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Meeting of the Board of Education Park Ridge – Niles School District 64

Special Board Meeting Agenda
Monday, February 8, 2016
Jefferson School – Multipurpose Room
8200 N. Greendale Avenue
Niles, IL 60714

On some occasions the order of business may be adjusted as the meetings progresses to accommodate Board members' schedules, the length of session, breaks and other needs.

TIME

APPENDIX

6:00 p.m. **Meeting of the Board Convenes**

- Roll Call
- Introductions
- Opening Remarks from President of the Board

• Board Recesses and Adjourns to Closed Session

- The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee or against legal counsel for the District to determine its validity [5 ILCS 120/2 (c)(1)] and collective negotiating matters between the District and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees [5 ILCS 120/2 (c)(2)].

7:00 p.m.

• Board Adjourns from Closed Session and Resumes Regular Meeting

• Public Comments

• Comprehensive Safety and Security Plan

A-1

- Superintendent/CSBO/NIPSTA Team

**• Discussion Regarding Formation of Board Finance and Building/
Sites Committees**

A-2

- Chief School Business Official

**• Discussion: Scope of Planned Construction Projects and
Recommendations**

A-3

- Chief School Business Official

- **Enrollment Projections for 2016-17 School Year and Discussion on Staffing 2016-17** **A-4**
 -- Chief School Business Official/Assistant Superintendent for Human Resources
- **First Reading of Policies from PRESS Issue 88 and 89 and Policy 2:230** **A-5**
 -- Superintendent
- **Adjournment**

Next Regular
Meeting:

Monday, February 22, 2016

Closed Session Meeting – 6:00 p.m.

Regular Board Meeting – 7:00 p.m. (or at the conclusion of closed whichever is later)

Washington School – Gym

1500 Stewart Avenue

Park Ridge, IL 60068

In accordance with the Americans with Disabilities Act (ADA), the Board of Education of Community Consolidated School District 64 Park Ridge-Niles will provide access to public meetings to persons with disabilities who request special accommodations. Any persons requiring special accommodations should contact the Director of Facility Management at (847) 318-4313 to arrange assistance or obtain information on accessibility. It is recommended that you contact the District, 3 business days prior to a school board meeting, so we can make every effort to accommodate you or provide for any special needs.

Upcoming Meetings and Topics
As of February 4, 2016

February 22, 2016 - Washington School – Gym

Closed Session – 6:00 p.m.

Regular Board Meeting – 7:00 p.m. (or at the conclusion of closed whichever is later)

(As of Thursday, August 27, 2015 all Regular meetings will move from 7:30 p.m. to 7:00 p.m.)

- Pledge of Allegiance and Welcome
- Board Authorizes 2016 – 17 Staffing Plan
- Report on February 5 Institute Day
- Approval of Fee Study Recommendation
- Follow-up – Comprehensive Safety & Security Plan Update
- Update on Elementary Lunch Service
- Financing Options Proposal for Summer 2016 Construction
- Presentation of Tentative Calendar for 2017-18
- Approval of Financial Update for the Period Ending January 31, 2016
- Approval of Policies from PRESS Issue 89, August 2015 and Policy 2:230

March 3, 2016 – Hendee Educational Service Center

Closed Session Meeting – 6:00 p.m.

Special Board Meeting – 6:30 p.m. (or at the conclusion of closed session whichever is later)

- Approval of Bids for Summer 2016 Project

March 21, 2016 – Lincoln School – Gym

Closed Session – 6:30 p.m.

Regular Board Meeting – 7:00 p.m.

(As of Thursday, August 27, 2015 all Regular meetings will move from 7:30 p.m. to 7:00 p.m.)

- Pledge of Allegiance and Welcome
- Approval of Health Life Safety Five-year Completion Plan
- Approval: Special Education Administrative Model
- Approval of Elementary Lunch Program
- Website Analytics Report
- NGSS Science Curriculum Update
- Overview of Core Plus Work
- Healthy Living Month – memo
- Consent Agenda
 - Resolution #___ to Transfer Funds Between Education and Debt Service Fund for VoIP
 - Resolution #___ to Transfer Funds Between Education and Debt Service Fund for Copier
 - Resolution(s) Reduction in Force List (tentative)
 - Resolution # __ Non-Reemployment of part-Time Educational Support Personnel Employees (tentative)
 - Resolution # ___ Dismissal of First or Second or Third -Year Probationary Teachers for Reasons Other than Reduction-in-Force (tentative)
 - Resolution #-- Honorable Dismissal of Teachers (tentative)
 - Resolution #__ Dismissal of Probationary Educational Support Personnel Employees (tentative)
 - Approval of Financial Update for the Period Ending February 29, 2016
 - Adopt Tentative Calendar for 2017-18 School Year
 - Registration and Residency Update (memo of information)

April 11, 2016 – Jefferson School – Multipurpose Room

Committee of the Whole: Tech – 7:00 p.m.

