



## PUBLIC NOTICE

Pursuant to the provisions of the ILLINOIS OPEN MEETINGS ACT, notice is hereby given that the **HUMAN RESOURCES AND POLICY COMMITTEES** of the Board of Education of Lyons Township High School District 204 will meet on:

**TUESDAY, OCTOBER 13, 2020 - 7:00 AM**  
**LYONS TOWNSHIP HIGH SCHOOL DISTRICT 204**  
**ROOM 251 & VIRTUAL**  
**100 SOUTH BRAINARD AVENUE**  
**LA GRANGE, ILLINOIS 60525**

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## AGENDA

### **I. Human Resources Committee**

- A. Administrative and Certified Employment Recommendations 2
- B. Buildings and Grounds, Classified/Non-Contractual and ParaEducator  
Employment Recommendations 3
- C. Closed Session to Discuss Confidential Personnel Items, if needed

### **II. Policy Committee**

- A. District Policy Updates (PRESS Issues 102, 103, 104 and 105) - *2nd*  
*Reading* 4

BY ORDER OF  
MRS. ALISON KELLY AND  
MS. KARI DILLON, CHAIRPERSONS  
LYONS TOWNSHIP HIGH SCHOOL DISTRICT 204  
100 SOUTH BRAINARD AVENUE  
LA GRANGE, IL 60525

# LYONS TOWNSHIP HIGH SCHOOL



DISTRICT 204 OFFICES – 100 S. Brainard Ave., LaGrange, IL 60525-2101

• Tel: (708) 579-6456 • Fax: (708) 579-6454 • EMAIL: [epiotrowski@lths.net](mailto:epiotrowski@lths.net) • Website: [www.lths.net](http://www.lths.net)

**EDWARD M. PIOTROWSKI**  
Director of Human Resources

TO: Timothy B. Kilrea, Superintendent  
Board of Education

FROM: Edward M. Piotrowski, Director of Human Resources

DATE: October 19, 2020

RE: Administrative and Certified Employee Recommendations

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Please find below employment recommendations for administrative and certified employees:

- A. Employment.** We recommend the following employment.
1. **Krofl, Stephen**, Science – 0.5 FTE effective January 4, 2021
- B. Leaves of Absence.** We are recommending the following leaves of absence.
1. **Ameling, Amanda**, Social Studies, beginning February 14, 2021 through May 7, 2021
  2. **Crean, Jason**, Science, extension of original unpaid leave request through June 1, 2021
  3. **Paske, David**, Special Education, intermittent leave through December 18, 2020
- C. Retirement.** We are recommending the following retirement.
1. **Ewing Jane**, Music, effective December 18, 2020

## RECOMMENDATION

We recommend the Board approve the employment, leaves of absence and retirements as outlined above.

*Vita Plena*

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**EDWARD M. PIOTROWSKI**  
Director of Human Resources

TO: Timothy B. Kilrea, Superintendent  
Board of Education

FROM: Edward M. Piotrowski

DATE: October 19, 2020

RE: Buildings and Grounds, Classified/Non-Contractual, and ParaEducator  
Staff Employment Recommendations

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## **BACKGROUND**

Each month, we bring to the Board recommendations for employment, retirement, leaves of absence, resignations, etc., for the Buildings and Grounds, Classified/Non-Contractual, Classified/Non-Contractual Supervisors and Para Educator employees. Below, please find our October 19, 2020 recommendations for these employee groups.

### **I. Para Educators**

A. We recommend the Board of Education approve the following individual's leave of absence.

1. **Craggs, Mary**, Para Educator, effective October 15, 2020 through January 8, 2021.

## **RECOMMENDATION:**

We recommend that the Board approve the request for employment actions for the individual as noted above.

*Vita Plena*

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**EDWARD M. PIOTROWSKI**  
Director of Human Resources

TO: Board of Education

FROM: Edward M. Piotrowski, Director of Human Resources

DATE: October 19, 2020

RE: District Policy Updates (PRESS Issues 102, 103, 104 and 105) – 2<sup>nd</sup> Reading

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The District maintains its policies through the PRESS service provided by the Illinois Association of School Boards (IASB). We recently received several PRESS updates, and recommendations are outlined below. All policies to be reviewed are attached to this memorandum.

**Section 1.** The following policies include changes that are administrative in nature, including updates to legal references, terminology or the addition of new language as a result of amendments to existing laws. Such updates should not affect how the policies are interpreted.

**Policy 6:300, Graduation Requirements:** Language updates effective June 1, 2020, include the requirement that students complete a FAFSA application or ISBE waiver form to graduate. Note this policy was presented for a first reading in December 2019 and a second reading was held pending ISBE's implementation of the FAFSA Nonparticipation Form. A copy of the form is included with this memo for information purposes and is not made part of the policy. (PRESS 102)

**Policy 2:125, Board Member Compensation; Expenses:** The policy is updated in response to the Grant Accountability and Transparency Act. (PRESS 103)

**Policy 5:60, Expenses:** The policy is updated in response to the Grant Accountability and Transparency Act. (PRESS 103)

**Policy 5:150, Personnel Records:** Legal references are updated in response to the Freedom of Information Act. (PRESS 103)

**Policy 8:110, Public Suggestions and Concerns:** Legal references are updated in response to the Illinois Educational Labor Relations Act. (PRESS 103)

**Policy 2:220, School Board Meeting Procedure:** The policy and legal references are updated in response to amendments to the Open Meetings Act that allows participation of a quorum by audio or video during the issuance by the IDPH of a disaster declaration related to a public health emergency. (PRESS 104)

**Policy 7:40, Nonpublic School Students:** The policy is unchanged. Cross references are updated in response to a five-year review. (PRESS 104)

**Policy 7:340, Student Records:** Cross references are updated to include new Policy 7:345 (discussed below). (PRESS 104)

**Policy 5:220, Substitute Teachers:** Policy is updated to extend until June 30, 2021 the limit of days/hours a TRS annuitant can work as a substitute teacher in a school year. (PRESS 105)

**Section 2.** The following policies have been reviewed by our legal counsel, and the recommendations provided are excerpted from the September 4, 2020, memorandum provided by counsel.

**Policy 7:90, Release During School Hours (PRESS 103):** We recommend inclusion of the optional “voting” language so that the community has notice both of students’ right to the excusal and to the District’s ability to designate the appropriate times. For clarity, we recommend rephrasing the addition to state: “Any student entitled to vote in a general, primary, 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 during the school day to vote beginning the 15<sup>th</sup> day before such an election through the day of the election. The Superintendent or designee shall specify the hours during which eligible students may be absent to vote.” We also recommend adding the same language to the student handbook.

**Policy 4:180, Pandemic Preparedness; Management; and Recovery (PRESS 104):** The recommended revisions on the attached redlined version of the policy are as follows:

- The recommended change to the introductory paragraph more narrowly frames the District’s role in a pandemic.
- The recommended change to the second paragraph more closely follows the CDC definition of pandemic.
- The recommended change to the third paragraph focuses the expectation of the Superintendent or designee to learn about how the levels of government impact the District.
- The section “Board Meeting Procedure” refers to Policy 2:220 governing board meetings by video or audio conference without the physical presence of a quorum. (Note this policy is updated as outlined in Section 1, above.)

**Policy 7:345, Protection of Student Personal Information Online (PRESS 104):** This is a new policy to comply with amendments to the Student Online Personal Protection Act (SOPPA), which go into effect on July 1, 2021.

**Section 3.** The following policies relate to recent amendments to Title IX regulations (PRESS 105):

**Policy 2:265, Title IX Sexual Harassment Grievance Procedure:** This is a new policy to comply with Title IX implementing regulations. It is also recommended the administration review corresponding procedures to assist with implementation of this policy and compliance with new Title IX rules.

The following policies were reviewed by legal counsel and recommended changes incorporate new Policy 2:265 noted above and align to Title IX implementing regulations.

- **Policy 5:20, Workplace Harassment Prohibited**
- **Policy 7:20, Harassment of Students Prohibited**

In addition, the following policies are updated with minor language changes and references related to new Policy 2:265 noted above:

- **Policy 2:260, Uniform Grievance Procedure**
- **Policy 5:10, Equal Employment Opportunity and Minority Recruitment**
- **Policy 5:100, Staff Development Program**
- **Policy 7:10, Equal Educational Opportunities**
- **Policy 7:180, Prevention of and Response to Bullying, Intimidation and Harassment**
- **Policy 7:185, Teen Dating Violence Prohibited**

### RECOMMENDATION

We recommend the District policies listed above and attached to this memorandum be adopted as presented.

# Document Status: Draft Update

## INSTRUCTION

### 6:300 Graduation Requirements

To graduate from high school, unless otherwise exempted, each student is responsible for:

1. Completing all District graduation requirements that are in addition to the State requirements.
2. Completing all courses as provided in the School Code, [105 ILCS 5/27-22](#).
3. Completing all minimum requirements for graduation as specified by Illinois State Board of Education rule, [23 Ill.Admin.Code §1.440](#).
4. Passing an examination on patriotism and principles of representative government, proper use of the flag, methods of voting, and the Pledge of Allegiance. Beginning with the class of 2020, successful completion of the state civics coursework requirement will substitute for the examination.
5. Participating in State assessments that are required for graduation by the School Code, 105 ILCS 5/2-3.64a-5(c).
6. Beginning with the 2020-2021 school year, filing one of the following: (1) a Free Application for Federal Student Aid (FAFSA) with the U.S. Dept. of Education, (2) an application for State financial aid, or (3) an Ill. State Board of Education (ISBE) waiver form indicating that the student understands what these aid opportunities are and has chosen not to file an application. If the student is not at least 18 years of age or legally emancipated, the student's parent/guardian must file one of these documents on the student's behalf.

A student is exempt from this requirement if: (1) the student is unable to file a financial aid application or an ISBE waiver due to extenuating circumstances, (2) the Building Principal attests the District made a good faith effort to assist the student or the student's parent/guardian with filing a financial aid application or an ISBE waiver form, and (3) the student has met all other graduation requirements. [PRESSPlus1](#)

The Superintendent or designee is responsible for:

1. Maintaining a description of all course offerings that comply with the above graduation requirements.
2. Notifying students and their parents/guardians of graduation requirements.
3. Developing the criteria for #4 above.
4. Complying with State law requirements for students who transfer during their senior year because their parent(s)/guardian(s) are on active military duty. This includes making reasonable adjustments to ensure graduation if possible, or efforts to ensure that the original (transferor) school district issues the student a diploma.
5. Taking all other actions needed or necessary to implement this policy.

As a requirement for graduation and the granting of a diploma from Lyons Township High School, each student must earn twenty three (23) Carnegie Unit credits and successfully complete the following courses.

**Prior to the Class of 2020**

Subject Area/Course	Required Credits (Prior to the Class of 2020)
Consumer Education	1/2 (.5)
Creative Arts <sup>1</sup>	1 (1.0)
Driver Education <sup>2</sup>	1/2 (.5)
English	4 (4.0)
Health Education	<sup>7</sup> 1/2 (.5)

Mathematics	3 (3.0)
Physical Education	3 1/2 (3.5)
Practical Arts <sup>3</sup>	1 (1.0)
Science	2 (2.0)
United States History 1 (1.0)	1 (1.0)
World History 1 (1.0)	1 (1.0)
Other Social Studies	1/2 (.5)
Electives	4 1/2 (4.5)
<b>TOTAL 23 (23.0)</b>	

**Beginning with the Class of 2020**

Subject Area/Course	Required Credits <del>(Beginning with the Class of 2020)</del>
Consumer Education	1/2 (.5)
Creative Arts <sup>4</sup>	1 (1.0)
Driver Education <sup>5</sup>	1/2 (.5)
English	4 (4.0)
Health Education	1/2 (.5)
Mathematics	3 (3.0)
Physical Education	3 1/2 (3.5)
Science	2 (2.0)
United States History	1 (1.0)
<del>The change to creative and practical arts is indicated here. Civics has also replaced the "Other Social Studies" elective from the adjacent column.</del>	
World History 1 (1.0)	1 (1.0)
Civics	1/2 (.5)
Creative Arts	>1 (1.0) <sup>6</sup>
<del>The change to creative and practical arts is indicated here. Civics has also replaced the "Other Social Studies" elective from the adjacent column.</del>	
Practical Arts <sup>7</sup>	
Additional Electives	8 5 1/2 (5.5)
<b>TOTAL 23 (23.0)</b>	

In addition to twenty three (23) Carnegie Unit credits required for graduation, each student must earn u-passing grade on a test covering the Constitutions of the State of Illinois and the United States or, beginning with the class of 2020, pass the designated civics course. Each student is also required to participate in any mandated State assessments.

### Early Graduation

The Superintendent or designee shall implement procedures for students to graduate early, provided they finish seven semesters of high school and meet all graduation requirements.

### Certificate of Completion

A student with a disability who has an Individualized Education Program prescribing special education, transition planning, transition services, or related services beyond the student's four years of high school, qualifies for a certificate of completion after the student has completed four years of high school. The student is encouraged to participate in the graduation ceremony of his or her high school graduation class. The Superintendent or designee shall provide timely written notice of this requirement to children with disabilities and their parents/guardians.

### Veterans of World War II, the Korean Conflict, or the Vietnam Conflict Service Member Diploma PRESSPlus2

Upon application, The District will award a diploma to a service member who was killed in action while performing active military duty with the U.S. Armed Forces or an honorably discharged veteran of World War II, the Korean Conflict, or the Vietnam Conflict will be awarded a diploma, provided that he or she (1) resided within an area currently within the District at the time he or she left high school, (2) left high school before graduating in order to serve in the U.S. Armed Forces, and (3) has not received a high school diploma.

### LEGAL REF.:

[105 ILCS 5/2-3.64a-5, 5/22-27, 5/27-3, 5/27-22, and 5/27-22.10.](#)

[105 ILCS 70/](#), Educational Opportunity for Military Children Act.

[23 Ill.Admin.Code §1.440.](#)

CROSS REF.: 6:30 (Organization of Instruction), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

Adopted: May 21, 2018

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### PRESSPlus Comments

PRESSPlus 1. 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-180, eff. 6-1-20. See 6:300-E3, *Form for Exemption from Financial Aid Application Completion*, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 102, October 2019**

PRESSPlus 2. Optional. 105 ILCS 5/22-27, amended by P.A. 101-131. See 6:300-E1, *Application for a Diploma for a Service Member Killed in Action or for Veterans of WWII, the Korean Conflict, or the Vietnam Conflict*, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 102, October 2019**

### PRESS Footnotes

1. <sup>1</sup>Creative Arts: one (1) credit selected from Music, Visual Arts, Speech/Theatre, and/or Dance Studies.

