hearing before he could be suspended from participating in interscholastic athletics; the statute expands the schools' authority to ban people from attending school events for breaching conduct and sportsmanship code).

²¹ *Id.* For ease of administration, this text is broader than 105 ILCS 5/24-24, requiring a hearing for both *school events* and *meetings*. The court in Nuding (see f/n 20, above) did not specifically answer whether a board meeting qualified as a *school event* under 105 ILCS 5/24-24, but upheld the board's right to enforce conduct rules at its meetings under 105 ILCS 5/10-20.5.

For boards that wish to narrow the policy text to mirror 105 ILCS 5/24-24, delete the following text from the subhead and the first sentence of the policy:

Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events ~~or meetings~~ as provided in this policy, the person has a right to a hearing before the Board.

Consult the board attorney before deleting the above text, especially if the board has put the current text into practice and now plans to narrow it. This issue involves a balancing of a board's interest in the orderly transaction of its public business and the efficiency of its meetings against an individual's: (a) statutory rights attend meetings and/or comment to and ask questions of the board (105 ILCS 5/10-16 and 5 ILCS 120/2.06(g)) and (b) constitutional freedoms and rights of speech, the press, assembly, and to petition the government (U.S. Constitution, First Amendment and Ill. Constitution, Art. I, §§ 1, 2, 4, and 5).

If a violator is a student, the hearing should be held in a closed meeting. 5 ILCS 120/2(c)(9).

If, however, the violator is not a student, the hearing must be held in an open session.

²² The hearing requirement is for the violator's benefit and, consequently, the violator should be able to waive it.

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).
20 U.S.C. §7181 et seq., Pro-Children Act of 1994.
105 ILCS 5/10-20.5b, 5/22-33, ~~5/24-24~~, 5/24-25, and 5/27-23.7(a).
115 ILCS 5/3(c), Ill. Educational Labor Relations Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
430 ILCS 66/, Firearm Concealed Carry Act.
410 ILCS 705/, Cannabis Tax and Regulation Act.
720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270 (Administering Medicines to Students), 8:20 (Community Use of School Facilities)

Draft

Community Relations

Exhibit - Letter to Parent Regarding Visits to School by Child Sex Offenders



Date:

Dear Parent/Guardian:

Student's Name <i>(Please print)</i>	School
--------------------------------------	--------



The purpose of this letter is to help the school and District comply with the State law placing restrictions on child sex offenders' access to school property. See (720 ILCS 5/11-9.3). ~~It~~ State law prohibits a child sex offender from knowingly being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender: (1) is a parent/guardian of a student and the parent/guardian is: (a) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (b) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (c) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the Building Principal of his or her presence at the school; or (2) has permission to be present from the Superintendent or the School Board and the Superintendent or Board President have informed the Building Principal. A child sex offender present on school property must remain under the direct supervision of a school official. A child sex offender who violates these provisions of the law is guilty of a Class 4 felony.

Instructions for Child Sex Offenders

To lawfully visit school property, a child sex offender must complete 8:30-E2, *Child Sex Offender's Request for Permission to Visit School Property*. ~~This form must be completed~~ for each visit to school property.

Sincerely,

School Administrator



Community Relations

Exhibit - Child Sex Offender's Request for Permission to Visit School Property



If you are a child sex offender, you must complete this form to lawfully visit school property whenever students are present. After a decision is made ~~concerning your request~~, whether to grant or deny your request for permission to visit, a copy will be returned to you. This information will be kept in the District's main office as well as in the Building Principal's office where you are seeking permission to visit.

_____ Name (Please print)	_____ Address
_____ Signature	_____ Date
_____ School (Visit Location)	_____ Date of Visit

Complete the following if you are a parent/guardian of a student attending the above listed school.

I request permission to visit the school for the following reason(s):

- To attend a conference with school personnel to discuss the academic or social progress of my child.
- To participate in my child's review conference in which evaluation and placement decisions may be made with respect to my child regarding special education services.
- To attend a conference to discuss other student issues concerning my child such as retention and promotion.
- Other (Please be specific): _____

Complete the following if you are **not** a parent/guardian of a student who attends the school you are requesting to visit.