April 25, 2016 – Carpenter School – South Gym

Closed Session – 6:30 p.m.

Regular Board Meeting – 7:00 p.m.

(As of Thursday, August 27, 2015 all Regular meetings will move from 7:30 p.m. to 7:00 p.m.)

- Pledge of Allegiance and Welcome

TBD

- Curriculum Update
- Update on Food Service Contract
- Discussion: Board Policy 4:150 – Should the Board continue to grant authority up to \$25,000 for renovations or permanent alterations Buildings and Grounds
- Approval of Ten-year Health Life Safety Survey

The above are subject to change.

To: Board of Education
From: Dr. Laurie Heinz, Superintendent
Luann Kolstad, Chief School Business Official
Date: February 8, 2016
Re: Comprehensive Safety & Security Plan

Background

In addition to providing a high quality education to all students, District 64 sets an equally high priority on student and staff safety. To ensure our schools are as safe as they can be within an educational setting, District 64 has set out to ascertain if our schools have appropriate security measures in place in order to provide layered security and maximize safety for everyone in the building. We also are mindful of the delicate balance needed between making our buildings more secure, while ensuring they function and feel like a welcoming, neighborhood learning institution for elementary to middle school students.

A 10-year Health Life Safety survey and the development of a Master Facilities Plan in spring 2015 with FGM Architects offered administration an opportunity to revisit the safety practices and security systems within all our buildings. The District had invested significant resources in the development of both plans and the priority project lists to complete this work.

The recommendations for the highest priority projects in summer 2016 was thoroughly reviewed at a series of Board meetings this fall. The projects were selected to focus on critical items required to keep our schools “safe, warm and dry.” The key component of this recommendation is the creation of secured vestibules, which will allow us to control access and limit intrusion with our buildings as visitors will be guided to a single control point and required to be cleared before being allowed to enter or leave the school. As a result of securing our vestibules, minor office renovations at each school are also needed to provide direct supervision of the main entry.

A series of presentations focused on the recommendation and need for the secured entries as an essential component of ensuring safe schools, which had been recommended in a physical safety audit of the schools and Educational Service Center completed for District 64 by security consultant Paul Timm of RETA Security in August 2013. A Board-certified Physical Security Professional (PSP) by ASIS International since 2003, Mr. Timm has 16 years of security consulting experience, and most recently authored: School Security: How to Build and Strengthen a School Safety Program.

Review of RETA Physical Security Audit Findings

Mr. Timm and our local Park Ridge First Responders joined administration in presenting a comprehensive status report to the Board at the October 26, 2015 meeting. At that time, the key recommendations in the RETA security audit that had been completed thus far were reviewed and the remaining items to be addressed were identified. The audit focused on the presence and relative effectiveness of four physical security elements:

- deterrence - discouraging unauthorized actions
- detection - recognizing unauthorized actions
- delay - slowing unauthorized actions
- response - reacting to unauthorized actions

While it is not possible to guarantee 100% school security, it is possible to significantly *minimize risks* that harm will come to anyone in a school building due to a breach of security.

The key recommendations from the 2013 RETA physical security audit were grouped into four categories:

- Secure Vestibules
- Visitor Management System
- Additional Exterior Cameras
- Communications

An update on the status of each recommendation and a review of the specific physical security upgrades and procedures that have been implemented from RETA were provided to the Board and discussed in depth on October 26, November 5 and November 15, 2015.

Building a Comprehensive Safety & Security Plan

As we explored the secured vestibules further, it became clear that the RETA report was extremely helpful in reviewing the *physical* security of our buildings. However, District 64 also needed to further consider the effectiveness of our existing safety and security *procedures and policies*, which we follow on a daily basis.

It has been many years since the District's full Crisis Plan has been thoroughly examined cover-to-cover, although portions are updated each year. As a first step, in summer 2015 a shorter "Crisis Go Guide" flip book was created in cooperation with our local First Responders that combines the "top 10" highest probability physical safety and security incidents along with essential emergency contact information. At the start of the 2015-16 school year, almost 500 copies of these "Go Guides" booklets were distributed to teachers to be placed with other critical materials (e.g., class lists) inside the emergency pouches located within every classroom throughout the District.

The complete District 64 Crisis Plan is a large and cumbersome binder that is available within each principal's office. A review of the Table of Contents (Attachment 1) indicates a high degree of thoughtfulness in providing checklists, procedures and guidance in dealing with some 30

specific circumstances. However it is clear that these *go far beyond dealing with the physical security of each school to encompass plans for offering emotional support, building community and fostering flexibility whenever a crisis impacts one of our school communities.*

Our current District 64 Crisis Plan references many ways that District 64 as well as each school are committed to offer a variety of curricula and procedures that are designed to reduce and prevent violence and to foster safety and order, which are related to children's social, emotional, and academic development. The current Crisis Plan notes that: "When tragedy strikes at school, we have the opportunity to teach children coping strategies that enable them to respond to the inevitable changes, disappointments, and losses that naturally occur in life. These events teach children how to reach out to others for support and, in turn, give support to those in need. Together, support and empathy create a community within the school, extending beyond the school to society-at-large."