2. <sup>2</sup>Driver Education: per State law, only the classroom phase must be passed. If a student satisfies the Driver Education requirement through an approved, off-site program, then this requirement and 1/2 (.5) credit requirement will have been deemed waived.

3. <sup>3</sup>Practical Arts: one (1) credit selected from Family and Consumer Sciences, Applied Technology, and/or Business

Education.

4. <sup>1</sup>Creative Arts: one (1) credit selected from Music, Visual Arts, Speech/Theatre, and/or Dance Studies.
5. <sup>2</sup>Driver Education: per State law, only the classroom phase must be passed. If a student satisfies the Driver Education requirement through an approved, off-site program, then this requirement and 1/2 (.5) credit requirement will have been deemed waived.
6. <sup>4</sup>Beginning with the class of 2020, students must choose 1 Carnegie Unit from a pool of designated creative and practical arts courses.
7. <sup>3</sup>Practical Arts: one (1) credit selected from Family and Consumer Sciences, Applied Technology, and/or Business Education.



# Illinois State Board of Education

## FAFSA Nonparticipation Form

Starting in school year 2020-21, to receive a diploma from a public high school a student must complete the Free Application for Federal Student Aid (FAFSA®)<sup>1</sup> or, if applicable, the Alternative Application for Illinois Financial Aid<sup>2</sup>. Local school district staff must provide support and assistance to students and parents/guardians in the application process. Additional assistance with completing an application is available from the Illinois Student Assistance Commission<sup>3</sup>.

Alternatively, a parent/guardian must file a waiver if they choose to opt a child out of this graduation requirement by completing this Nonparticipation form; students who are at least 18 years of age or legally emancipated may complete the form themselves. If you wish to opt yourself or your student out of the Financial Aid Application graduation requirement, please complete this form and return it to your local high school counselor by the date established at your local school district.

School Name:	
School District Name:	
Student Name:	Birth Date:
Parent or Legal Guardian Name:	
Home Address:	City, State, & Zip:
Phone Number:	Email:

**I have read the information on the reverse, I understand what the FAFSA and Alternative Application for Illinois Financial Aid are, and I choose not to submit a completed financial aid application. I certify that I am the parent or legal guardian of the student listed above, or I am the student and I am either at least 18 years of age, or a legally emancipated minor.**

Please check here if you agree to the statement in bold above: Yes

Print Name:	Date:
Signature:	

<sup>1</sup> Illinois School Code (105 ILCS 5/22-85)

<sup>2</sup> **Most students should file the FAFSA ([fafsa.gov](https://fafsa.gov)).** For details on who is eligible to file the Alternative Application, see <https://www.isac.org/students/before-college/financial-aid-planning/retention-of-illinois-rise-act/>

<sup>3</sup> See <https://www.isac.org/students/> for more resources

## Frequently Asked Questions about the Free Application for Federal Student Aid (FAFSA™)

**“What is the FAFSA?”** The Free Application for Federal Student Aid (FAFSA) is the online application that allows a student to apply simultaneously for federal student aid (including the Pell Grant, work-study opportunities, and federal student loans) and the Illinois Monetary Award Program (MAP) grant. Many colleges and universities use it for their aid programs, too. The Alternative Application for Illinois Financial Aid is a similar application that provides a path for some students who do not qualify for federal aid to apply for state and school-funded assistance. The maximum state MAP grant for the 2020-21 school year is \$5,340. The maximum federal Pell grant for the 2020-21 school year is \$6,345.

**“Isn’t the application too long and difficult to complete?”** Most applicants complete the FAFSA in about 30 minutes. If you have questions, talk to your school counselor. Help is also available for FREE from the Illinois Student Assistance Commission ([studentportal.isac.org](http://studentportal.isac.org)).

**“If I want to learn a trade, can the FAFSA still be of assistance to me?”** The FAFSA isn’t just for associate’s or bachelor’s degree programs! Students can receive need-based Pell grants, federal student loans, and other federal student aid for technical, trade, and vocational programs at community colleges and at many other schools and training programs. Students can check with the school they want to attend or use the federal government’s online College Navigator tool to find out which institutions participate in the programs: <https://nces.ed.gov/collegenavigator/>

**“Does my family make too much money to benefit from the FAFSA?”** Financial aid is left on the table every year by students who didn’t apply because they erroneously thought they were ineligible. You really don’t know until you apply! Income and assets are factors in determining your eligibility, but so are things like the number of students in the family who are in school and the age of the parent(s). For students from families that **do** make too much to qualify for need-based grant aid, the FAFSA can still be helpful, since it’s needed for work-study, an AIM HIGH grant from one of our public universities, or a federal student loan (usually at competitive rates and with more borrower protections than private loans, including options for income-based repayment and forgiveness programs for some careers). Your college may offer aid based on your FAFSA info too, and your eligibility may be different depending on your school. Additionally, some scholarship programs use information from the FAFSA as part of the application process. As most financial aid is awarded in date order based on FAFSA filing date, it is a very good idea to complete the FAFSA as early as possible. This “place in line” can be used for opportunities that come up later, and also can be used if family financial circumstances suddenly change.

**“What if I don’t want a student loan?”** Filing the application **doesn’t** commit you to anything. You’ll just find out whether you might be eligible for aid!

**“How is FAFSA data protected?” I don’t want my information sold, and I don’t want my school to have it.”** By law, your personally identifiable Information (PII) in the FAFSA can only be used in furtherance of administering financial aid, including research. Although your high school will know whether you completed the FAFSA, it will not have access to the information that you provide on your FAFSA.

**“If I choose to file an application, how will I know that my application is complete?”** Once you submit the FAFSA or the Alternative Application for Illinois Financial Aid, you will receive a confirmation of receipt at the email address you provided in the application. This will allow you to demonstrate that you’ve met the requirement of filing an application even if there are circumstances that will need to be addressed with the college/university’s financial aid office later.

## *Document Status: Draft Update*

### **SECTION 2 -BOARD OF EDUCATION**

#### **2:125 Board Member Expenses**

##### **Board Member Compensation Prohibited**

Board of Education 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**

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**

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the District by resolution. No later than approval of the annual budget and when necessary, the Superintendent will recommend a maximum allowable reimbursement amount for expenses to be included in the resolution. The recommended amount should be based upon the District's budget and other financial considerations.

Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the Board member, (2) anyone's personal expenses, or (3) entertainment expenses. 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.

##### **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.

##### **Advancements**

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

1. Meetings sponsored by the Illinois State Board of Education or by the appropriate Intermediate Service Center;
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 expense advancement not used. 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). 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 expenses 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

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

### Standardized Expense Form(s) Required

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.
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. Copies of airline tickets and baggage receipts must be attached to the expense form. Q1
  - 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 amount set by the Board. 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 [PRESSPlus1](#)

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)

ADOPTED: February 20, 2018

**Questions and Answers:**

\*\*\*Required Question 1. This optional language reflects the standard for expenses permitted for federal and State grants. 41 C.F.R. §301-12.2.

Does the Board reimburse baggage fees?

- Yes (default)
  - No (IASB will remove the sentence regarding checked bag reimbursement and the text "and baggage receipts.")
- 

**PRESSPlus Comments**

PRESSPlus 1. Required by the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/130. Boards are required to follow this subhead, policy 5:60's subhead Additional Requirements for Travel Expenses Charged to Federal and State Grants, and 5:60-AP (available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com)) when they use grant money to reimburse Board member travel expenses charged to federal pass-through grants and State grants covered by GATA.

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. See policy 5:60 and the **PRESS** Update Memo for more information.

**Issue 103, March 2020**

## ***Document Status: Draft Update***

### **General Personnel**

#### **5:60 Expenses**

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution. Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee, (2) anyone's personal expenses, or (3) entertainment expenses. 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. 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. 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:

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.
3. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended.
4. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended.

#### **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, provided they fall below the maximum allowed in the Board's expense regulations.

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. Any portion of an expense advancement not used must be returned to the District. 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.

Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses 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)**

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.

#### **Registration**

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:

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. Copies of airline tickets and baggage receipts must be attached to the expense form. Q1
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. 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.

### Additional Requirements for Travel Expenses Charged to Federal and State Grants [PRESSPlus1](#)

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

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.
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy.
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official travel status for more than 12 hours. However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours.
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.
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.
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. 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. 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. 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.

8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved. The Board does not reimburse employees for collision damage waiver or theft insurance.
9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

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)

Adopted: February 19, 2019

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### Questions and Answers:

\*\*\*Required Question 1. This optional language reflects the standard for expenses permitted for federal and State grants. 41 C.F.R. §301-12.2.

Does the Board reimburse baggage fees?

Yes (default)

No (IASB will remove the sentence regarding checked bag reimbursement and the text "and baggage receipts.")

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### PRESSPlus Comments

PRESSPlus 1. Required by the Grant Accountability and Transparency Act, 30 ILCS 708/130. Boards are required to follow this subhead and 5:60-AP (available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com)) when they use grant money to reimburse employee travel expenses charged to federal pass-through grants and State grants covered by GATA.

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, *Board Member Estimated Expense Approval Form*, can be used as a form for pre-approval. See the footnotes of policy 5:60, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com), and the PRESS Update Memo for more information.

Issue 103, March 2020

## *Document Status: Draft Update*

### General Personnel

#### **5:150 Personnel Records**

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. 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.

All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*.

An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. No one else may have access to an employee's personnel files and personal information except for: (1) a supervisor or management employee who has an employment or business-related reason to inspect the record, or (2) anyone who has the employee's written consent.

LEGAL REF.:

~~325 ILCS 5/4. Abused and Neglected Child Reporting Act.~~ [PRESSPlus1](#)

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 Public Records), 7:340 (Student Records)

~~ADOPTED: January 21, 2014~~

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#### **PRESSPlus Comments**

PRESSPlus 1. The Legal References are updated. **Issue 103, March 2020**

## *Document Status: Draft Update*

### **COMMUNITY RELATIONS**

#### **8:110 Public Suggestions and Concerns**

The Superintendent shall be responsible for establishing procedures for responding promptly to questions and concerns by the public. The procedures shall include, but not be limited to, the identification of resource personnel whom citizens can call for the prompt answering of questions and the resolution of problems and a procedure for the resolution of questions and concerns when informal methods are not productive.

**LEGAL REF.:** [PRESSPlus1](#)

**115 ILCS 5/14(c-5). III. Educational Labor Relations Act.**

**CROSS REF.:** 2:140 (Communications To and From the Board), 2:230 (Public Participation at Board of Education Meetings and Petitions to the Board), 2:260 (Uniform Grievance Procedure), 3:30 (Chain of Command), 6:260 (Complaints About Curriculum, Instructional Materials and Programs), 8:10 (Connection with the Community)

**ADOPTED:** January 21, 2014

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#### **PRESSPlus Comments**

PRESSPlus 1. The Legal References have been updated. **Issue 103, March 2020**

## Document Status: Draft Update

### SECTION 2 -BOARD OF EDUCATION

#### **2:220 Board of Education Meeting Procedure**

##### Agenda

The Board of Education President is responsible for focusing the Board meeting agendas on appropriate content. The Superintendent shall prepare agendas in consultation with the Board President. The agenda must set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting. The President shall designate a portion of the agenda as a consent agenda for those items that usually do not require extensive discussion before Board action. Upon the request of any Board member, an item will be withdrawn from the consent agenda and placed on the regular agenda for independent consideration.

Any Board member may submit suggested agenda items to the Board President for his or her consideration. Items may be added to the agenda at the beginning of a regular meeting; no action will be taken on such items.

The Superintendent shall provide a copy of the agenda, with adequate data and background information, to each Board member at least 48 hours before each meeting, except a meeting held in the event of an emergency. The meeting agenda shall be posted in accordance with Board policy 2:200, *Types of Board of Education Meetings*.

The Board President shall determine the order of business at regular Board meetings. Upon consent of a majority of members present, the order of business at any meeting may be changed.

##### Voting Method

Unless otherwise provided by law, when a vote is taken upon any measure before the Board, with a quorum being present, a majority of the votes cast shall determine its outcome. . A vote of "abstain" or "present," or a vote other than "yes" or "no," or a failure to vote, is counted for the purposes of determining whether a quorum is present. A vote of "abstain" or "present," or a vote other than "yea" or "nay," or a failure to vote, however, is not counted in determining whether a measure has been passed by the Board, unless otherwise stated in law. The sequence for casting votes is rotated.

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board's minutes. An individual Board member may request that a roll call vote be taken on any other matter; the President or other presiding officer may approve or deny the request but a denial is subject to being overturned by a majority vote of the members present.

##### Minutes

The Recording Secretary shall keep written minutes of all Board meetings (whether open or closed), which shall be signed by the President and the Secretary. The minutes include:

1. The meeting's date, time, and place;
2. Board members recorded as either present or absent;
3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
4. On all matters requiring a roll call vote, a record of who voted "yes" and "no";
5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting, and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act (OMA) authorizing the closed meeting;
7. A record of all motions, including individuals making and seconding motions;
8. The type of meeting, including any notices and, if a reconvened meeting, the original meeting's date.

The minutes shall be submitted to the Board for approval or modification at its next regularly scheduled open meeting. Minutes for open meetings must be approved within 30 days after the meeting or at the second subsequent regular meeting, whichever is later.

At least semi-annually in an open meeting, the Board: (1) reviews minutes from all closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require confidential treatment and are available for public inspection. The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for

public release.

The Board's meeting minutes must be submitted to the Board Treasurer at such times as the Treasurer may require.

The official minutes are in the custody of the Board Secretary. Open meeting minutes are available for inspection during regular office hours within 10 days after the Board's approval; they may be inspected in the District's main office, in the presence of the Secretary, the Superintendent or designee, or any Board member.

Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection, except that Board members may access closed session minutes not yet released for public inspection (1) in the District's administrative offices or their official storage location, and (2) in the presence of the Recording Secretary, the Superintendent or designated administrator, or any elected Board member. The minutes, whether reviewed by members of the public or the Board, shall not be removed from the District's administrative offices or their official storage location except by vote of the Board or by court order.

The Board's open meeting minutes shall be posted on the District website within 10 days after the Board approves them; the minutes will remain posted for at least 60 days.

#### Verbatim Record of Closed Meetings

The Superintendent, or the Board Secretary when the Superintendent is absent, shall audio record all closed meetings. If neither is present, the Board President or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location. The Superintendent shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed meeting, and (2) a secure location for storing closed meeting audio recordings is maintained within the District's main office.

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: (1) its destruction, and (2) minutes of the particular closed meeting.

Individual Board members may access verbatim recordings in the presence of the Recording Secretary, the Superintendent or designated administrator, or any elected Board member. Access to the verbatim recordings is available at the District's administrative offices or the verbatim recording's official storage location. Requests shall be made to the Superintendent or Board President. While a Board member is listening to a verbatim recording, it shall not be re-recorded or removed from the District's main office or official storage location, except by vote of the Board or by court order.