- I request permission to visit the school for the following reason(s) (Please be specific): _____

The following is to be completed by District personnel only:

- Permission Granted** **Permission Denied**

_____ Date	_____ Signature (Superintendent, Designee, or Board President)
---------------	---

Visit Supervision (To be completed by the staff member supervising the child sex offender)

Supervisor's Name (Please print) _____	
Visitor's Time In _____	Visitor's Time Out _____
_____ Date	_____ Supervisor's Signature

Draft

Unchanged

Community Relations

Gifts to the District 1

The School Board appreciates gifts from any education foundation, 2 other entities, or individuals. All gifts must adhere to each of the following:

1. Be accepted by the Board or, if less than \$500.00 in value, the Superintendent or designee.³ Individuals should obtain a pre-acceptance commitment before identifying the District, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt. ⁴
2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
3. Be consistent with the District's mandate to provide equal educational and extracurricular opportunities to all students in the District as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the District to provide equal treatment for members of both sexes to educational programing, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities. ⁵
4. Permit the District to maintain resource equity among its learning centers. ⁶
5. Be viewpoint neutral. The Superintendent or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property. ⁷

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

~~¹ State and federal law control this policy's content. 105 ILCS 5/16-1 grants authority to school boards to accept and manage gifts. Specifying the criteria for gifts in the board policy provides important information to potential donors and promotes a common understanding, uniform treatment, and adherence to legal requirements. ~~The statute provides that a~~Any gift to a school district or attendance center becomes ~~the~~-district property to be "held, managed, improved, invested or disposed of by such board in such manner as the board, in its discretion, sees fit..." ~~Id. According to this statute, w~~When a donor expresses an intention that a gift be used for a certain purpose, the board must "promote and carry into effect" that intention until the "board determines in its discretion that it is no longer possible, practical or prudent to do so." ~~Id.~~~~

~~² An education foundation can be an effective tool for collecting and donating financial and non-financial resources to a school district. An education foundation is a separate entity from the school district. In order to be exempt from federal income taxes and allow donors to deduct their donations, it must be organized as a tax-exempt organization, such as, under Section 501(c)(3) of the Internal Revenue Code.~~

~~³ The board may remove or amend ~~in any way~~ the value of a gift that the superintendent or designee is permitted to accept.~~

~~⁴ Well-intentioned people can raise funds in a variety of ways, e.g., putting donation jars in retail establishments, 50/50 drawings, and websites designed for fundraising like *GoFundMe*. Addressing fundraising by individuals in policy allows the board to manage donations and minimize liability in a manner consistent with its policies and legal requirements.~~

~~⁵ 20 U.S.C. §1681 et seq., Title IX of the Education Amendments, implemented by 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. See [Title IX Resource Guide, the April 2015 Title IX Resource Guide - U.S. Department of Education and the U.S. Dept. of Education Office for Civil Rights \(April 2015\)](#), at: [www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf](http://www.ed.gov/oea/www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf).~~

~~⁶ See policy 6:210, *Instructional Materials*.~~

6. Comply with all laws applicable to the District including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The District will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the District's property. The acceptance of a gift is not an endorsement by the Board, District, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift.⁸

LEGAL REF.: 20 U.S.C. §1681 *et seq.*, Title IX of the Education Amendments implemented by 34 C.F.R. Part 106.
105 ILCS 5/16-1.
23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional Materials), 7:10 (Equal Educational Opportunities)

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

⁷ The U.S. Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered when a donation comes with a message. Contact the board attorney for assistance. The second sentence is optional. Soliciting or receiving donor messages raises many complex legal and practical issues. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate against groups or individuals on the basis of their viewpoints. For more detailed explanations of viewpoint-neutrality and forum issues, see f/n 1 in policy 8:20, *Community Use of School Facilities*, and f/n 1 in policy 8:25, *Advertising and Distributing Materials in Schools Provided by Non-School Related Entities*.

A publicized procedure for reviewing donor messages according to pre-established viewpoint-neutral guidelines may limit misunderstandings or disputes with donors or other members of the public. Each board may want to discuss with the superintendent what expectations exist based upon the scope and scale of the donor message project, so that the superintendent can manage the expectations in the procedure. Consult the board attorney to assist with this process. Lastly, posting disclaimers informing members of the public that the donor messages incorporated into school property or placed upon school property are the personal expressions of individual donors and not the district's may avoid Establishment Clause arguments. For a more detailed discussion of the issues pertaining to excluding donor messages on school property and implementing procedures to review donor messages, see f/n 5 in policy 7:325, *Student Fundraising Activities*.