The current Crisis Plan, therefore, is a hybrid that contains elements related to responding to physical safety and security concerns, but also contains a broader view of how to deal as a community with tragedies that impact our staff, students and their families.

In reviewing the next steps to be fulfilled to accomplish the RETA recommendations and to build a more comprehensive safety and security plan, therefore, administration this fall added the expertise of the [Northeastern Illinois Public Safety Training Academy \(NIPSTA\)](#). As introduced at the November 16, 2015 meeting, District 64 has engaged NIPSTA to:

- augment/enhance the RETA report;
- provide support with development or revision of policies and procedures;
- and provide initial as well as ongoing staff training.

As educators, we know that it is critical to not just expand our staff members' knowledge of protocols and procedures, but to *change the culture* by repeated practice if we are to successfully move "beyond a binder" toward standardizing operating procedures across all schools with our safety plans.

District 64's current crisis response plan rests on Building Crisis Teams working with a District Crisis Team. NIPSTA's "Center for Security & Life Safety" has programs we can utilize to reinforce our preparedness and response training to ensure a cohesive, unified approach. As we have done with District goal-setting through our 2020 Vision Strategic Plan, we are adopting the same method to ensure that building goals flow from established District goals and align across the organization.

NIPSTA Partnership

On January 12, NIPSTA met with our current District 64 Crisis Communications Committee, which includes District 64 representatives, both fire and police local First Responders, and Maine 207 representatives. We shared information so that NIPSTA would develop a better

understanding of our current operations and goals for our work.

The NIPSTA team working with District 64 includes a well-rounded group of experts:

- Jill Ramaker, executive director, has a deep background in emergency healthcare including medical preparedness and emergency response
- Thomas Gaertner, deputy director, has devoted his career to fire protection and search and rescue
- Sam Pettineo is a seasoned law enforcement expert and high school safety leader
- Mark Wold is an experienced law enforcement, fire safety and emergency management professional at the community level
- Barbara Rizzo is an expert in workforce training, and continuing and adult education
- Lynn Seinfeld also has a rich background in training and education.

Short biographies of the members of the Center for Security and Life Safety appear in Attachment 2.

A larger District 64 administrative group then met twice with NIPSTA's team on January 21 and January 26. During these meetings, we accomplished:

- NIPSTA Day One (January 21, 2016)
 1. Team Introductions - areas of expertise
 2. What is NIPSTA?
 3. Brainstorm: What Should a Comprehensive Security Plan Include?
 4. Secure Vestibule Presentation & Discussion
 5. RETA Recommendations Reviewed
 6. Analysis of Health Life Safety/Master Facilities Plan projects related to safety and security of staff and students
- NIPSTA Day Two (January 26, 2016)
 1. Introduction to Incident Command training
 2. Rating activity of potential crisis situations and impact/outcomes

Current Focus with NIPSTA

These two working meetings have allowed us to delve deeply into our planning and develop the following next steps. NIPSTA will work with District 64 through the spring to:

1. Review our current District 64 Crisis Plan and policies
2. Review the RETA Report on physical security and suggest enhancements, additions and deletions
3. Support rewriting or development of policies and procedures
4. Determine training needs and conduct sessions for administrators
5. Develop an August 2016 Institute Day training plan for all staff
6. Follow-up on needs for specific buildings
7. Develop ongoing refresh training cycle

To help coordinate the development of this work, we believe it is imperative to develop a new **District 64 /First Responder Crisis Committee**. Members will include:

- All District 64 Administration

- District 64 Staff (PREA and PRTAA)
- Custodial Staff
- NIPSTA Team
- Park Ridge and Niles Police Department
- Park Ridge and Niles Fire Department

In an effort to standardize our protocols, the District 64/First Responder Crisis Committee will craft procedures and protocols to be implemented at the building level. This committee will meet twice annually to review opening Institute Day training needs as well as an end-of-year review of procedures.

Further, we believe that Revamping of **Building Crisis Teams** is in order. Currently, each school has a Building Crisis Team that typically consists of: Principal, Assistant Principal, Social Worker/ Guidance Counselor, Head Custodian, Secretary, and a Health Assistant/ Nurse. Teams meet 2-3 times a year to review and update building plans and procedures for evacuations as well as potential situations. Teams also meet as needed for crisis situations to either address the situation or review how we responded and discuss ways to improve. In addition, District 64 does not routinely practice moving all students to the designated off-site emergency evacuation location. However, the school administrators maintain periodic contact with these locations. We would like to provide further training by the Building Crisis Team on the use of these sites and reunification procedures that would be followed. (This topic is addressed further below.)