Before making such requests, Board members should consider whether such requests are germane to their responsibilities, service to District, and/or Oath of Office in policy 2:80, *Board Member Oath and Conduct*. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

#### Quorum and Participation by Audio or Video Means

A quorum of the Board must be physically present at all Board meetings. A majority of the full membership of the Board constitutes a quorum.

Provided a quorum is physically present, a Board member may attend a meeting by audio conference if he or she is prevented from physically attending because of: (1) personal illness or disability, (2) employment or District business, or (3) a family or other emergency. If a member wishes to attend a meeting by video or audio means, he or she must notify the recording secretary or Superintendent at least 24 hours before the meeting unless advance notice is impractical. The recording secretary or Superintendent will inform the Board President and make appropriate arrangements. A Board member who attends a meeting by audio or video means, as provided in this policy, may participate in all aspects of the Board meeting including voting on any item.

#### No Physical Presence of Quorum and Participation by Audio or Video: Disaster Declaration <sup>PRESSPlus1</sup>

The ability of the Board to meet in person with a quorum physically present at its meeting location may be affected by the Governor or the Director of the Ill. Dept. of Public Health issuing a disaster declaration related to a public health emergency. <sup>PRESSPlus2</sup> The Board President or, if the office is vacant or the President is absent or unable to perform the office's duties, the Vice President determines that an in-person meeting or a meeting conducted under the **Quorum and Participation by Audio or Video Means** subhead above, is not practical or prudent because of the disaster declaration. If neither the President nor Vice President are present or able to perform this determination, the Superintendent shall serve as the duly authorized designee for purposes of making this determination. <sup>PRESSPlus3</sup>

The individual who makes this determination for the Board shall put it in writing, include it on the Board's published notice and agenda for the audio or video meeting and in the meeting minutes. <sup>PRESSPlus4</sup> and ensure that the Board meets every OMA requirement for the Board to meet by video or audio conference without the physical presence of a quorum. <sup>PRESSPlus5</sup>

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use Robert's Rules of Order, Newly Revised (11th Edition), as a guide when a question arises concerning procedure.

### Broadcasting and Recording Board Meetings

Any person may record or broadcast an open Board meeting. Special requests to facilitate recording or broadcasting an open Board meeting, such as seating, writing surfaces, lighting, and access to electrical power, should be directed to the Superintendent at least 24 hours before the meeting.

Recording meetings shall not distract or disturb Board members, other meeting participants, or members of the public. The Board President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

### LEGAL REF.:

5 ILCS 120/2a, 120/2.02, 120/2.05, ~~and 120/2.06~~ and 120/7.

105 ILCS 5/10-6, 5/10-7, 5/10-12, and 5/10-16.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:150 (Committees), 2:200 (Types of School Board Meetings), ~~2:150 (Committees)~~, 2:210 (Organizational Board of Education Meeting), 2:230 (Public Participation at Board of Education Meetings and Petitions to the Board)

Adopted: January 21, 2020

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### **PRESSPlus Comments**

PRESSPlus 1. 5 ILCS 120/2.01 and 120/7(e)(1)-(10), amended by P.A. 101-640. See also 105 ILCS 5/10-6 and 5/10-12. During the 2020 COVID-19 pandemic, Ill. Gov. Pritzker issued Executive Order (EO) 2020-07 pursuant to 20 ILCS 3305/7 (disaster proclamation due to public health emergency) that temporarily suspended OMA's physical quorum requirement. The Governor extended this OMA relief through subsequent Executive Orders as the crisis continued. See EOs 2020-18, 2020-33, and 2020-39. During the period covered by EO 2020-39, 5 ILCS 120/7(e), amended by P.A. 101-640 was enacted, immediately requiring public bodies to meet a number of conditions before suspending the physical quorum requirement.

Boards must remember that public comment is still required when a quorum is not physically present at the meeting location. See Public Comment section of the Ill. Atty. Gen.'s guidance entitled *Guidance to Public Bodies on the Open Meetings Act and the Freedom of Information Act During the COVID-19 Pandemic* on p. 5 at: [www.foia.ilattorneygeneral.net/pdf/OMA\\_FOIA\\_Guide.pdf](http://www.foia.ilattorneygeneral.net/pdf/OMA_FOIA_Guide.pdf). **Issue 104, June 2020**

PRESSPlus 2. The phrase "due to public health emergency" aligns with Ill. Emergency Act (IEMA), 20 ILCS 3305/4 and 7, which provides the governor with the power to declare a disaster. 5 ILCS 120/7(e)(1), amended by P.A. 101-640, uses the phrase "related to public health concerns because [the governor has declared] a disaster" and while not aligning with IEMA text, means "public health emergency." For ease of understanding and alignment with IEMA, this policy uses "public health emergency."

To avoid confusion, note that the triggers under 5 ILCS 120/7(e), amended by P.A. 101-640, for when a school board may conduct its meetings by audio or video conference without the physical presence of a quorum are a bit more broad than the School Code's triggers to implement remote and/or blended remote learning days (RLD/BRLDs). OMA states (1) the "governor or the director of IDPH has issued a disaster declaration of a disaster as defined in 20 ILCS 3305/ ... ." This means that it is possible for the board to meet remotely if the director of IDPH declares a disaster under OMA, but that may not mean a district must implement RLD/BRLDs because the School Code states that the governor must declare the disaster. **Issue 104, June 2020**

PRESSPlus 3. 5 ILCS 120/7(e)(2), amended by P.A. 101-640 states "the head of the public body as defined in [the Freedom of Information Act (FOIA), 5 ILCS 140/2(e), FOIA]." FOIA defines *head of the public body* to mean the *president* or "such person's duly authorized designee." 5 ILCS 140/2(e). Policy 2:110, *Qualifications, Term, and Duties of Board Officers*, designates the vice president to perform the duties of the president if that office is vacant or he or she is absent or unable to perform the office's duties.

For practical purposes if a disaster is declared due to a public health concern, this policy designates the superintendent as "[the president or vice president's] duly authorized designee" pursuant to the authority of 5 ILCS 140/2(e) for the board to move forward with the required determination to meet by audio or video with no physical presence of a quorum. **Issue 104, June 2020**

PRESSPlus 4. While this phrase of the sentence is not required by OMA, many attorneys agree that transparency best practices

in this situation include the individual making the determination to: (1) put it in writing referring to the specific disaster declaration applicable to the board's jurisdiction and the public health concern/public health emergency that applies to not having an in-person meeting; and (2) include that written determination (a) on the board's published notice and agenda for the audio or video meeting, and (b) in the meeting minutes. **Issue 104, June 2020**

PRESSPlus 5. See 2:220-E9, *Requirements for No Physical Presence of Quorum and Participation by Audio or Video During Disaster Declaration*. Find this sample Board exhibit at your PRESS Plus dashboard under the Status **Draft Update - New**. **Issue 104, June 2020**

## **Document Status: 5-Year-Review - Needs Review**

### **STUDENTS**

#### **7:40 Nonpublic School Students, Including Parochial and Home-Schooled Students**

##### **Part-Time Attendance**

The District accepts nonpublic school students, including parochial and home-schooled students, who live within the District for part-time attendance in the District's regular education program on a space-available basis. Requests for part-time attendance must be submitted to the Building Principal. All requests for attendance in the following school year must be submitted before May 1.

A student accepted for partial enrollment must comply with all discipline and attendance requirements established by the school. He or she may participate in any co-curricular activity associated with a District class in which he or she is enrolled. The parent(s)/guardian(s) of a student accepted for partial enrollment must pay all fees, pro-rated on the basis of a percentage of full-time fees. Transportation to and/or from school is provided on regular bus routes to or from a point on the route nearest or most easily accessible to the nonpublic school or student's home. This transportation shall be on the same basis as the District provides transportation for its full-time students. Transportation on other than established bus routes is the responsibility of the parent(s)/guardian(s).

##### **Students with a Disability**

The District accepts for part-time attendance those children for whom it has been determined that special education services are needed, are enrolled in nonpublic schools, and otherwise qualify for enrollment in the District. Requests must be submitted by the student's parent/guardian. Special educational services shall be provided to such students as soon as possible after identification, evaluation, and placement procedures provided by State law, but no later than the beginning of the next school semester following the completion of such procedures. Transportation for such students shall be provided only if required in the child's individualized educational program on the basis of the child's disabling condition or as the special education program location may require.

##### **Co-Curricular**

Nonpublic school students who attend District 204 on a part-time basis may submit a written request to participate in a co-curricular activity to the Principal (or his/her designee). Students will be granted permission to participate in a co-curricular activity at the discretion of the Principal (or his/her designee) only if:

1. Participation in the activity is required for completion of a class in which the student is currently enrolled; or
2. The student is enrolled in the District for a minimum of 20 credit hours (four classes) of high school work per week both the semester prior to and the semester during co-curricular participation, and the student meets all other student eligibility criteria under Board Policy and Illinois High School Association (IHSA) bylaws. Verification of passing grades in private school courses may be required before permission to participate in a co-curricular activity will be granted.

##### **Assignment When Enrolling Full-Time in a District School**

Grade placement by, and academic credits earned at, a nonpublic school will be accepted if the school has a Certificate of Nonpublic School Recognition from the Illinois State Board of Education, or, if outside Illinois, if the school is accredited by the state agency governing education.

A student who, after receiving instruction in a non-recognized or non-accredited school, enrolls in the District will: (1) be assigned to a grade level according to academic proficiency, and/or (2) have academic credits recognized by the District if the student demonstrates appropriate academic proficiency to the school administration. Any portion of a student's transcript relating to such instruction will not be considered for placement on the honor roll or computation in class rank.

Notwithstanding the above, recognition of grade placement and academic credits awarded by a nonpublic school is at the sole discretion of the District. All school and class assignments will be made according to Board of Education policy 7:30, *Student Assignment*, as well as administrative procedures implementing this policy.

##### **LEGAL REF.:**

[105 ILCS 5/10-20.24](#) and [5/14-6.01](#).

CROSS REF.: 4:110 (Transportation), 6:170 (Title I Programs), [6:190](#) (Extracurricular and Co-Curricular Activities), 6:320 (High

School Credit for Proficiency), 7:30 (Student Assignment), 7:300 (Extracurricular Athletics)

~~ADOPTED: February 16, 2016~~

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## Document Status: Draft Update

### STUDENTS

#### 7:340 Student Records

School student records are confidential. Information from them shall not be released other than as provided by law. A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below:

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school.
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 17 years who has been arrested or taken into custody.

School student records are confidential and information from them shall not be released other than as provided by law. A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or at its direction or by a school employee, regardless of how or where the information is stored, except for certain records kept in a staff member's sole possession; records maintained by law enforcement officers working in the school; video and other electronic recordings that are created in part for law enforcement, security, or safety reasons or purposes; and electronic recordings made on school buses.

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school student records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The District may release directory information as permitted by law, but a parent/guardian shall have the right to ~~object to~~ ~~opt-out of~~ the release of ~~directory~~ information regarding his or her child. However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian. [PRESSPlus1](#)

The Superintendent shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records.

#### LEGAL REF.:

[20 U.S.C. §1232g, Family Educational Rights and Privacy Act, implemented by 34 C.F.R. Part 99.](#)

[50 ILCS 205/7.](#)

[105 ILCS 5/10-20.21b, 5/20.37, 5/20.40, and 5/14-1.01 et seq.](#)

[105 ILCS 10/, Ill. School Student Records Act.](#)

[105 ILCS 85/, Student Online Personal Protection Act.](#)

[325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.](#)

[750 ILCS 5/602.11, Ill. Marriage and Dissolution of Marriage Act.](#)

[23 Ill.Admin.Code Parts 226 and 375.](#)

[Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 \(2002\).](#)

[Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 \(1st Dist. 2002\).](#)

[Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 \(1st Dist. 2002\).](#)

Quasso I.S.D. No. 1011 v. Falvo, 534 U.S. 426 (2002);

Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, implemented by 34 C.F.R. Part 99;

Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/;

105 ILCS 5/10-20.21b, 5/20.37, 5/20.40, and 5/14-1.01 et seq;

105 ILCS 10/, Illinois School Student Records Act;

60 ILCS 205/7;

750 ILCS 5/602.11;

23 Ill. Admin. Code Parts 226 and 375;

CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct), 7:346 (Use of Educational Technologies: Student Data Privacy and Security)

Adopted: May 21, 2018

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### **PRESSPlus Comments**

PRESSPlus 1. Updated with continuous improvement changes based on feedback from the Ill. Council of School Attorneys. **Issue 104, June 2020**

## Document Status: Draft Update

### Professional Personnel

#### **5:220 Substitute Teachers**

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold either a valid teaching or substitute license and may teach in the place of a licensed teacher who is under contract with the Board of Education. There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows:

1. A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 paid school days in any one school term.
2. A teacher holding a Professional Educator License or Educator License with Stipulations may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 paid school days.

The Illinois Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year, but not more than 100 paid days in the same classroom. Beginning July 1, 2021, [PRESSPlus1](#) a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.

#### Emergency Situations

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education within five business days after the employment of a substitute teacher in an emergency situation.

#### LEGAL REF.:

[105 ILCS 5/10-20.68](#), [5/21B-20\(2\)](#), [5/21B-20\(3\)](#), and [5/21B-20\(4\)](#).

[23 Ill.Admin.Code §1.790](#) (Substitute Teacher) and [§25.520](#) (Substitute Teaching License).

CROSS REF.: 5:30 (Hiring Process and Criteria)

Adopted: January 21, 2020

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#### **PRESSPlus Comments**

PRESSPlus 1. Updated in response to 40 ILCS 5/16-118, amended by P.A. 101-645, extending until June 30, 2021, the limit of 120 paid days or 600 paid hours that a TRS annuitant can work as substitute teacher in a school year. **Issue 105, August 2020**

# Document Status: Draft Update

## STUDENTS

### **7:90 Release During School Hours**

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.

### Voting<sup>Q1</sup>

~~Any student entitled to vote in a general, primary, 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 during the school day to vote beginning the 15th day before such an election through the day of the election. The Superintendent or designee shall specify the hours during which eligible students may be absent to vote. 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 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)

ADOPTED: January 21, 2014

### **Questions and Answers:**

\*\*\*Required Question 1. 10 ILCS 5/7-42 and 10 ILCS 5/17-15, amended by P.A. 101-624, eff. 6-1-20, provide that beginning on the 15th day before a primary, general, or special election or on the day of any such election, any student who is eligible to vote is entitled to be absent for two hours during the school day to vote. Districts may specify the hours during which eligible students may be absent from their schools. See the footnotes of sample policy 7:90, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com), for more information.