⁸ Examples of ways to recognize a gift include a letter of appreciation, mentioning the gift on the district or school website or publication, a shout-out at a public event, and a recognition plaque.

Community Relations

Public Suggestions and Concerns



The School Board is interested in receiving suggestions and concerns from members of the community. Any individual may make a suggestion or express a concern ~~at~~ by contacting any District or School office. Community members who e-mail the District or any District employee or board member are expected to abide by the standards in Board policy 6:235, *Access to Electronic Networks*, and should, to the extent possible, limit their communications to relevant individuals.¹ All suggestions and/or concerns will be referred to the appropriate level staff member or District administrator who is most able to respond in a timely manner. Each concern or suggestion shall be considered on its merit.

An individual who is not satisfied may file a grievance under Board policy 2:260, *Uniform Grievance Procedure*. The Board encourages, but does not require, individuals to follow the channels of authority prior to filing a grievance. Neither this policy nor the *Uniform Grievance Procedure* create an independent right to a hearing before the Board.

LEGAL REF.: 115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.

CROSS REF.: 2:140 (Communications To and From the Board), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 2:260 (Uniform Grievance Procedure), 3:30 (Chain of Command), 6:235 (*Access to Electronic Networks*), 6:260 (Complaints About Curriculum, Instructional Materials and Programs), 8:10 (Connection with the Community)

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

¹ The Ill. Educational Labor Relations Act requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14(c-5), added by P.A. 101-620. Policy 6:235, *Access to Electronic Networks*, states that the district's network, which includes its email system, is not a public forum for general use. Further, acceptable uses of the network by any party are limited to uses in support of education and/or research or for legitimate school business purposes. See policy 6:235, *Access to Electronic Networks*, at ¶n 6 for additional discussion. Including this statement also discourages school community members from engaging in the disruptive practice of mass cc'ing district staff who have no involvement in a particular issue.

5:330 Sick Days, Vacation, Holidays, and Leaves

The following chart summarizes the benefits for educational support personnel: *(effective July 1, 2019)*

Benefit	12-month support staff	Less than 12 month support staff
IMRF – employer rate set by IMRF *Current employer rate as of 06-15-15	*Employee pays 4.5% *Employer pays 10.14%	Same
Board-paid Single Insurance (Medical and Dental) or Contribution to 403B Annuity	*The amount of the Board contribution shall be equal to 90% of the monthly premium for single (employee only) coverage. 12-month staff selecting dependent coverage may apply this same dollar amount toward their respective premiums. The District will self-fund \$150 of the deductible and/or co-pay on the insurance coverage for the employee or covered family member. 12-month staff who opt not to participate in the medical insurance plan will be granted \$100 per month toward a hospital indemnity premium and/or annuity.	N/A
Life Insurance / Accidental Death	\$15,000	N/A
Sick Days *N/A for 8-week summer employees	13 days per year / accumulate per IMRF rule	10 days per year / accumulate per IMRF rule
Personal Leave	2 per year	1 per year
Bereavement Leave	3 per year	N/A
Vacation Days – begins at start of year 2 of employment	Beginning of year 2 – (10 days) Beginning of year 11 – (15 days) Beginning of year 21 – (20 days)	N/A
Holidays with pay unless waived in school calendar or indicated otherwise Holidays identified in policy 5:330 for 12 month employees that occur on a Saturday or Sunday will receive the day prior (Friday) or the day following (Monday) as a paid day off. Holidays that are waived in the calendar with school or a teacher institute being held will be handled as follows: November 11th Veteran's Day – Wednesday prior to Thanksgiving off with pay. February 12th Lincoln's Birthday – President's day off with pay. Casmir Pulaski Day – Good Friday off with pay.	<ul style="list-style-type: none"> • July 4 • Labor Day • Columbus Day • Veteran's Day (if waived, moved to day before Thanksgiving) • Thanksgiving Day • Day after Thanksgiving • Christmas Eve • Christmas Day • New Year's Eve • New Year's Day • Martin Luther King Day • Lincoln's Birthday (If waived, moved to President's Day) • Casimir Pulaski Day – (if waived, moved to Good Friday) • Memorial Day 	N/A