Additionally, we will work with NIPSTA on “table-top” preparedness exercises to help refine the deployment of the **District Crisis Rapid Response Team** (described below).

NIPSTA Partnership: Creating a Comprehensive Safety and Security Plan

Fundamental to our work for spring 2016, District 64 is working with NIPSTA to restructure and transform our current Crisis Plan manual to provide a 360° view of safety and security at our schools. As stated above, our goal is to ensure a cohesive, unified approach. As we have done with District goal-setting through our 2020 Vision Strategic Plan, we are adopting the same method to ensure that District goals flow down to all buildings seamlessly.

The existing Crisis Plan manual is a solid starting point for procedures and practices that should be incorporated into the new comprehensive plan. However, there are several other resources that address portions of our safety and security protocols that also must be evaluated further.

These include at a minimum:

- Lunch Supervisor Handbook
- Bus safety drill procedures
- Field trip protocols, particularly as they relate to students with health needs
- New Teacher Handbook
- 5th Grade Outdoor Education experience (Camp Duncan)

Based on an initial review with NIPSTA, we have identified the following expanded areas that must be addressed to create a *comprehensive* plan, which provides a total overview of our security and safety practices. These go beyond just the physical security arrangements to incorporate training and procedures that can become standardized at all schools throughout the District. These should be viewed as a starting point, as NIPSTA will continue to work with us in coming months as we fully develop our new procedures and protocols.

Note that the list below assumes that all current practices instituted from the RETA physical security report remain in place, such as the Raptor visitor management system for all visitors, exterior cameras at main entrances, use of electronic card readers by staff, and other items reported to the Board earlier this fall as having been implemented.

1. Staff Supervision at Drop-Off and Pick-Up

To ensure no one gets into the building without going through the front door/secure vestibule, beginning in 2016-17, it is our recommendation that staff members share responsibility to serve as bus and door supervisors. They will provide needed supervision for students as they enter and exit the building. In some elementary buildings, student Safety Patrols may also be present at each door. Since children should not be put in a position to redirect adults, staff will be present to help with safe, consistent and efficient entry and exit procedures. The expectation will be for staff to redirect visitors to the main office, so it becomes our sole entry point for non-staff members. Since all staff have fobs and additional exterior card readers will be added to all doors, staff will continue to be instructed to not prop exterior doors open for any reason. Building Principals will work to develop exit procedures and assign adult coverage to all exterior exit points.

2. Emergency Notifications and Alerts

When a 9-1-1 call is made from any phone in the District, a notification will go out to the Superintendent that an emergency call was made. The District operates on the E911 Locator System where the location of the call is displayed to the 9-1-1 call center. This information will allow the Superintendent's office to immediately be alerted to the potential of an emergency situation underway, and to place the District-level crisis team on alert potentially saving valuable time in coordinating a response.

3. Access Control

District 64 educates close to 4,500 students and employees 700 staff members. Staff can and should use their key fobs to enter doors that make geographical sense to their classroom or office. Beginning with the 2016-17 school year, students will have limited ways in which they can enter the building. Building administrators and each building crisis team will identify essential doors students can use to enter and exit the building during drop-off and pick-up. Access points will include: bus drop off/pick-up areas and access door(s) for walkers, bike riders

as well as kiss and ride/parent drop-off locations. **Guests/Parents** - ALL parents must enter through secure vestibule, no exceptions. ALL guests and vendors must enter through the secure vestibule. Any vendors not accompanied by a staff member 100% of the time, must be background checked, no exceptions.

4. Background Checks

Volunteers, chaperones and coaches that have direct access to students currently are fingerprinted and put through a background check. These procedures should be included within the plan.

5. Package Delivery

Schools regularly receive packages from outside vendors. All delivery personnel should ring the front bell and announce their name, company and what is being delivered. Packages will be delivered through front door. In the event the shipment is too large to come in through the front door, a building custodian will instruct the office where to send the delivery and will meet the delivery person and help unload the shipment. At no time should delivery personnel be left alone to deliver material within the building. Arbor food deliveries are to occur when students are not present.

6. Securing Perimeter of Schools/Playgrounds (before/after school, recess, PE)

Students across the country are outside before and after school, during recess, and for portions of their Physical Education curriculum. While it is impossible to plan for every scenario, the following procedures have been put in place to maximize student safety:

- Staff will inform the office when they intend to take their students outside.
- Staff will bring a walkie-talkie outside with them when they take their class outside.
- Staff-to-student ratios will be such that staff can actively supervise all students while outside.
- “Active Supervision” will become a standard practice when outside with children. Active supervision means each supervisor has a quadrant they are assigned to watch. The supervisor continually moves throughout the quadrant to interact with students and scan the grounds.
- In the event of an emergency where classrooms are outside, First Responders and NIPSTA will help us develop protocols for securing students and staff.