Including this subhead aligns with best practice and serves several policy functions and purposes: ensuring legal compliance, directing or authorizing the superintendent or staff members, and/or providing information. However, including this information in policy is not required.

Has the Board adopted the Voting subhead?

- Yes (default)
- No (IASB will remove the Voting subhead and the Legal Reference to it from this policy, and the references to it from policy 7:70)

# Document Status: Draft Update - Rewritten

## OPERATIONAL SERVICES

### **4:180 Pandemic Preparedness, Management, and Recovery**

***Title has been updated. Original Title: Pandemic Preparedness***

The School Board recognizes that the District will play an ~~essential~~ important role along with the local health department and emergency management agencies in protecting the public's community's health and safety during a pandemic. [PRESSPlus1](#)

A pandemic is a global outbreak of disease. Pandemics happen when a new virus emerges, which ~~to~~ infects individuals ~~people~~ easily and, because there is ~~people~~ have little to no pre-existing immunity against the new virus, it spreads efficiently and sustainably. [PRESSPlus2](#)

To prepare the School District community for a pandemic, the Superintendent or designee shall: (1) learn and understand how the roles that the federal, State, and local government ~~function~~ impact the District; (2) form a pandemic planning team consisting of appropriate District personnel and community members to identify priorities and oversee the development and implementation of a comprehensive pandemic school action plan; and (3) build awareness of the final plan among staff, students, and community.

#### Emergency School Closing [PRESSPlus3](#)

In the case of a pandemic, the Governor may declare a disaster due to a public health emergency that may affect any decision for an emergency school closing. Decisions for an emergency school closing will be made by the Superintendent in consultation with and, if necessary, at the direction of the Governor, Ill. Dept. of Public Health, District's local health department, emergency management agencies, and/or ~~Regional Office of Education~~ Intermediate Service Center. [Q1](#)

During an emergency school closing, the Board President and the Superintendent <sup>Q2</sup> may, to the extent the emergency situation ~~allows~~ requires, examine existing Board policies pursuant to Policy 2:240, *Board Policy Development*, and recommend to the Board for consideration any needed amendments or suspensions to address mandates that the District may not be able to accomplish or implement due to a pandemic. [PRESSPlus4](#)

#### Board Meeting Procedure: No Physical Presence of Quorum and Participation by Audio or Video [PRESSPlus5](#)

A disaster declaration related to a public health emergency <sup>PRESSPlus6</sup> may affect the Board's ability to meet in person and generate a quorum of members who are physically present at the location of a meeting. Policy 2:220, *School Board Meeting Procedure*, governs Board meetings by video or audio conference without the physical presence of a quorum.

#### Payment of Employee Salaries During Emergency School Closures [PRESSPlus7](#)

The Superintendent shall consult with the Board to determine the extent to which continued payment of salaries and benefits will be made to the District's employees, pursuant to Board policies 3:40, *Superintendent*, 3:50, *Administrative Personnel Other Than the Superintendent*, 5:35, *Compliance with the Fair Labor Standards Act*, 5:200, *Terms and Conditions of Employment and Dismissal*, and 5:270, *Employment At-Will, Compensation, and Assignment*, and consistent with: (1) applicable laws, regulations, federal or State or local emergency

declarations, executive orders, and agency directives; (2) collective bargaining agreements and any bargaining obligations; and (3) the terms of any grant under which an employee is being paid.

Suspension of In-Person Instruction; Remote and/or Blended Remote Learning Day Plan(s)<sup>PRESSPlus8</sup>

When the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7, and the State Superintendent of Education declares a requirement for the District to use *Remote Learning Days* or *Blended Remote Learning Days*, the Superintendent shall approve and present to the Board for adoption<sup>PRESSPlus9</sup> a Remote and/or Blended Remote Learning Day Plan (Plan) that:<sup>Q3</sup>

1. Recommends to the Board for consideration any suspensions or amendments to curriculum-related policies to reduce any Board-required graduation or other instructional requirements in excess of minimum curricular requirements specified in School Code that the District may not be able to provide due to the pandemic;<sup>PRESSPlus10</sup>
2. Implements the requirements of 105 ILCS 5/10-30; and
3. Ensures a plan for periodic review of and/or amendments to the Plan when ~~needed~~ warranted and/or required by statute, regulation, or State guidance.

LEGAL REF.:

105 ILCS 5/10-16.7, 5/10-20.5, 5/10-20.56, and 5/10-30.

5 ILCS 120/2.01 and 120/7(e), Open Meetings Act.

20 ILCS 2305/2(b), Ill. Dept. of Public Health Act (Part 1).

20 ILCS 3305/, Ill. Emergency Management Agency Act.

115 ILCS 5/, Ill. Educational Labor Relations Act.

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:20 (Powers and Duties of the School Board; Indemnification), 2:220 (School Board Meeting Procedure), 2:240 (Board Policy Development), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:70 (Succession of Authority), 4:170 (Safety), 5:35 (Compliance with the Fair Labor Standards Act), 5:200 (Terms and Conditions of Employment and Dismissal), 5:270 (Employment At-Will, Compensation, and Assignment), 6:20 (School Year Calendar and Day), 6:60 (Curriculum Content), 6:300 (Graduation Requirements), 7:90 (Release During School Hours), 8:100 (Relations with Other Organizations and Agencies)

**Questions and Answers:**

\*\*\*Required Question 1. Is your district served by an Intermediate Service Center rather than an ROE (suburban Cook County)?

- o No. (default)
- o Yes. (IASB will replace "Regional Office of Education" with "Intermediate Service Center")

\*\*\*Required Question 2. This sample policy uses the board president and superintendent as the default text because during a pandemic, it may be difficult for a board policy committee to meet pursuant emergency executive orders that are issued, etc. See policies 2:150, *Committees*, and 2:240, *Board Policy Development*. Does the board prefer its policy committee to engage in this work?

- o No. (default)
- o Yes. (IASB will replace "Board President and the Superintendent" with "Board Policy Committee")

**\*\*\*Required Question 3.** Remote Learning Days (RLDs) and Blended Remote Learning Days (BRLDs) are different from *e-learning days/e-learning programs*. RLD/BRLDs are for use when the governor declares a disaster under 20 ILCS 3305/ and the state superintendent has declared a requirement for the district to use them to provide remote instruction to pre-kindergarten through grade 12 that count as pupil attendance days under 105 ILCS 5/10-19.05(j-5), amended by P.A. 101-643. 105 ILCS 5/10-30(1), added by P.A. 101-643. BRLDs allow districts to utilize "hybrid models of in-person and remote instruction. E-learning days are part of an e-learning program that require a board to, among other things, hold a public hearing and obtain approval by the Regional Office of Education (or Intermediate Service Center) to allow the district to provide instruction to students electronically while they are not physically present due to inclement weather and other unexpected events. 105 ILCS 5/10-20.56(b), amended by P.As. 101-12 and 101-643. School districts with e-learning programs may adapt them for use during RLDs and BLRDs (105 ILCS 5/10-20.56(a), amended by P.As. 101-12 and 101-643, and 5/10-30(2), added by P.A. 101-643.

Has the board adopted an e-learning program pursuant to 105 ILCS 5/10-20.56, added by P.A. 101-12?

- o No. (default)
- o Yes. (IASB will add the following text to number two after 105 ILCS 5/10-30: "by adapting into a Plan the District's e-learning program implemented pursuant to 105 ILCS 5/10-20.56")

#### **PRESSPlus Comments**

**PRESSPlus 1.** This policy is renamed from *Pandemic Preparedness* to *Pandemic Preparedness; Management; and Recovery*. It is updated in response to the General Assembly, the Ill. State Board of Education (ISBE), Ill. Attorney General, and the U.S. Dept. of Education taking a number of actions and/or issuing guidance documents to address the ongoing COVID-19 pandemic as it affects public school operations and student learning. Its purpose is to establish board direction about pandemic preparedness, management, and recovery issues and inform the community about the board's role during a pandemic.

Certain subheads of this policy are required; see further PRESS Plus comments for more information.

A redlined version showing the changes and more information in the footnotes can be found at PRESS Online, accessed by logging in at [www.iasb.com](http://www.iasb.com). **Issue 104, June 2020**

**PRESSPlus 2.** This paragraph embodies the CDC's pandemic definition. See [www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html](http://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html). The **Illinois Pandemic Influenza Preparedness and Response Plan**, Version 5.0, May 2014, also defines pandemic at page 9; however, that definition is specific to influenza. The new COVID-19 coronavirus is not an influenza virus yet was characterized as a pandemic by the World Health Organization. At the time of publication during the 2020 COVID-19 pandemic, it was not clear whether this Illinois resource's definition will be amended. **Issue 104, June 2020**

**PRESSPlus 3.** In times of emergency, the functions of different levels of State and federal government often become cloudy, and determining what governmental entity has powers to take a particular action can be confusing. The concept of federalism, or the coexistence of federal and state governments with their own local powers, was utilized during the response to the 2020 COVID-19 pandemic. Federalism is premised on the Constitutional limits of federal power. See U.S. Const. Art. I, Sec. 8 (limiting powers of Congress providing only those powers enumerated). Generally, during the 2020 COVID-19 pandemic, Illinois and other states were left with these remaining powers of government to respond to the crisis. In general, President Trump's administration set broad national policy, particularly with respect to international travel and the approval of treatments, and suggested guidance that States could follow regarding mitigation measures. The states' governors and local leaders made other state-specific or locality-specific decisions based upon the local conditions in each community. Depending upon the federal administration in power at the time of a pandemic, the federal government may seek to play a greater or lesser role in the management of a pandemic.

During the 2020 COVID-19 pandemic, the Governor and ISBE issued many directives and/or guidance, including reliance upon the advice and recommendations of local public health departments. See [www.isbe.net/Documents/ISBE-Guidance-to-School-Coronavirus.pdf](http://www.isbe.net/Documents/ISBE-Guidance-to-School-Coronavirus.pdf). And see other 2020 COVID-19 guidance documents as follows:

- Ill. Gov. Pritzker, ISBE, Ill. Association of School Admin., Ill. Principals' Assoc., Ill. Ed. Assoc., and Ill. Fed. of Teachers Joint Statement: [www.isbe.net/Documents/Joint-Statement-Updated%203-27-20.pdf](http://www.isbe.net/Documents/Joint-Statement-Updated%203-27-20.pdf).

- IDPH-ISBE joint schools guidance: [www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/schools-guidance](http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/schools-guidance)
- IDPH-ISBE joint workplace health and safety guidance: [www.dph.illinois.gov/covid19/community-guidance/workplace-health-and-safety-guidance](http://www.dph.illinois.gov/covid19/community-guidance/workplace-health-and-safety-guidance)
- Restore Illinois Plan: [www2.illinois.gov/dceo/Pages/RestoreILP3.aspx](http://www2.illinois.gov/dceo/Pages/RestoreILP3.aspx).

During the 2020 COVID-19 pandemic, several protests occurred and many lawsuits were filed challenging Ill. Gov. Pritzker's extensions of disaster declaration emergency power under IEMA, 20 ILCS 3305/7. See the 2020 COVID-19 Executive Orders (EO) at: [coronavirus.illinois.gov/s/resources-for-executive-orders](http://coronavirus.illinois.gov/s/resources-for-executive-orders). Controversies existed across party and regional lines with all branches of government looking to balance the need to protect human life against the desire to preserve personal liberty. Gov. Pritzker's EOs faced unsettled challenges in both the courts of law and public opinion as a five-phased plan to re-open Illinois was also being introduced a/k/a *Restore Illinois Plan* ([coronavirus.illinois.gov/s/restore-illinois-introduction](http://coronavirus.illinois.gov/s/restore-illinois-introduction)). **Issue 104, June 2020**

**PRESSPlus 4.** Examples include, but are not limited to, policies 6:20, *School Year Calendar and Day*, 6:300, *Graduation Requirements*, 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students*. For Executive Orders addressing these issues, see the footnotes available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 104, June 2020**

**PRESSPlus 5.** 5 ILCS 120/2.01 and 120/7(e), amended by P.A. 101-640. See also 105 ILCS 5/10-6 and 5/10-12. See policy 2:220 and Board exhibit 2:220-E9 for more information. **Issue 104, June 2020**

**PRESSPlus 6.** While 5 ILCS 120/7(e)(1), amended by P.A. 101-640, uses the phrase "related to public health concerns," the text "due to public health emergency" aligns with Ill. Emergency Act (IEMA), 20 ILCS 3305/4 and 7, the governing statute of disaster declarations. For ease of understanding and alignment with IEMA, this policy uses "public health emergency." **Issue 104, June 2020**

**PRESSPlus 7.** Required if a district wishes to continue to charge employee salaries and benefits to a grant during an extended school closure, depending upon the specific terms of government orders and/or guidance issued during a pandemic. 2 C.F.R. Part 200 (see [www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf), extended until 9-30-20 by [www.whitehouse.gov/wp-content/uploads/2020/06/M-20-26.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/06/M-20-26.pdf)) and 30 ILCS 708/.

During the 2020 COVID-19 pandemic, Gov. Pritzker and ISBE issued directives and/or guidance regarding payment of school district employees that may impact a board's decision regarding continued payment of employees during an extended closure. ISBE and the Governor suspended in-person learning and issued a Joint Statement (JS) with other school administrator and union groups, which purported to mandate that all school district employees on the district's payroll be paid as if districts were functioning normally and they were performing their normal work. See [www.isbe.net/Documents/Joint-Statement-Updated%203-27-20.pdf](http://www.isbe.net/Documents/Joint-Statement-Updated%203-27-20.pdf). The JS cited no specific authority for the payment mandate. Additionally, changes to wages, hours, terms and conditions of employment, even when made during an extraordinary circumstance such as a pandemic, remain subject to collective bargaining obligations.

See sample procedure 4:180-AP3, *Grant Flexibility; Payment of Employee Salaries During a Pandemic*, and its footnotes, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 104, June 2020**

**PRESSPlus 8.** 105 ILCS 5/10-30(3), added by P.A. 101-643, requires the "[board] to adopt and the superintendent to approve" these plans upon the following statutory triggers: (1) the governor declaring a disaster pursuant to 20 ILCS 3305/, and (2) the state superintendent of education declaring a requirement for a school district, multiple school districts, a region, or the entire State.

See sample administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com), for the specifics of implementing Remote Learning Days (RLDs) and/or Blended Remote Learning Days (BLRDs).

Implementing a plan under this subhead contains items 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. This subhead of the policy concerns an area in which the law is unsettled. See 105 ILCS 5/10-30(7), added by P.A. 101-643 (stating that it does not increase or diminish any collective bargaining rights under existing law, and that aspects of the plan that impact the wages or other terms or conditions of employment will need to be bargained with the exclusive bargaining representative(s)).