Sick and Bereavement Leave

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Vacation

Vacation days earned in one fiscal year must be used by the end of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

Holiday

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave

The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Principal 3 days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly.
2. School Visitation Leave.
3. Leaves for Victims of Domestic or Sexual Violence.
4. Child Bereavement Leave.
5. Leave to serve as an election judge

Contractual Control

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

LEGAL REF.:

20 ILCS 1805/30.1 et seq.

105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.

820 ILCS 147 and 180/.

820 ILCS 154/.

School Dist 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987); Elder v. Sch. Dist. No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:250 (Professional Personnel - Leaves of Absence)

ADOPTED: June 24, 2019

5:330 Sick Days, Vacation, Holidays, and Leaves

The following chart summarizes the benefits for educational support personnel: ~~(effective July 1, 2019~~
(effective July 1, 2020)

Benefit	12-month support staff	Less than 12 month support staff
IMRF – employer rate set by IMRF *Current employer rate as of 06-15-15	*Employee pays 4.5% *Employer pays 10.14%	Same
Board-paid Single Insurance (Medical and Dental) or Contribution to 403B Annuity	*The amount of the Board contribution shall be equal to 90% of the monthly premium for single (employee only) coverage. 12-month staff selecting dependent coverage may apply this same dollar amount toward their respective premiums. The District will self-fund \$150 of the deductible and/or co-pay on the insurance coverage for the employee or covered family member. 12-month staff who opt not to participate in the medical insurance plan will be granted \$100 per month toward a hospital indemnity premium and/or annuity.	N/A
Life Insurance / Accidental Death	\$15,000	N/A
Sick Days *N/A for 8-week summer employees	13 days per year / accumulate per IMRF rule	10 days per year / accumulate per IMRF rule
Personal Leave	2 per year	1 per year
Bereavement Leave	3 per year	N/A 2 per year
Vacation Days – begins at start of year 2 of employment	Beginning of year 2 – (10 days) Beginning of year 11 – (15 days) Beginning of year 21 – (20 days)	N/A
Holidays with pay unless waived in school calendar or indicated otherwise Holidays identified in policy 5:330 for 12-month employees that occur on a Saturday or Sunday will receive the day prior (Friday) or the day following (Monday) as a paid day off. Holidays that are waived in the calendar with school or a teacher institute being held will be handled as follows: November 11th Veteran's Day – Wednesday prior to Thanksgiving off with pay. February 12th Lincoln's Birthday – President's day off with pay. Casmir Pulaski Day – Good Friday off with pay.	<ul style="list-style-type: none"> • July 4 • Labor Day • Columbus Day • Veteran's Day (if waived, moved to day before Thanksgiving) • Thanksgiving Day • Day after Thanksgiving • Christmas Eve • Christmas Day • New Year's Eve • New Year's Day • Martin Luther King Day • Lincoln's Birthday (If waived, moved to President's Day) • Casimir Pulaski Day – (if waived, moved to Good Friday) • Memorial Day 	N/A

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an **licensed** advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a **licensed** physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Vacation

Vacation days earned in one fiscal year **are prorated accordingly** and must be used by the end of the following **each** fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

Holiday

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave

The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Principal 3 days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly.
2. School Visitation Leave.
3. Leaves for Victims of Domestic or Sexual Violence, **Sexual Violence, or Gender Violence**.
4. Child Bereavement Leave.
5. Leave to serve as an election judge

Contractual Control

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

LEGAL REF.:

20 ILCS 1805/30.1 et seq.

105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.