7. Playground Supervision During Lunch

Similar to the scenario above, lunch supervisors will be assigned quadrants to supervise while on duty. They will be trained in “active supervision” procedures that will ensure they are watching students while also watching the perimeter areas for unauthorized persons.

- If an adult approaches the playground the supervisor is to approach the adult and ask them to leave the playground immediately as only District 64 students and employees are allowed on the playground while school is in session.

- In the event the person does not leave the premises, the staff member will immediately walkie the office to call for an administrator or the PRPD/NPD, if necessary.
- First Responders and NIPSTA will help us develop protocols for securing students and staff in an emergency situation.

8. Lunchroom Supervision

Each lunchroom supervisor is issued a handbook that reflects rules, procedures and safety guidelines. The Handbook is reviewed with new hires by the Assistant Superintendent for Human Resources. Training will be provided to all lunchroom supervisors prior to the start of the school year that includes such items as choking, seizures, allergies and other emergencies. Safety Kits are available in all lunchrooms and include: walkie talkies, and green vests to identify supervisors both inside and during outdoor recess. Crisis “Go Guides” identifying key emergency procedures are posted in each lunchroom.

9. Schools as Polling Places for Elections

District 64 schools are frequently used for polling places. Procedures have been developed to ensure no members of the community are able to enter the building during the voting window. The District utilizes substitutes or Police Department coverage to provide additional supervision. This practice should be incorporated in the plan.

10. PTO/A Events (After hours/weekends)

District 64 enjoys the support of robust support from its parents and families. The numerous after hours events, however, do leave opportunities for safety and security concerns to arise, such as a fire alarm during a PTO/A-sponsored event. This is an area of concern that we intend to work together with our school PTO/As to address and develop specific procedures that can then be instituted District-wide.

11. School Emergency Temporary Housing Sites

Each school has an off-site location assigned to them in the event the building needs to be evacuated. These sites are verified annually and are listed in the District 64 Crisis Plan; on the school roster pages of the annual District 64 Student-Parent Handbook for parents; and in the Crisis Go Guide for staff. As recommended by NIPSTA, new procedures will be added so that each administrator has an emergency *Go Bag* that contains class lists, emergency contact information, Health and 504 Plans, and emergency First Aid kits. In addition, each year an additional set of class lists, emergency contact information, Health and 504 Plans should be stored in a secure area at each school’s designated off site location.

Every school also must annually review and train on its reunification plan for releasing students to parents or other authorized adult, both at the school for an emergency school closing during the school day or from the temporary housing site off-campus.

12. Transportation

District 64 contracts with Lakeview Bus Company for student transportation services. Our bus company has reviewed safety procedures for bus emergencies and has agreed to meet emergency protocols. Protocols will be reviewed annually with all building administrators. Student bus safety drills are practiced annually, according to Board policy and state regulations.

13. Communications

In the event of a school or community emergency that requires school perimeters to be secured, locked down, closed, or evacuated, information will be provided to parents in several formats, such as automated phone calls and emails through our School Messenger service and a Website alert. The District's social media platforms will be used. Local news media also will be notified as needed. Parents will consistently be asked to allow emergency personnel full access to the emergency scene by remaining clear of the school during a crisis situation.

In addition, we monitor alerts on an emergency network called *Nixle*. Nixle provides real-time emergency updates taking place within our area. The City of Park Ridge, for example, uses Nixle for critical situations such as severe weather events, safety hazards, and security threats. Additionally, we receive real-time alerts of suspicious incidents or more serious crimes in process within the community directly from our local police departments. We use our School Messenger email or phone system to contact parents with information pertaining to these security related incidents.

14. Revisions to Policies

District 64 is examining adjustments to two policies:

- Operational Services 4:170 - Safety and Security (adopted August 25, 2014) - This policy authorizes the Superintendent to develop safety and security plans for the District. Here are the key provisions: "All District operations, including the education program, shall be conducted in a manner that will promote the safety and security of everyone on District property or at a District event. The Superintendent or designee shall develop, implement, and maintain a comprehensive safety and security plan that includes, without limitation:
 1. An emergency operations plan(s) addressing prevention, preparation, response, and recovery for each school;
 2. Provisions for a coordinated effort with local law enforcement and fire officials, emergency medical services personnel, and the Board Attorney;
 3. A school safety drill plan;
 4. Instruction in safe bus riding practices; and
 5. A clear, rapid, factual, and coordinated system of internal and external communication."
- Personnel 5:370 - "Workplace Safety & Accident Prevention Program," which District 64 does not currently have.

Both of these policies should be revised to reinforce the expectations for safety required for all

employees, and explicitly state the requirements to adhere to safety practices and procedures, such as not propping doors open, wearing lanyards, using security fobs, and the like, and providing administrative steps to underscore compliance.