To avoid confusion, note that the triggers under the Open Meetings Act (OMA), 5 ILCS 120/7, amended by P.A. 101-640, for when a school board may conduct its meetings by audio or video conference without the physical presence of a quorum are a bit more broad: (1) the "governor or the director of IDPH has issued a disaster declaration of a disaster as defined in 20 ILCS 3305/, and (2) all or part of the jurisdiction of the [school board] is covered by the disaster area. This means that it is possible for the board to meet remotely under OMA if the director of IDPH declares a disaster, but the School Code requires the governor to be the one to declare the disaster under 20 ILCSA 3305/ in order for the state superintendent of education to declare that a district implement RLD/BRLDs. **Issue 104, June 2020**

[PRESSPlus 9](#). 105 ILCS 5/10-30(3), added by P.A. 101-643 states "the district shall adopt a remote and blended remote learning day plan approved by the district superintendent." For ease of administration, to avoid confusion during implementation, and to align with the IASB Foundational Principles of Effective Governance ([www.iasb.com/principles\\_popup.cfm](http://www.iasb.com/principles_popup.cfm)), this policy assigns the duty to *adopt* the remote and blended remote learning day plan (plan) by "the district" to the board. In alignment with this policy, administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*, requires the superintendent to *approve* the plan and present it to the board for *adoption* prior to district-wide implementation and posting on the district's website. **Issue 104, June 2020**

[PRESSPlus 10](#). 105 ILCS 5/10-30(8), added by P.A. 101-643 does not excuse districts from completing all statutory and regulatory curricular mandates and offerings. **Issue 104, June 2020**

## Students

### Protection of Student Personal Information Online

As authorized by state and federal law, the District may outsource institutional services or functions that involve the disclosure of education records/school student records to contractors, consultants, volunteers, and other third parties acting as “school officials” as defined by the Illinois School Student Records Act (ISSRA) and the Family Educational Rights and Privacy Act (FERPA).

Such *school officials*:

- Perform institutional services or functions for which the District would otherwise use employees;
- Are under the direct control of the District with respect to the use and maintenance of education records;
- Only use personally identifiable information (PII) from education records for the purposes for which the disclosure was made and do not redisclose PII from education records without the District’s permission; and
- Meet the criteria specified in the District’s annual notification of FERPA rights for being a school official with a legitimate educational interest in the education records.

Some *school officials* and other technology vendors are operators of Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes; these entities are defined as “operators” under the Illinois Student Online Personal Protection Act, 105 ILCS 85/ *et seq.* (SOPPA).

The use of such *operators’* services and technologies may involve the creation or sharing of “covered information,” as defined by SOPPA, which means student PII or information linked to PII in any media or format that is not publicly available and is any of the following:

- (1) created by or provided to an operator by a student or the student’s parent/guardian in the course of the student’s or parent/guardian’s use of the operator’s site, service or application;
- (2) created by or provided to an operator by an employee or agent of the District; or
- (3) gathered by an operator through the operation of its site, service, or application.

The sharing of *covered information* with *operators* must comply with all requirements of ISSRA, FERPA, and SOPPA.

The Board designates the Superintendent to serve as Privacy Officer, who shall ensure the District complies with the duties and responsibilities required of it under SOPPA, ISSRA, and FERPA, including, but not limited to, all requirements related to posting information about the use and disclosure of *covered information*, providing notice of a breach of *covered information*, and implementing and maintaining reasonable security procedures and practices.

The Privacy Officer designates which District employees are authorized to enter into written agreements with operators for those contracts that do not require separate Board approval. Such designation does not limit individual school employees outside of the scope of their employment from entering into agreements with operators on their own behalf and for non-“K through 12 school

purposes,” as that term is defined in SOPPA, provided that no *covered information* is provided to the operators. Any agreement or contract entered into for *K through 12 school purposes* by an employee without designation by the Privacy Officer is void and unenforceable as against public policy.

LEGAL REF.: 20 U.S.C. §1232g, Family and Educational Rights and Privacy Act, implemented by 34 C.F.R. Part 99.

105 ILCS 10/, Ill. School Student Records Act.

105 ILCS 85/, Student Online Personal Protection Act.

CROSS REF.: 4:15 (Identity Protection), 4:60 (Purchases and Contracts), 6:235 (Access to Electronic Networks), 7:340 (Student Records)

# Document Status: Draft Update - New

## 2:265 Title IX Sexual Harassment Grievance Procedure

### ***New/Unpublished Section***

~~Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important District goal. As required by Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106), the District does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106)~~<sup>PRESSPlus1</sup> concerning everyone in the District's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.<sup>PRESSPlus2</sup>

### Title IX Sexual Harassment Prohibited

Sexual harassment as defined in the Title IX implementing regulations ("*Title IX Sexual Harassment*") is prohibited. Any person, including a District employee or agent, or student, engages in *Title IX Sexual Harassment* whenever that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:<sup>PRESSPlus3</sup>

1. A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;<sup>PRESSPlus4</sup> or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's educational program or activity; or
3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(10), *domestic violence* as defined in 34 U.S.C. §12291(a)(8), or *stalking* as defined in 34 U.S.C. §12291(a)(30).<sup>PRESSPlus5</sup>

Examples of *Title IX Sexual Harassment* ~~sexual harassment can~~ include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.

### Definitions from 34 C.F.R. §106.30

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Education program or activity* includes locations, events, or circumstances where the District has substantial control over both the *Respondent* and the context in which alleged *Title IX Sexual Harassment* occurs.

*Formal Title IX Sexual Harassment Complaint* means a document filed by a *Complainant* or signed by the Title IX Coordinator alleging sexual harassment against a *Respondent* and requesting that the District investigate the allegation.

*Respondent* means an individual who has been reported to be the perpetrator of the conduct that could constitute *Title IX Sexual Harassment*.

*Supportive measures* mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent* before or after the filing of a *Formal Title IX Sexual Harassment Complaint* or where no *Formal Title IX Sexual Harassment Complaint* has been filed.<sup>PRESSPlus6</sup>

## Title IX Sexual Harassment Prevention and Response

~~The District's Title IX Coordinator, identified in Board policy, or designee will~~ Superintendent or designee [DAK1] will oversee the District's efforts to prevent ensure that the District prevents and responds to allegations of Title IX Sexual Harassment, which shall include the following, at minimum: as follows:

- ~~The~~ Ensures that the District's comprehensive health education program in Board policy 6:60, *Curriculum Content*, will incorporates (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
- ~~The District will incorporate~~ education and training for school staff as required by law or, at the Superintendent and Title IX Coordinator's discretion, pursuant to policy 5:100, Staff Development Program, and as recommended by the Superintendent, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, <sup>Q1</sup>Dean of Students, <sup>Q2</sup>or a Complaint Manager. PRESSPlus7
- ~~The District will n~~otify applicants for employment, students, parents/guardians, employees, and collective bargaining units of its nondiscrimination policy, this policy and and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District's website, if any, and in each handbook made available to such persons. PRESSPlus8

### Making a Report

~~A person who wishes to make a report of under this Title IX Sexual Harassment grievance procedure may make a report is encouraged to do so~~ to the Title IX Coordinator, ~~Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students/Assistant Principal, a Complaint Manager, or teacher any employee with whom the person is comfortable speaking.~~ PRESSPlus9 A person who wishes to make a report may choose to report to a person of the same gender and to any employee of the District.

~~School employees must promptly forward any report of Title IX shall respond to incidents of Ssexual Hharassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.~~

Inquiries about Title IX, its implementing regulations, or any policy or procedure prohibiting Title IX Sexual Harassment may be directed to the Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights (OCR) at (312) 730-1560 or OCR.Chicago@ed.gov.

The Superintendent shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator. PRESSPlus10

### **Title IX Coordinator:**

\_\_\_\_\_  
Name  
Address  
Email  
Telephone

Any person may report sex discrimination under Title IX, including Title IX Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination under Title IX or Title IX Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

## Processing and Reviewing a Report or Complaint

Upon receipt of a report, the Title IX Coordinator and/or designee will promptly contact the *Complainant* to: (1) discuss the availability of supportive measures, (2) consider the *Complainant's* wishes with respect to *supportive measures*, (3) inform the *Complainant* of the availability of *supportive measures* with or without the filing of a *Formal Title IX Sexual Harassment Complaint*, and (4) explain to the *Complainant* the process for filing a *Formal Title IX Sexual Harassment Complaint*.<sup>PRESSPlus11</sup>

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it.<sup>PRESSPlus12</sup> For any report received, the Title IX Coordinator shall review Board policies 2:260, *Uniform Grievance Procedure*; 5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 5:120, *Employee Ethics; Conduct; and Conflict of Interest*;<sup>PRESSPlus13</sup> 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; 7:185, *Teen Dating Violence Prohibited*; and 7:190, *Student Behavior*, to determine if the allegations in the report require further action under those policies.

Reports of alleged *Title IX Sexual Harassment* will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

## Formal Title IX Sexual Harassment Complaint Grievance Process

When a *Formal Title IX Sexual Harassment Complaint* is filed, the Title IX Coordinator, with oversight by the Superintendent, shall implement this Title IX Grievance Process ~~will investigate it or appoint a qualified person to undertake the investigation.~~<sup>PRESSPlus14</sup>

~~The Superintendent or designee shall implement procedures to ensure that for all Formal Title IX Sexual Harassment Complaints, are which processed and reviewed according to a Title IX grievance process that fully complies with the Title IX implementing regulations, at 34 C.F.R. §106.45.~~<sup>PRESSPlus15</sup>

The District's grievance process shall, at a minimum:

1. Require the Title IX Coordinator to investigate all Formal Title IX Sexual Harassment Complaints or appoint a qualified person to undertake the investigation.
- ~~1.2.~~ Treat Complainants and Respondents equitably by providing remedies to a Complainant where the Respondent is determined to be responsible for sexual harassment, and by following a grievance process that complies with the Title IX implementing regulations, 34 C.F.R. §106.45, before the imposition of any disciplinary sanctions or other actions against a Respondent.
- ~~2.3.~~ Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- ~~3.4.~~ Require that any individual designated by the District as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process:
  - a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.
  - b. Receive training on the definition of sexual harassment, the scope of the District's *education program or activity*, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.
- ~~4.~~ 5. Require that any individual designated by the District as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- ~~2.~~ 6. Require that any individual designated by the District as a decision-maker receive training on <sup>03</sup>issues of relevance of questions and evidence, including when questions and evidence about the *Complainant's* sexual predisposition or prior sexual behavior are not relevant.

- ~~3.~~ 7. Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- ~~4.~~ 8. Include reasonably prompt timeframes for conclusion of the grievance process.
- ~~5.~~ 9. Describe the range of possible disciplinary sanctions and remedies the District may implement following any determination of responsibility.
- ~~6.~~ 10. Base all decisions upon the *preponderance of evidence* standard. [Q4](#)
- ~~7.~~ 11. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
- ~~8.~~ 12. Describe the range of *supportive measures* available to *Complainants* and *Respondents*.
- ~~9.~~ 13. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. [PRESSPlus16](#)

### Enforcement

Any District employee who is determined, at the conclusion of the grievance process, to have engaged in *Title IX sSexual Hharassment* will be subject to disciplinary action up to and including discharge consistent with any applicable laws, policies, or agreements addressing procedures for implementing employee discipline. Any third party who is determined, at the conclusion of the grievance process, to have engaged in *Title IX Ssexual Hharassment* will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, at the conclusion of the grievance process, to have engaged in *Title IX Ssexual Hharassment* will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with any applicable laws, policies, or procedures addressing procedures for implementing student discipline. student behavior policies. [PRESSPlus17](#) Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law. [PRESSPlus18](#)

### Retaliation Prohibited

The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using Board policy 2:260, *Uniform Grievance Procedure*. [PRESSPlus19](#)

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

### LEGAL REF.:

20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.

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

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

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:100

(Staff Development Program), 5:120 (Employee Ethics; Conduct, and Conflict of Interest), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior)

### Questions and Answers:

**\*\*\*Required Question 1.** Does the District employ Assistant Principals?

- o Yes (default)
- o No (IASB will remove Assistant Building Principal references from the policy)

**\*\*\*Required Question 2.** Does the District employ a Dean of Students?

- o Yes (default)
- o No (IASB will remove Dean of Students references from the policy)

**\*\*\*Required Question 3.** 34 C.F.R. §106.45(b)(1) lists the basic requirements for a grievance process. While live hearings are only required for postsecondary institutions, elementary and secondary schools may choose to offer them as part of their grievance process. **Consult the board attorney if the board wants the district to use a live hearing in its grievance process.**

Will the District use a live hearing during the grievance process?

- o No (default)
- o Yes (IASB will amend #5 by inserting the following after "receive training on": "any technology to be used at a live hearing and on")

**\*\*\*Required Question 4.** 34 C.F.R. §106.45(b)(1)(vii) requires the Title IX sexual harassment grievance process to state the standard of evidence it will use to determine responsibility of the respondent. The standard of evidence selected must be applied "consistently to formal complaints alleging Title IX sexual harassment regardless of whether the respondent is a student or an employee." 85 Fed. Reg. 30373. This policy uses the *preponderance of the evidence* standard, not the *clear and convincing evidence* standard. *Preponderance of evidence* is a standard used in civil cases. It means "the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force." See *Black's Law Dictionary, 11th ed. 2019*. *Preponderance of the evidence* is the standard used in sample policy 2:260, *Uniform Grievance Procedure*. *Clear and convincing* is a higher standard, requiring more than *preponderance of the evidence* but less than proof beyond a reasonable doubt. It means "evidence indicating that the thing to be proved is highly probable or reasonably certain." See *Black's Law Dictionary, 11th ed. 2019*. **Consult the board attorney regarding the appropriate standard for the district, as well as implications if a different standard is used in this policy than in 2:260, *Uniform Grievance Procedure*.** Ensure the same standard of evidence is used in the district's implemented administrative procedure 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*.

Which standard of proof has the Board adopted for policy 2:265?

- o Preponderance of evidence (default)
- o Clear and convincing evidence (IASB will replace "preponderance of" with "clear and convincing")

## PRESSPlus Comments

**PRESSPlus 1.** The final Title IX regulations are eff. 8-14-20; however, their complexity and scope means that districts are unlikely to finalize policies until after the effective date. It is important for school officials to discuss Title IX requirements with their board attorneys, to ensure full implementation and to reduce risks based on Title IX's intersection with local and State laws and regulations. See the **PRESS Issue 105 Update Memo**, available at **PRESS Online** by logging in at [www.iasb.com](http://www.iasb.com), for more information. **Issue 105, August 2020**

**PRESSPlus 2.** Title IX of the Education Amendments of 1972 (Title IX)(20 U.S.C. §1681 *et seq.*) requires this subject matter be covered by policy and controls this policy's content. This policy contains items 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. Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy and its companion policy 2:260, *Uniform Grievance Procedure*, are in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

For the sake of consistency and ease of administration, this policy addresses only Title IX sexual harassment grievances, except those contained in collective bargaining agreements. See the cross references for the policies referring to this Title IX sexual harassment grievance procedure policy.