820 ILCS 147 and 180/.

820 ILCS 154/.

School Dist 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987); Elder v. Sch. Dist. No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:250 (Professional Personnel - Leaves of Absence)

ADOPTED: June 24, 2019 **TBD**

Area/Goals	Action Plans	Party Responsible	Timeline/Notes
<u>Student Achievement/Curriculum</u> •Utilize STAR universal screening data to develop individualized scaled reading and mathematics yearly growth goals •Analyze, review, and update the scope and sequence of the English Language Arts curriculum •Analyze, coordinate, and incorporate online curriculum resources into the mainstream educational program.	• Grade level teachers will analyze data and develop individualized scaled reading and mathematics yearly growth goals • A staff team will meet periodically throughout the year to analyze, review, and update the scope and sequence of the English Language Arts curriculum. • All staff will review existing online curriculum resources and analyze potential new resources. Principal will create a master list of resources.	• All Teachers • RtI Staff • Administration • ELA Staff Team • Teachers • Curriculum Coordinator • Administration • All Staff • Curriculum Coordinator • Administration	• December 15 th of each school year • Completed each year • June 15, 2020 • Significant progress (K-5 curriculum has been purchased and curriculum implementation is in progress) • June 15, 2019 • Completed, the process of updating is ongoing
<u>Programs and Services</u> •Determine viability of an on campus pre-school program	• Superintendent will contact ISBE for guidance on regulations related to a pre-school program. Superintendent will explore any available grants to assist with funding. Finance Committee will meet to review all information related to a new pre-school program.	• Superintendent • Finance Committee • Board of Education	• June 1, 2020 • Completed, viability of a program was not high for the District.
<u>Finance</u> •Maintain fiscal responsibility while identifying and developing long-term financial goals	• Yearly and monthly budgets will be prepared, presented, and analyzed. The Finance Committee will meet to develop recommendations for long-term financial goals.	• Bookkeeper • Superintendent • Finance Committee • Board of Education	• June 15, 2019 • Completed (Be a fiscally responsible school district while maintaining a balanced budget and consider allocating reserve funds in alignment with the priorities of the Master Capital Improvement Plan)
<u>Facilities</u> •Develop a strategic maintenance Plan •Develop a master capital improvement plan for facilities	• Superintendent will work with Director of Maintenance to develop a detailed inventory of the mechanical units. The Director of Maintenance and Mechanical Inc. will document current preventative maintenance strategies and techniques. Building and Grounds Committee will meet and develop plan. • A survey will be administered to staff and parents regarding facilities. Building and Grounds Committee will review survey results and identify short-term and long-term priorities and facility goals.	• Director of Maintenance • Custodial Team • Mechanical Inc. • Administration • Building and Grounds Committee • Board of Education • All Staff • Community Members • Director of Maintenance • Building and Grounds Committee • Board of Education	• June 1, 2019 • Completed, process is ongoing • June 1, 2020 • Internal plan completed, seeking professional plan)
<u>District/Community Relations</u> •Identify and solicit resources to enhance educational opportunities for our students •Utilize enterprise technology programs to enhance communication with the entire school community	•Administration will actively promote this goal. Principal will create a Symbaloo of available resources and a tracking system for resources utilized by the District. • Superintendent will create an online monthly video update. Research will occur to identify additional communication strategies and programs available to the District. The Technology Committee will meet to develop recommendations for enhancing communications.	• All Staff • Curriculum Coordinator • Administration • Administration • Technology Committee • Board of Education	• June 1, 2019 • Completed, update process is ongoing • June 1, 2019 • Significant progress (launched monthly Superintendent video, Facebook Live, and District App)

Updated 4/28/20



RANKIN REBELS

STRATEGIC GOALS

"Our School is a Great Place to Learn!"

Student Achievement & Curriculum:

Utilize STAR universal screening data to develop individualized scaled reading and mathematics yearly growth goals

Analyze, review, and update the scope and sequence of the English Language Arts curriculum

Analyze, coordinate, and incorporate online curriculum resources into the mainstream educational program

Programs and Services:

Determine viability of an on campus pre-school program

Finance:

Maintain fiscal responsibility while identifying and developing long-term financial goals

Facilities:

Develop a strategic maintenance plan

Develop a master capital improvement plan for facilities

District/Community Relations:

Identify and solicit resources to enhance educational opportunities for our students

Utilize enterprise technology programs to enhance communication with the entire school community

REBEL Mission: Empowering all students to reach their maximum potential and become productive, respectful, responsible and well-rounded citizens

REBEL Vision: Building the foundation of the future by engaging youth through rigorous and diverse educational opportunities