Changes to policy will confirm these expectations and provide an official means to deal with non-compliance. This would include progressive discipline, beginning with a conversation and moving through official write-up and/or other disciplinary action.

In simple terms, “access control procedures” mean keeping exterior doors closed and locked at all times and changing potential bad habits of staff formerly accustomed to propping doors open for easy access in and out with students or while running to and from the parking area. It is critical to note that these practices have been *dramatically* changed with the transition to electronic card readers on exterior doors and electronic fobs assigned to every staff member. This new system is fundamental to ensuring that individuals seeking entry to the building are routed through the main building doors for vetting.

Signage will be added to all doors routing visitors to the main office as the sole entry point. Additionally, we will be reinforcing this to our parent community beginning with summer “back-to-school” communications.

15. Cooperation with Local Police and Fire Departments

Our close working relationship with local First Responders should be more fully acknowledged in the plan. We work with both the Park Ridge and Niles Police Departments to ensure we have lockdown procedures in place that are clearly outlined, rehearsed and adhered to by staff. In addition, we rely on our First Responders as partners in the event of a wide range of emergencies.

16. Video Surveillance, Lighting, Alarms

As part of our external security audit, additional exterior cameras were added around our buildings. Video monitors can be viewed in the office in real-time or can be pulled up at a later time as needed. Additional cameras will be added to all exterior doors and linked to the office monitoring system to allow for office personnel to respond to visitors trying to gain entry at doors other than the main office. Exterior lighting and our Sonitrol fire and intrusion detection systems also must be addressed in the plan, although cannot be made public for security reasons. Mr. DeGeorge is working with Sonitrol to establish door alarm parameters so that an alarm will sound at the office if the door is left ajar for a designated period of time.

NIPSTA Partnership: Preparedness & Response Training

RETA Security and NIPSTA both underscore the importance of *preparing your people*.

District 64 students and staff are rigorously trained every school year in all the required drills mandated by state law. We are in full compliance with Board Policy 4:170 cited above, which requires three school evacuation drills, one bus evacuation drill, two severe weather and shelter-in-place drills, and one law enforcement drill. Many of our schools have created a “Safety Week” at the start of each school year to make sure all students and staff have an opportunity at the outset to practice these vitally important safety procedures. They are revisited seasonally as well.

Our goal now is to provide further training and preparedness that will expand the knowledge of all staff members by incorporating a new training module during the annual August Institute Day. For 2016, training is expected to focus on:

1. Review of the Crisis “Go Guide” (placed in all classrooms)
2. How to handle reunification procedures with parents from the designated emergency site
3. Expectations for entry into school as expressed in the policy revisions noted earlier
4. Expectations for “active supervision” of students before/after school, at recess, during PE, and lunch playground.
5. Other safety protocols specific to each school

We also anticipate working with the individual **Building Crisis Teams** and the **District Rapid Response Team** (described earlier) to review expectations and provide further preparedness and response training.

Practices become standardized and part of our “culture” as they are used daily and by everyone. It is our hope that building from a foundation of the physical security improvements implemented as a result of the RETA Security review; the current expansion of our Crisis Plan into a comprehensive Safety and Security Plan in partnership with NIPSTA; improved training for crisis response teams at the District and school levels; expanded annual training for all staff; and the recommended addition of secured vestibules under consideration for summer 2016 will greatly enhance the daily, ongoing safety and security of all District 64 students and staff, now and for many years to come.

Park Ridge-Niles School District 64 Crisis Plan

Table of Contents

- Contact lists (cell phone numbers for District Rapid Response Crisis Team, important phone numbers)
- “Tips for Teachers in Dealing with Crisis”
- Introduction

I. Philosophy/Definitions/Roles

A. Crisis Team:

- a. Functions
- b. Responsibilities

B. Crisis Management:

- a. Crisis Prevention
- b. Crisis Planning
- c. Post Crisis Activities

C. Building Crisis Team

D. District Crisis Rapid Response Team

- a. ESC Secretarial Responsibilities in Crisis Situations
- b. District 64 Administrators Contact List

II. Guidelines and Crisis Intervention Strategies

A. Weather/Facility Emergencies

- 1. Lockdown - Hard
- 2. Lockdown - Soft
- 3. Tornado
- 4. Thor Guard
- 5. Fire
- 6. Gas or Chemical Poisoning
- 7. Hazardous Materials Release
- 8. Bomb Threats/Explosives
FORM: Bomb Threat Information Sheet
- 9. Damage Assessment
- 10. Emergency Temporary Housing or Reunification Site Plan
- 11. Homeland Security and Advisory System