A district must have at least one policy explicitly stating it does not discriminate on the basis of sex in its education programs or activities under Title IX and its implementation regulations (34 C.F.R. Part 106). 34 C.F.R. §106.8(b)(1). Title IX jurisdiction is geographically limited to discrimination against a person in the United States. 34 C.F.R. §106.8(d). Though all complaints of sexual harassment may not constitute sexual harassment under Title IX, Title IX's reach is broad because an alleged complainant or alleged respondent may be *anyone* in the District's educational program or activity in the United States – including applicants for employment, students, parents/guardians, any employee, and third parties. **Issue 105, August 2020**

**PRESSPlus 3.** 34 C.F.R. §106.30. The definition of *sexual harassment* in the policy and in Title IX includes *unwelcome* conduct. *Id.* However, case law does not always distinguish between *welcome* and *unwelcome* conduct. See *Mary M. v. North Lawrence Community Sch. Corp.*, 131 F.3d 1220 (7th Cir. 1997) (8th grade student did not need to show that a school employee's sexual advances were *unwelcome* in order to prove sexual harassment). **Issue 105, August 2020**

**PRESSPlus 4.** 34 C.F.R. §106.30. This behavior is commonly called *quid pro quo* sexual harassment. See 85 Fed. Reg. 30036, f/n 94. By using the term *individual*, Title IX regulations do not limit *quid pro quo* sexual harassment to situations where the provision of an aid, benefit or service by an employee is conditioned on a current *student's* participation in unwelcome sexual conduct. By way of example, *quid pro quo* Title IX sexual harassment involving an employee and an individual other than a current student may be implicated when: an employee tells a former student she can only get a letter of recommendation if she participates in unwelcome sexual conduct; an employee selects a volunteer for a coveted field trip chaperone position if he participates in unwelcome sexual conduct; or a supervisory employee subjects a subordinate employee to unwelcome sexual conduct in exchange for a promotion. **Issue 105, August 2020**

**PRESSPlus 5.** See sample exhibit 2:265-E, *Title IX Sexual Harassment Glossary of Terms*, available at **PRESS Online** by logging in at [www.iasb.com](http://www.iasb.com), for these definitions and other definitions of italicized terms in this policy. **Issue 105, August 2020**

**PRESSPlus 6.** See sample administrative procedure 2:265-AP1, *Title IX Sexual Harassment Response*, available at **PRESS Online** by logging in at [www.iasb.com](http://www.iasb.com), for further discussion of supportive measures. **Issue 105, August 2020**

**PRESSPlus 7.** If the Board's policy 5:100, *Staff Development Program*, does not include the paragraphs listing trainings (from footnote 4 of sample policy 5:100), IASB will remove the phrase *pursuant to policy 5:100, Staff Development Program*, and. **Issue 105, August 2020**

**PRESSPlus 8.** A district must prominently display its Title IX non-discrimination policies (policy 2:260, *Uniform Grievance Procedure*, and this policy 2:265, *Title IX Sexual Harassment Grievance Procedure*) and contact information for its Title IX coordinator(s) on its website, if any, and in each handbook made available to students, applicants for employment, parents/guardians, employees, and collective bargaining units. 34 C.F.R. §106.8(a) and (b). Notifications must state that nondiscrimination extends to employment, and that inquiries about the application of Title IX and its regulations may be referred to the district's Title IX coordinator, to the U.S. Dept. of Education's Assistant Secretary of Education, or both. 34 C.F.R. §106.8(b). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, available at **PRESS Online** by logging in at [www.iasb.com](http://www.iasb.com). **Issue 105, August 2020**

**PRESSPlus 9.** Using "or any employee with whom the Complainant is comfortable speaking" ensures Title IX compliance because Title IX deems "any employee" of an elementary or secondary school who has notice of sexual

harassment or allegations of sexual harassment to have *actual knowledge*. Therefore, a report to any employee triggers a district's duty to respond. 34 C.F.R. §106.30. This policy contains an item upon which collective bargaining may be required. Any policy that impacts 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. **Issue 105, August 2020**

**PRESSPlus 10.** Title IX regulations require districts to designate and authorize at least one employee to coordinate its efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX coordinator by name, office address, email address, and telephone number. A district's nondiscrimination coordinator often also serves as its Title IX coordinator. See policy 2:260, *Uniform Grievance Procedure*.

While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. **Issue 105, August 2020**

**PRESSPlus 11.** Required by 34 C.F.R. §106.44(a) and (b) regardless of whether a formal Title IX sexual harassment complaint is filed. **Issue 105, August 2020**

**PRESSPlus 12.** See sample exhibit 2:265-E, *Title IX Sexual Harassment Glossary of Terms*, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com), for a discussion of Title IX sexual harassment and non-Title IX sexual harassment. Consult the board attorney for further guidance. **Issue 105, August 2020**

**PRESSPlus 13.** See also sample administrative procedure 5:120-AP2, *Employee Conduct Standards*, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 105, August 2020**

**PRESSPlus 14.** This policy gives Title IX coordinators the flexibility to appoint another qualified individual to conduct an investigation. This may be appropriate when the neutrality or efficacy of the Title IX coordinator is an issue, and/or where the district wishes to have the expertise that an in-house or outside attorney may afford to an investigation. Alternative appointments are often made in consultation with the superintendent or other district-level administrator (except in cases involving complaints about those individuals) and the board attorney. If a complaint involves the superintendent or other district-level administrator, alternative appointments are often made in consultation with the board and the board attorney. **Issue 105, August 2020**

**PRESSPlus 15.** See sample administrative procedures 2:265-AP1, *Title IX Sexual Harassment Response*, and 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 105, August 2020**

**PRESSPlus 16.** Examples of legally-recognized privileges include attorney-client privilege, doctor-patient privilege, and spousal privilege. See 85 Fed. Reg. 30277. **Issue 105, August 2020**

**PRESSPlus 17.** See policies 7:190, *Student Behavior*, and 7:230, *Misconduct by Students with Disabilities*. See also policies 7:200, *Suspension Procedures*, and 7:210, *Expulsion Procedures*, for due process requirements when student suspension or expulsion is recommended following a determination of responsibility for Title IX sexual harassment. **Issue 105, August 2020**

**PRESSPlus 18.** Examples of rights the district or parties may exercise ancillary to this Title IX sexual harassment grievance procedure include, but are not limited to: disciplinary processes for suspensions and expulsions of students under 105 ILCS 5/10-22.6; tenured teacher dismissal proceedings under 105 ILCS 5/24-12; any other pre-termination process required by an applicable collective bargaining agreement, employment policy or procedure, or employment contract; and student appeal of a sex equity grievance decision under 23 Ill. Admin. Code §200.40 (see policy 7:10, *Equal Educational Opportunities*). **Issue 105, August 2020**

**PRESSPlus 19.** Retaliation complaints must be processed under policy 2:260, *Uniform Grievance Procedure*, because they are covered under the district's grievance procedure for resolving non-sexual harassment Title IX complaints. See 34 C.F.R. §106.8(c). Title IX sexual harassment regulations state that "[c]omplaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under §106.8(c)." 34 C.F.R. §106.71. **Issue 105, August 2020**

# Document Status: Draft Update

## General Personnel

### 5:20 Workplace Harassment Prohibited

A ~~learning and~~ working environment that is free from discrimination, including harassment will be maintained. It will be a violation of policy for any member of the District staff ~~or for any District student~~ to harass any ~~individual~~ District staff member or student, through conduct or communications, on the basis of that individual's race, color, religion, national origin, ancestry, sex, sexual orientation, age, citizenship status, disability, pregnancy, marital status, order of protection status, military status, or unfavorable discharge from military service, nor shall they engage in harassment or abusive conduct on the basis of an individual's other status identified by District policy or procedure or State or federal law.

Harassment on the basis of a person's race, religion, national origin, sexual orientation, age, citizenship status, disability, or other protected status under state or federal law includes any intimidating, demeaning, or threatening remarks or conduct made to a person as a result of that person's race, religion, national origin, sexual orientation, age, citizenship status, disability, or other protected status under state or federal law. Religious harassment includes pressure to join or not to join a particular religion.

The District will take remedial and corrective action to address unlawful workplace harassment, including sexual harassment.

### Sexual Harassment Prohibited PRESSPlus1

~~Sexual harassment prohibited by this policy includes verbal and written remarks and physical conduct. The terms intimidating, hostile and offensive include, but are not limited to, remarks or conduct which have the effect of humiliation, embarrassment or discomfort. Conduct will be evaluated in light of all circumstances to determine if it rises to the level of sexual harassment. The District provides annual sexual harassment prevention training in accordance with State law.~~ PRESSPlus2

Sexual harassment consists of, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other ~~inappropriate verbal or written remarks, physical, or other~~ unwelcome conduct or communication of a sexual nature ~~that constitutes sexual harassment under state or federal law,~~ when:

1. Submission to such remarks or conduct is made either explicitly or implicitly a term or condition of an individual's ~~employment or education~~;
2. Submission to or rejection of such remarks or conduct by an individual is used as the basis for employment ~~or academic~~ decisions; or
3. Such remarks or conduct have the purpose or effect of substantially interfering with an individual's professional ~~or academic~~ performance or if such remarks or conduct have the purpose or effect on a person of reasonable sensibilities of creating an intimidating, hostile, or offensive employment ~~or education~~ environment.

Sexual harassment prohibited by this policy includes, but is not limited to, verbal and written communication and physical conduct. The terms intimidating, hostile, and offensive include, but are not limited to, remarks or conduct which have the effect of humiliation, embarrassment, or discomfort. Conduct will be evaluated in light of all circumstances.

Sexual harassment, as defined above, may include, but is not limited to:

1. Sexual oriented "kidding", abuse or harassment;
2. Pressure for sexual activity;
3. Repeated remarks to a person with sexual or demeaning implications;
4. Unwelcome touching such as patting, pinching, or constant brushing against another's body; and
5. Suggestions or demands for sexual involvement accompanied by implied or explicit threats concerning one's grades, employment status or similar personal concerns.

The District provides annual sexual harassment prevention training in accordance with State law. <sup>PRESSPlus2</sup> ~~Harassment on the basis of a person's race, religion, national origin, sexual orientation, age, citizenship status, disability or other protected status under state or federal law includes any intimidating, demeaning or threatening remarks or conduct made to a person as a result of that person's race, religion, national origin, sexual orientation, age, citizenship status, disability or other protected status under state or federal law. Religious harassment includes pressure to join or not to join a particular religion.~~

#### Making a Report or Complaint

Employees and *nonemployees* (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors, and consultants) are encouraged to promptly report information regarding violations of this policy. ~~Individuals may choose to report to a person of the individual's same gender.~~ Every effort should be made to file such reports or complaints as soon as possible, while facts are known and potential witnesses are available.

Aggrieved individuals, if they feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

No aggrieved person is required to confront a person engaging in harassing behavior, however, and no negative inference shall be drawn by the failure to do so.

~~Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board policy 2:260, *Uniform Grievance Procedure*. Employees may choose to report to a person of the employee's same sex. There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.~~

#### Whom to Contact with a Report or Complaint

An employee should report claims of harassment, including making a confidential report, to any of the following: his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager. Employees may also report claims using Board policy 2:260, *Uniform Grievance Procedure*. ~~If a claim is reported using Board policy 2:260, then the Complaint Manager shall process and review the complaint claim according to that policy, in addition to any response required by this policy. Individuals may choose to report to a person of the individual's same gender.~~

Students should report claims of sexual harassment to any adult staff member of the District, who should in turn report the harassment to the relevant building principal.

~~There are no express time limits for initiating complaints and grievances under this policy, and no negative inference shall be drawn by failure to immediately report harassment. However, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.~~

~~Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. Any employee supervisor or administrator who fails to promptly forward a report or complaint may be disciplined, up to and including discharge. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the School District's legal obligations and with the necessity to investigate allegations of harassment and to take corrective action when harassment has occurred.~~

#### Whom to Contact with a Report or Complaint

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator. <sup>PRESSPlus3</sup>

#### **Nondiscrimination Coordinator:**

Ed Piotrowski, Director of Human Resources  
100 S. Brainard, LaGrange, IL 60525  
Email  
708/579-6456

#### **Complaint Managers:**

Shanna Lewis, Associate Principal - South  
4900 S. Willow Springs Rd., Western  
Springs, IL 60558  
[slewis@lths.net](mailto:slewis@lths.net)  
708/579-6500

Kevin Brown, Associate Principal - North  
100 S. Brainard, LaGrange, IL 60525  
[Emailkbrown@lths.net](mailto:Emailkbrown@lths.net)  
708/579-6300

#### Investigation Process

~~Supervisors, Building Principals, or administrators Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. Any employee supervisor or administrator who fails to promptly forward a report or complaint may be disciplined, up to and including discharge.~~

~~The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the School District's legal obligations and with the necessity to investigate allegations of harassment and to take corrective action when harassment has occurred.~~ Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain a workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment. The District shall investigate alleged workplace harassment when the Nondiscrimination Coordinator or a Complaint Manager becomes aware of an allegation, regardless of whether a written report or complaint is filed.

~~For any report or complaint alleging sexual harassment that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), the Nondiscrimination Coordinator or designee <sup>PRESSPlus4</sup> shall consider determine whether action under policy 2:265, Title IX Sexual Harassment Grievance Procedure, should will be initiated.~~

For any other alleged workplace harassment that does not require action under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under policy 2:260, *Uniform Grievance Procedure*, and/or 5:120, *Employee Ethics: Conduct, and Conflict of Interest*,<sup>PRESSPlus5</sup> should be initiated, regardless of whether a written report or complaint is filed.

#### Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel<sup>PRESSPlus6</sup>

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

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

#### Enforcement

A violation of this policy by an employee may result in discipline, up to and including discharge. A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, i.e., vendor, parent, invitee, etc. Any ~~person~~employee making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, which for an employee may be up to and including discharge.

#### Retaliation Prohibited

An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing ~~bona fide~~complaints or providing information about harassment is prohibited (see Board policy 2:260, *Uniform Grievance Procedure*), and depending upon the law governing the complaint, whistleblower protection may be available under the State Officials and Employees Ethics Act (5 ILCS 430/), the Whistleblower Act (740 ILCS 174/), and the Ill. Human Rights Act (775 ILCS 5/).

An employee should report allegations of retaliation to his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

Employees who retaliate against others for reporting or complaining of violations of this policy or for participating in the reporting or complaint process will be subject to disciplinary action, up to and including discharge.

#### Recourse to State and Federal Fair Employment Practice Agencies

The District encourages all employees who have information regarding violations of this policy to report the information pursuant to this policy. The following government agencies are available to assist employees: the Ill. Dept. of Human Rights and the U. S. Equal Employment Opportunity Commission.

The Superintendent shall also use reasonable measures to inform staff members, applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and including this policy in the appropriate handbooks.

LEGAL REF.:

Title VII of the Civil Rights Act of 1964, [42 U.S.C. §2000e et seq.](#), implemented by [29 C.F.R. §1604.11](#).

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

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

Ill. Human Rights Act, [775 ILCS 5/2-101\(E\)](#) and (E-1), [5/2-102\(A\)](#), (A-10), (D-5), [5/2-102\(E-5\)](#), [5/2-109](#), [5/5-102](#), and [5/5-102.2](#).

[56 Ill. Admin. Code Parts 2500](#), [2510](#), [5210](#), and [5220](#).

[Burlington Industries v. Ellerth](#), 524 U.S. 742 (1998).

[Crawford v. Metro. Gov't of Nashville & Davidson County](#), 555 U.S. 271 (2009).

[Faragher v. City of Boca Raton](#), 524 U.S. 775 (1998).

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

[Harris v. Forklift Systems](#), 510 U.S. 17 (1993).

[Jackson v. Birmingham Bd of Educ.](#), 544 U.S. 167 (2005).

[Meritor Savings Bank v. Vinson](#), 477 U.S. 57 (1986).

[Oncale v. Sundowner Offshore Services](#), 523 U.S. 75 (1998).

[Porter v. Erie Foods International, Inc.](#), 576 F.3d 629 (7th Cir. 2009).

[Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n](#), 233 Ill.2d 125 (Ill. 2009).

[Vance v. Ball State University](#), 133 S. Ct. 2434 (2013).

CROSS REF.: 2:260 (Uniform Grievance Procedure), [2:265 \(Title IX Sexual Harassment Grievance Procedure\)](#), [4:60 \(Purchases and Contracts\)](#), 5:10 (Equal Employment Opportunity and Minority Recruitment), [5:90 \(Abused and Neglected Child Reporting\)](#), [5:120 \(Employee Ethics; Conduct; and Conflict of Interest\)](#), 7:20 (Harassment of Students Prohibited), [8:30 \(Visitors to and Conduct on School Property\)](#)

## **PRESSPlus Comments**

**PRESSPlus 1.** See policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, (Draft Update - New) for the definition of Title IX sexual harassment (20 U.S.C. §1681 *et seq.*), and see the Draft's PRESS Plus Comment 4 for examples of employee sexual harassment that may violate Title IX. Title IX's reach is broad because an alleged complainant or alleged respondent may be *anyone* in the district's educational program or activity. This includes applicants for employment, students, parents/guardians, any employee, and third parties. Districts are liable for Title IX sexual harassment when *any* district employee has *actual knowledge* of sexual harassment or allegations of sexual harassment against anyone in the district (except when the only employee with knowledge is the perpetrator of the alleged sexual harassment). 34 C.F.R. §106.30. **Issue 105, August 2020**

**PRESSPlus 2.** For IDHR's online model program, see its *Model Sexual Harassment Prevention Training Program* page at: <https://www2.illinois.gov/dhr/Training/Pages/State-of-Illinois-Sexual-Harassment-Prevention-Training-Model.aspx>. **Issue 105, August 2020**

**PRESSPlus 3.** Title IX regulations require districts to designate and authorize at least one employee to coordinate their efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number.

The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, see the **PRESS Plus** Question in policy 2:260. **Issue 105, August 2020**

**PRESSPlus 4.** "Nondiscrimination Coordinator or designee" is used where Title IX is potentially implicated. In contrast, if Title IX is likely not implicated then "Nondiscrimination Coordinator or a Complaint Manager or designee" is used. **Issue 105, August 2020**

**PRESSPlus 5.** See also sample administrative procedure 5:120-AP2, *Employee Conduct Standards*, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 105, August 2020**

**PRESSPlus 6.** Required for districts located within a county served by an accredited Children's Advocacy Center (CAC). 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531 (governing the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC). For further discussion see f/n 14 in sample policy 5:90, *Abused and Neglected Child Reporting*, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com).

If your school district is not within a county served by an accredited CAC, strike this subsection and select "Adopted with Additional District Edits" as the Save Status. **Issue 105, August 2020**

# Document Status: Draft Update

## STUDENTS

### **7:20 Harassment of Students Prohibited**

#### Bullying, Intimidation, and Harassment Prohibited

No person, including a School District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity; PRESSPlus1 gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

#### Sexual Harassment Prohibited

The District shall provide an educational environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. Sexual harassment of students is prohibited. PRESSPlus2 See policies 2:265, Title IX Sexual Harassment Grievance Procedure, and 2:260, Uniform Grievance Procedure.

Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and/or engages in other verbal or physical conduct, including sexual violence, of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
  - a. Substantially interfering with a student's educational environment;
  - b. Creating an intimidating, hostile, or offensive educational environment;
  - c. Depriving a student of educational aid, benefits, services, or treatment; or
  - d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms *intimidating*, *hostile*, and *offensive* include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. The term *sexual violence* includes a number of different acts. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

### **Making a Report or Complaint**

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

An allegation that a student was a victim of any prohibited conduct perpetrated by school personnel, including a school vendor or volunteer, shall be processed and reviewed according to policy 5:90, *Abused and Neglected Child Reporting*, in addition to any response required by this policy. Reports under this policy will be considered a report under Board policy 2:260, *Uniform Grievance Procedure*, and/or Board policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. The Nondiscrimination Coordinator and/or Complaint Manager shall process and review the report according to the appropriate grievance procedure. Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. Any employee who fails to promptly comply may be disciplined, up to and including discharge.

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. At least one of these individuals will be female, and at least one will be male. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

### **Nondiscrimination Coordinator:**

Ed Piotrowski, Director of Human Resources  
100 S. Brainard  
LaGrange, IL 60525  
708/579-6456

### **Complaint Managers:**

Shanna Lewis, Associate Principal - South  
4900 S. Willow Springs Rd.  
Western Springs, IL 60558  
[slewis@lths.net](mailto:slewis@lths.net)  
708/579-6500

Kevin Brown, Associate Principal - North  
100 S. Brainard  
LaGrange, IL 60525  
[kbrown@lths.net](mailto:kbrown@lths.net)  
708/579-6300

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

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

1. For staff members, this policy in the appropriate employee handbook(s), if applicable, and/or in any other areas where policies, rules, and standards of conduct are otherwise made available to staff.

### Investigation Process

Supervisors, Building Principals, or administrators. Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. Any employee supervisor or administrator who fails to promptly comply may be disciplined, up to and including discharge.

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

The District shall investigate alleged harassment of students when the Nondiscrimination Coordinator or a Complaint Manager becomes aware of an allegation, regardless of whether a written report or complaint is filed.

For any report or complaint alleging sexual harassment that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), the Nondiscrimination Coordinator or designee<sup>PRESSPlus5</sup> shall consider determine whether action under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, should will be initiated.

For any other alleged student harassment that does not require action under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under policies 2:260, *Uniform Grievance Procedure*, 7:180, *Prevention of and Response to Bullying*, and/or 7:190, *Student Behavior*, should be initiated, regardless of whether a written report or complaint is filed.

### Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel<sup>PRESSPlus6</sup>

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

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

### Enforcement

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any third party who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the behavior policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

## Retaliation Prohibited

Retaliation against any person for bringing complaints or providing information about harassment is prohibited (see policies 2:260, Uniform Grievance Procedure, and 2:265, Title IX Sexual Harassment Grievance Procedure).

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

### LEGAL REF.:

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

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

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

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

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

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

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

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

CROSS REF.: 2:260 (Uniform Grievance Procedure), [2:265 \(Title IX Sexual Harassment Grievance Procedure\)](#), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:240 (Conduct Code for Participants in Extracurricular Activities)

### **PRESSPlus Comments**

**PRESSPlus 1.** Executive Order (EO) 2019-11, titled "Strengthening Our Commitment to Affirming and Inclusive Schools" established the Affirming and Inclusive Schools Task Force (Task Force) to identify strategies and best practices for ensuring welcoming, safe, supportive, and inclusive school environments for transgender, nonbinary, and gender nonconforming students. The Task Force delivered a report that served as the basis for two non-regulatory guidance documents entitled *Supporting Transgender, Nonbinary and Gender Nonconforming Students* and *Sample District Policy and Administrative Procedures* at [www.isbe.net/supportallstudents](http://www.isbe.net/supportallstudents). The Ill. State Board of Education (ISBE) hosts these documents on its website.

If the Board would like to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendation into this policy, see the **PRESS Plus** Question 1 for policy 7:10, *Equal Educational Opportunities*. **Issue 105, August 2020**

**PRESSPlus 2.** Two laws apply to sexual harassment of students in Illinois. Title IX of the Education Amendments of 1972 (Title IX) and the IHRA prohibit discrimination on the basis of sex and sexual

harassment in any educational program or activity receiving federal financial assistance. 20 U.S.C. §1681. Title IX defines sexual harassment as conduct on the basis of sex that meets one or more of the following: (1) a district employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it denies a person equal access to the District's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in federal law. 34 C.F.R. §106.30. Consult the board attorney to ensure the nondiscrimination coordinator and complaint managers are trained to appropriately respond to allegations of Title IX sexual harassment.

See policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, sample exhibit 2:265-E, *Title IX Sexual Harassment Glossary of Terms*, and sample procedures 2:265-AP1, *Title IX Sexual Harassment Response*, and 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com).

The IHRA prohibits any district employee or agent from sexually harassing a student, and defines sexual harassment as any unwelcome sexual advances or requests for sexual favors made to a student, or any conduct of a sexual nature toward a student, when: (1) such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or (2) the district employee or agent either explicitly or implicitly makes the student's submission to or rejection of such conduct as a basis for making various enumerated education-related determinations. 775 ILCS 5/5A-201(E).

The Ill. Dept. of Human Rights investigates charges of sexual harassment in violation of the IHRA, and it is a civil rights violation when a district fails to take remedial or disciplinary action against an employee the district knows engaged in sexual harassment. 775 ILCS 5/5A-102. **Issue 105, August 2020**

**PRESSPlus 3.** Using "or any employee with whom the student is comfortable speaking" ensures compliance with Title IX regulations providing that "any employee" of an elementary or secondary school who has notice of sexual harassment or allegations of sexual harassment is deemed to have *actual knowledge* which triggers a district's duty to respond. 34 C.F.R. §106.30. By including "any employee" in this list, 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. **Issue 105, August 2020**

**PRESSPlus 4.** Title IX regulations require districts to designate and authorize at least one employee to coordinate their efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a), amended at 85 Fed. Reg. 30573. Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number.

The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, see the **PRESS Plus** Question 1 in policy 2:260. **Issue 105, August 2020**

**PRESSPlus 5.** "Nondiscrimination Coordinator or designee" is used where Title IX is potentially implicated. In contrast, if Title IX is likely not implicated then "Nondiscrimination Coordinator or a Complaint Manager or designee" is used. **Issue 105, August 2020**

**PRESSPlus 6.** Required for districts located within a county served by an accredited Children's Advocacy Center (CAC). 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531 (governing the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a

CAC). For further discussion see f/n 14 in sample policy 5:90, *Abused and Neglected Child Reporting*, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com).

If your school district is not within a county served by an accredited CAC, strike this subsection and select "Adopted with Additional District Edits" as the Save Status. **Issue 105, August 2020**

## Document Status: Draft Update

### SECTION 2 -BOARD OF EDUCATION

#### **2:260 Uniform Grievance Procedure**

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the Board of Education, its employees, or its agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following: [PRESSPlus1](#)

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

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

#### Right to Pursue Other Remedies Not Impaired

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

A complaint may be filed with the Department of Education, Office for Civil Rights. The Illinois Regional Office for Civil Rights is located in Chicago at:

Chicago Office for Civil Rights

U.S. Department of Education

Citigroup Center

500 West Madison Street, Suite 1475

Chicago, IL 60661

Phone: 312/730-1560

Fax: 312/730-1576

TDD: 877/521-2172

Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

### Deadlines

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

### Filing a Complaint

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

For any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy. ~~2:260, Uniform Grievance Procedure.~~

### Investigation Process

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

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

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

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

### Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

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

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

For complaints containing allegations involving the Superintendent or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. With regard to any review, deliberations, or determination by the Board of the Complaint Manager's or outside investigator's report and the related complaint, the Board

shall consider requiring the recusal of any board members who are parties or witnesses to the complaint.

This policy shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

**Appointing a Nondiscrimination Coordinator and Complaint Managers**

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.<sup>Q1</sup>

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

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers. The Superintendent or designee shall ensure that students, parents/guardians, employees, and members of the community are informed of the contact information for the District's Nondiscrimination Coordinator and Complaint Managers on an annual basis.

**Nondiscrimination Coordinator:**

Ed Piotrowski, Director of Human Resources  
100 S. Brainard  
LaGrange, IL 60525  
708/579-6456

**Complaint Managers:**

Shanna Lewis, Associate Principal - South	Kevin Brown, Associate Principal - North
4900 S. Willow Springs Rd.	100 S. Brainard
Western Springs, IL 60558	LaGrange, IL 60525
<a href="mailto:slewis@lths.net">slewis@lths.net</a>	
708/579-6500	708/579-6300

**LEGAL REF.:**

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

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

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

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

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

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

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

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

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

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

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

[105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-20.60, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.](#)

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

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

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

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

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

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

[23 Ill.Admin.Code §§1.240](#) and [200-40](#).

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

Adopted: February 18, 2020

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## Questions and Answers:

\*\*\*Required Question 1. A district must prominently display its Title IX non-discrimination policies (this policy 2:260, *Uniform Grievance Procedure*, and policy 2:265, *Title IX Sexual Harassment Grievance Procedure*) and contact information for its Title IX coordinator(s) on its website, if any, and in each handbook made available to students, applicants for employment, parents/guardians, employees, and collective bargaining units. 34 C.F.R. §106.8(a) and (b). Notifications must state that nondiscrimination extends to employment, and that inquiries about the application of Title IX and its regulations may be referred to the district's Title IX coordinator, to the U.S. Dept. of Education's Assistant Secretary of Education, or both. 34 C.F.R. §106.8(b). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com).

Title IX regulations require districts to designate and authorize at least one employee to coordinate efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX coordinator by name, office address, email address, and telephone number.

The Nondiscrimination and Title IX Coordinator(s) need not be the same person. Does the District's Nondiscrimination Coordinator also serve as the Title IX Coordinator?