B. Field Trip Preparation

C. Medical Emergencies

- 1. Death:
Student or Staff Member

Sudden Death of Student's Parent(s) During the School Day

2. Drug Abuse
3. Drug Overdose
4. Suicidal or Other At-Risk Behavior
- FORM: Mental Health Evaluation Letter
5. Procedures for Dealing With High Risk, Suicide or Self-Mutilating Behavior
6. Food Poisoning
7. Bus Accident
8. Neck Injuries
9. Anaphylaxis
10. Pandemic Preparedness Plan

D. Violence and Crime

1. Assault
2. Student with a Weapon
3. Hostage Situation
4. Intruders/Visitors
5. Predatory Conduct, Sexual Misconduct, Aberrant Behaviors
6. Procedures for notifying parents when police are called
7. Missing Students
8. Childnapping, Kidnapping

E. Evacuation

1. Evacuation Guidelines
2. Emergency Temporary Housing or Reunification Site Plan

III. Emergency School Closing While Classes are in Session

IV. Communication

- A. Guidelines for Communication during the Crisis
- B. Crisis Communication Plan: "Before the Press Calls"

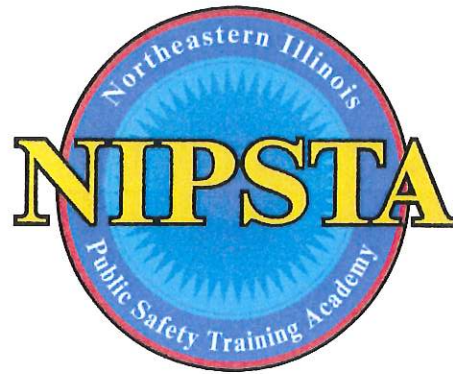
V. Forms

- A. Crisis Procedure Checklist (Principal/Superintendent)
- B. Incident Report

VI. Appendix

- A. Reactions to Crises: Developmental Differences
- B. Resources to Assist Staff, Parents, and Students During Uncertain Times

VII. Maps of School Buildings and Site Plans



INTRODUCING THE CENTER FOR SECURITY AND LIFE SAFETY

ORGANIZATIONAL OVERVIEW

The Northeastern Illinois Public Safety Training Academy (NIPSTA) is a 21-acre multidisciplinary training facility located in Glenview, IL. First created in 2001 as training site for local first responders, NIPSTA is quickly emerging as a national model for the consolidation of talent and resources along with the provision of state-of-the-art reality-based disaster response training. While NIPSTA currently delivers year-round training for fire service, law enforcement, hazardous materials, public works and other types of municipal response agencies, plans are currently underway to expand services to include a wide range of training for disaster medical personnel, along with progressive education on homeland security, crisis leadership, and private sector emergency management.

NIPSTA's newest initiative, the Center for Security and Life Safety (CSLS), has been created to respond to the natural and man-made challenges facing the corporate, non-profit and community sectors. CSLS provides consultation, training and education focusing on detection, protection, response and recovery to meet today's unprecedented security and safety risks while maintaining routine operations. Our consultants will provide your organization with expert recommendations and guidance on creating a safe and resilient organization.

MEET OUR TEAM

Jill Benson Ramaker is the Executive Director of NIPSTA. Director Ramaker started her career as a fire service paramedic and Emergency Medical Services (EMS) Lieutenant and spent many years as both an Emergency Department Nurse and EMS Educator. She holds a Bachelor of Arts degree in Sociology from the University of Wisconsin and a Bachelor of Science degree in Nursing from the University of Illinois. Director Ramaker has also earned a Master of Arts degree in Environmental Studies with an emphasis on sustainable development and policy, along with a Master of Science degree in Threat and Response Management from the University of Chicago. She is currently pursuing a Master of Arts degree in Legal Studies at the University of Illinois.

Prior to her position at NIPSTA, Director Ramaker was the inaugural Chairman of the Regional Disaster Healthcare Coalition in northeastern Illinois where she coordinated disaster medical preparedness and response for thirty four diverse agencies in an area serving over one million citizens. She also served as the Emergency Preparedness Coordinator for NorthShore University HealthSystem where she provided primary leadership for

crisis preparedness and disaster response for a large healthcare organization with four hospitals and over 10,000 employees. Serving as a subject matter expert instructor at the Center for Domestic Preparedness in Anniston, AL, she has provided specialized instruction to healthcare professionals from across the country in disaster preparedness, mitigation and response. Director Ramaker is a Certified Business Continuity Professional with extensive experience in corporate emergency preparedness, risk management and organizational policy development. In 2014, Director Ramaker completed the Center for Homeland Defense and Security's Executive Leadership Program at the Naval Postgraduate School in Monterey, CA.