- The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator. (default)
- The Nondiscrimination Coordinator does not serve as the District's Title IX Coordinator. (IASB will list the District's Title IX Coordinator separately in policies 2:260, 5:10, 5:20, 7:20, and 7:180 and make any other necessary changes to these policies.) The District's Title IX Coordinator's name, office address, email address, and telephone number are:

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## PRESSPlus Comments

PRESSPlus 1. The items listed are updated for continuous improvement and to explicitly direct any sexual harassment complaints involving Title IX to **NEW** policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. **Issue 105, August 2020**

## Document Status: Draft Update

### General Personnel

#### **5:10 Equal Employment Opportunity and Minority Recruitment**

The School District shall provide equal employment opportunities to all persons regardless of their race, color, creed, religion, national origin, sex, sexual orientation, age, ancestry, marital status, arrest record, military status, order of protection status, unfavorable military discharge, citizenship status provided the individual is authorized to work in the United States, use of lawful products while not at work, being a victim of domestic violence, sexual violence, or gender violence; genetic information; physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation; pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; or other legally protected categories. No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Program Act, [410 ILCS 130/](#).

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

#### Administrative Implementation

The Superintendent shall appoint at least two Complaint Managers, one of each gender. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator. [PRESSPlus1](#)

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Complaint Managers. A complaint manager may be designated as a Nondiscrimination Coordinator as needed.

#### **Nondiscrimination Coordinator:**

Ed Piotrowski, Director of Human Resources

100 S. Brainard

LaGrange, IL 60525

708/579-6456

#### **Complaint Managers:**

Shanna Lewis, Associate Principal - South      Kevin Brown, Associate Principal - North

4900 S. Willow Springs Rd.

100 S. Brainard

Western Springs, IL 60558

LaGrange, IL 60525

[slewis@lths.net](mailto:slewis@lths.net)

708/579-6500

708/579-6300

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks.

#### Minority Recruitment

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant

minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

LEGAL REF.:

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

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

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

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

[29 U.S.C. §701](#) *et seq.*, Rehabilitation Act of 1973.

[38 U.S.C. §4301](#) *et seq.*, Uniformed Services Employment and Reemployment Rights Act (1994).

[42 U.S.C. §1981](#) *et seq.*, Civil Rights Act of 1991.

[42 U.S.C. §2000e](#) *et seq.*, Title VII of the Civil Rights Act of 1964, implemented by [29 C.F.R. Part 1601](#).

[42 U.S.C. §2000ff](#) *et seq.*, Genetic Information Nondiscrimination Act of 2008.

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

[42 U.S.C. §2000e](#)(k), Pregnancy Discrimination Act.

[42 U.S.C. §12111](#) *et seq.*, Americans with Disabilities Act, Title I.

[Ill. Constitution, Art. I](#) §§17, 18, and 19.

[105 ILCS 5/10-20.7](#), [5/20.7a](#), [5/21.1](#), [5/22.4](#), [5/23.5](#), [5/22-19](#), [5/24-4](#), [5/24-4.1](#), and [5/24-7](#).

[410 ILCS 130/40](#), Compassionate Use of Medical Cannabis Program Act.

[410 ILCS 513/25](#), Genetic Information Privacy Act.

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

[775 ILCS 5/1-103](#), [5/2-102](#), [103](#), and [5/6-101](#), Ill. Human Rights Act.

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

[820 ILCS 55/10](#), Right to Privacy in the Workplace Act.

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

[820 ILCS 75/](#), Job Opportunities for Qualified Applicants Act.

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

[820 ILCS 180/30](#), Victims' Economic Security and Safety Act.

[820 ILCS 260/](#), Nursing Mothers in the Workplace Act.

CROSS REF.: 2:260 (Uniform Grievance Procedure), [2:265 \(Title IX Sexual Harassment Grievance Procedure\)](#), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300 (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

Adopted: January 21, 2020

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**PRESSPlus Comments**

PRESSPlus 1. Title IX regulations require districts to designate and authorize at least one employee to coordinate their efforts

to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number.

The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, see the **PRESS Plus** Question 1 in policy 2:260. **Issue 105, August 2020**

## Document Status: Draft Update

### General Personnel

#### **5:100 Staff Development Program**

The Superintendent or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for licensed staff members shall be designed to effectuate the District and School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

The staff development program shall provide, at a minimum, at least once every two years, the in-service training of licensed school personnel and administrators on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

The staff development program shall provide, at a minimum, once every two years, the in-service training of all District staff on educator ethics, teacher-student conduct, and school employee-student conduct.

The Superintendent shall develop protocols for administering youth suicide awareness and prevention education to staff consistent with Board policy 7:290, *Suicide and Depression Awareness and Prevention*.

An opportunity shall be provided for all staff members to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automated external defibrillator, in accordance with a nationally recognized certifying organization. Physical fitness facilities' staff must be trained in cardiopulmonary resuscitation and use of an automated external defibrillator.

#### LEGAL REF.:

20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106, PRESSPlus1

Healthy, Hunger-Free Kids Act of 2010; 42 U.S.C. §1758b, Pub. L. 111-296; Healthy, Hunger-Free Kids Act of 2010; 7 C.F.R. Parts 210 and 235.

105 ILCS 5/2-3.62, 5/10-20.17a, 5/10-20.61, 5/10-22.6(c-5), 5/10-22.39, 5/10-23.12, 5/22-80(h), and 5/24-5.

105 ILCS 25/1.15, Interscholastic Athletic Organization Act.

105 ILCS 150/25, Seizure Smart School Act.

105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.

325 ILCS 5/4, Abused and Neglected Child Reporting Act.

745 ILCS 49/, Good Samaritan Act.

775 ILCS 5/2-109, Ill. Human Rights Act.

23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.

77 Ill.Admin.Code §527.800.

CROSS REF.: 2:265 (Title IX Sexual Harassment Grievance Procedure), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Environmental Quality of Buildings and Grounds), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Ethics and Conduct), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:50 (School Wellness), 6:160 (English Learners), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:270 (Administering Medicines to Students), 7:285 (Food Allergy Management Program), 7:290 (Suicide and Depression Awareness and Prevention), 7:305 (Student Athlete Concussions and Head Injuries)

Adopted: January 21, 2020

PRESSPlus 1. Updated in response to Title IX regulations. The list of in-services that is optional to be adopted into this policy is also updated in response to Title IX training requirements; see footnote 4 of sample policy 5:100, available at **PRESS** Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 105, August 2020**

# Document Status: Draft Update

## STUDENTS

### **7:10 Equal Educational Opportunities**

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, <sup>Q1</sup> status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy. Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under Board of Education policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*.

#### Sex Equity

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

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the appropriate Intermediate Service Center (pursuant to [105 ILCS 5/3-10](#)) and, thereafter, to the State Superintendent of Education (pursuant to [105 ILCS 5/2-3.8](#)).

#### Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator, who also serves as the District's Title IX Coordinator. <sup>PRESSPlus1</sup> The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures. <sup>PRESSPlus2</sup>

#### **Nondiscrimination Coordinator:**

Ed Piotrowski, Director of Human Resources  
100 S. Brainard  
LaGrange, IL 60525  
708/579-6456

#### **Complaint Managers:**

Shanna Lewis, Associate Principal - South	Kevin Brown, Associate Principal - North
4900 S. Willow Springs Rd.	100 S. Brainard
Western Springs, IL 60558	LaGrange, IL 60525
708/579-6500	708/579-6300

#### LEGAL REF.:

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

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

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

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

[Ill. Constitution, Art. I §18.](#)

[105 ILCS 5/3.25b, 5/3.25d\(b\), 5/10-20.12, 5/10-20.60](#) (P.A.s 100-29 and 100-163, final citations pending), [5/10-22.5](#), and [5/27-1](#).

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

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

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

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

Adopted: May 21, 2018

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### Questions and Answers:

\*\*\*Required Question 1. Executive Order (EO) 2019-11, titled "Strengthening Our Commitment to Affirming and Inclusive Schools" established the Affirming and Inclusive Schools Task Force (Task Force) to identify strategies and best practices for ensuring welcoming, safe, supportive, and inclusive school environments for transgender, nonbinary, and gender nonconforming students. The Task Force delivered a report that served as the basis for two non-regulatory guidance documents entitled *Supporting Transgender, Nonbinary and Gender Nonconforming Students* and *Sample District Policy and Administrative Procedures* at [www.isbe.net/supportallstudents](http://www.isbe.net/supportallstudents). The Ill. State Board of Education (SBE) hosts these documents on its website.

Does the Board want to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendation into this policy?

No (default)

Yes (IASB will replace "gender identity" with "gender, gender identity (whether or not traditionally associated with the student's sex assigned at birth), gender expression," add "or gender expression" to the first sentence under the Sex Equity subhead, and add the following sentence to that subhead: "Students shall be supported in a manner consistent with their gender identity. This will include, but not be limited to, use of restrooms, locker rooms, and other facilities that correspond with the student's gender identity." In addition, the list of protected classifications in policy 7:20 will be amended to replace "gender identity" with "gender, gender identity (whether or not traditionally associated with the student's sex assigned at birth);")

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### PRESSPlus Comments

PRESSPlus 1. The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, see the **PRESS Plus** Question in policy 2:260. **Issue 105, August 2020**

PRESSPlus 2. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: [www.ilprincipals.org/resources/model-student-handbook](http://www.ilprincipals.org/resources/model-student-handbook). **Issue 105, August 2020**

## Document Status: Draft Update

### STUDENTS

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

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations:

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a non school-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and it does not require a district or school to staff or monitor any non school-related activity, function, or program.

#### Definitions from 105 ILCS 5/27-23.7

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

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

*Cyberbullying* means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

*Restorative measures* means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

*School personnel* means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

## Bullying Prevention and Response Plan

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

1. The District uses the definition of *bullying* as provided in this policy.
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the [First Amendment to the U.S. Constitution](#) or under [Section 3 of Article I of the Illinois Constitution](#).
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking. Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying. Anonymous reports are also accepted.

### **Nondiscrimination Coordinator:** [PRESSPlus1](#)

Ed Piotrowski, Director of Human Resources  
100 S. Brainard  
LaGrange, IL 60525  
708/579-6456

### **Complaint Managers:**

Shanna Lewis, Associate Principal - South  
4900 S. Willow Springs Rd.  
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4. Consistent with federal and State laws and rules governing student privacy rights, the Superintendent or designee shall promptly inform parent(s)/guardian(s) of all students involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
5. The Superintendent or designee shall promptly investigate and address reports of bullying, by, among other things:
  - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.
  - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
  - c. Notifying the Building Principal or school administrator or designee of the report of the incident of bullying as soon as possible after the report is received.
  - d. Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

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

6. The Superintendent or designee shall use interventions to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

7. A reprisal or retaliation against any person who reports an act of bullying **is prohibited**. A student's act of reprisal or retaliation will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
9. The District's bullying prevention and response plan must be based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Superintendent or designee shall post this policy on the District's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.
11. The Superintendent or designee shall assist the Board with its evaluation and assessment of this policy's outcomes and effectiveness. This process shall include, without limitation:
  - a. The frequency of victimization;
  - b. Student, staff, and family observations of safety at a school;
  - c. Identification of areas of a school where bullying occurs;
  - d. The types of bullying utilized; and
  - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. The Superintendent or designee must post the information developed as a result of the policy evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students.

12. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following:
  - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
  - b. 2:265, Title IX Sexual Harassment Grievance Procedure. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972. [PRESSPlus2](#)
  - c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
  - d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
  - e. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
  - f. 7:20, *Harassment of Students Prohibited*. This policy prohibits *any* person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
  - g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
  - h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
  - i. 7:315, *Restrictions on Publications; High Schools*. This policy prohibits students from and provides consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

LEGAL REF.:

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

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

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

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities),

7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Food Allergy Management Program), 7:315 (Restrictions on Publications; High Schools)

Adopted: January 21, 2020

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**PRESSPlus Comments**

PRESSPlus 1. Title IX regulations require districts to designate and authorize at least one employee to coordinate their efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number.

The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, see the **PRESS Plus** Question 1 in policy 2:260. **Issue 105, August 2020**

PRESSPlus 2. Added in response to Title IX regulations at 34 C.F.R. Part 106. **Issue 105, August 2020**

## Document Status: Draft Update

### STUDENTS

#### **7:185 Teen Dating Violence Prohibited**

Engaging in teen dating violence that takes place at school, on school property, at school-sponsored activities, or in vehicles used for school-provided transportation is prohibited. For purposes of this policy, the term *teen dating violence* occurs whenever a student who is 13 to 19 years of age uses or threatens to use physical, mental, or emotional abuse to control an individual in the dating relationship; or uses or threatens to use sexual violence in the dating relationship.

The Superintendent or designee shall develop and maintain a program to respond to incidents of teen dating violence that:

1. Fully implements and enforces each of the following Board policies:
  - a. 2:260. Uniform Grievance Procedure. This policy provides a method for any student, parent/guardian, employee, or community member to file a complaint if he or she believes that the School Board, its employees, or its agents have violated his or her rights under the State or federal Constitution, State or federal statute, Board policy, or various enumerated bases.
  - b. 2:265. Title IX Sexual Harassment Grievance Procedure. This policy prohibits any person from engaging in sexual harassment in violation of Title IX of the Education Amendments of 1972. Prohibited conduct includes but is not limited to sexual assault, dating violence, domestic violence, and stalking. <sup>PRESSPlus1</sup>
  - c. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on the student's actual or perceived characteristics of sex; sexual orientation; gender identity; and gender-related identity or expression (this policy includes more protected statuses).
  - d. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. This policy prohibits students from engaging in bullying, intimidation, and harassment at school, school-related events and electronically. Prohibited conduct includes threats, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.
2. Encourages anyone with information about incidents of teen dating violence to report them to any of the following individuals:
  - a. Any school staff member. School staff shall respond to incidents of teen dating violence by following the District's established procedures for the prevention, identification, investigation, and response to bullying and school violence.
  - b. The Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager identified in policy 7:20, *Harassment of Students Prohibited*.
3. Incorporates age-appropriate instruction in grades 7 through 12, in accordance with the District's comprehensive health education program in Board policy 6:60, *Curriculum Content*. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
4. Incorporates education for school staff, as recommended by the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager.
5. Notifies students and parents/guardians of this policy.

Incorporated

by Reference: 7:180-AP1, (Prevention, Identification, Investigation, and Response to Bullying)

LEGAL REF.:

105 ILCS 110/3.10.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:100 (Staff Development Program), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities)

Adopted: June 17, 2019

**PRESSPlus Comments**

PRESSPlus 1. Added in response to Title IX regulations at 34 C.F.R. Part 106. **Issue 105, August 2020**