Thomas Gaertner is the Deputy Director of NIPSTA where he serves in a senior leadership capacity to provide primary management and oversight of daily operations. Prior to his role at NIPSTA, Deputy Director Gaertner was the Fire Chief of the Broadview Fire Department. Deputy Director Gaertner also served as the NIPSTA Fire Academy's first Academy Coordinator where he led a large cadre of seasoned instructors as they developed one of the most prolific and well-respected fire academies in Illinois. During his tenure at the Broadview Fire Department, Deputy Director Gaertner was an active member of the State of Illinois Urban Search and Rescue Team serving as a Task Force Leader and Training Officer for *Illinois Task Force One* (IL-TF1). As a team leader, he responded for extended deployments to multiple local, state and national-level disasters, including New York City following the attacks of September 11th, 2001 and Louisiana following Hurricane Katrina (2005). Deputy Director Gaertner is a veteran of the United States Air Force.

Sam Pettineo is a seasoned law enforcement expert who served over thirty years with the Evanston Police Department. Retiring at the rank of Deputy Chief, Mr. Pettineo served in leadership roles within both the Field Operations and Criminal Investigations Divisions, including key assignments as Youth Officer, School Resource Officer, Investigator, and Community Policing Specialist. He is currently an adjunct instructor for the Center for Public Safety at Northwestern University along with a lead trainer for the Institute for Public Safety Partnerships at the University of Illinois-Chicago with specialties in law enforcement ethics and integrity and joint community/law enforcement training.

From 2010 to 2015, Mr. Pettineo was the Director of Safety at Evanston Township High School where he provided leadership coordinating safety and security operations for the community's sixty-five acre campus. He is highly skilled at developing partnerships between police, community and government representatives. Mr. Pettineo holds a Bachelor of Arts in Criminal and Social Justice along with a Master of Arts in Organizational Leadership from Lewis University. He is also a graduate of the School of Police Staff and Command at Northwestern University.

Mark Wold is an experienced law enforcement, fire safety and emergency management professional who is routinely recognized for leadership and regional contributions to public safety. Recently retired after twenty five years with the Village of Glencoe's Department of Public Safety, Mr. Wold has achieved multiple distinctions in professional and community outreach, education and training. He is recognized as a Level One Practitioner for Continuity of Operations by the Federal Emergency Management Agency (FEMA) and was identified as an Illinois Professional Emergency Manager in 2014 by the Illinois Emergency Management Agency (IEMA). During his tenure with the Village of Glencoe, Mr. Wold provided front line supervision as a Lieutenant for both police officers and fire fighters. He designed and conducted department training activities and managed emergency operations for the Village, often developing training opportunities and exercises for local schools and non-profit organizations. Mr. Wold was also a Team Leader and Operator for the Tactical

Emergency Medicine Support (TEMS) Team for the Northern Illinois Police Alarm System, founding the TEMS team for the largest SWAT team in the Midwest. He has recently participated in the planning and execution of exercises involving the following scenarios: building security and active threat/hostile event, bomb threat, severe weather, hazardous materials, and complex terrorist event. Mr. Wold was awarded the Medal of Valor in 2001.

Mr. Wold holds a Bachelor of Science in Behavioral Science from National Lewis University and a Master of Science in Public Safety Administration from Lewis University. He is currently the Run Coordinator for the Illinois Special Olympics Law Enforcement Torch Run and was the Overall Champion in an annual Police Fitness and Skills Contest in 2006. He was a gold medal winner in the Midwest Police and Fire Olympics in 1997 and 1998 and is fluent in American Sign Language.

Barbara Rizzo is an experienced leader of workforce training, continuing and adult education, and non-credit programming and operations. Her demonstrated expertise in strategic partnership development, program development and delivery, and project management was instrumental during her nearly thirty years at Oakton Community College. At Oakton, Ms. Rizzo served as the Vice President of Continuing Education, Training and Workforce Development, Executive Director of Continuing Education and Training, and the Director of the Alliance for Lifelong Learning. Ms. Rizzo's responsibilities included establishing strategic partnerships and programs with businesses, community agencies, associations, schools, municipalities, and local and state agencies.

At Oakton Community College, Ms. Rizzo successfully negotiated the development of hundreds of key strategic partnership agreements and customized training for businesses, state and municipal agencies, associations, hospitals and educational institutions. During her tenure, she developed and delivered 3200 courses and activities, increased enrollments from 24,000 to nearly 90,000 and added 200 class sites. Most notably, Ms. Rizzo increased revenue from \$150,000 to \$2.6 million and created six new departments. She holds a Bachelor of Arts in English from the University of Illinois in Chicago and a Master of Science in Education from Northern Illinois University.

Lynn Seinfeld is the former Director Emeritus of Workforce Development and Corporate Training for Oakton Community College. During her eighteen year tenure at Oakton she filled many roles, including Director of the Business Institute and Professional Education, Program Manager of the Education to Careers Program, and Coordinator of the Internship Program. Throughout her career, Ms. Seinfeld has partnered with business, government and community organizations/agencies, and workforce centers to develop training programs in response to specialized workforce training needs. She is skilled at performing gap analyses to identify key performance goals and objectives along with developing measurement tools to ensure the value, integrity and consistency of training activities. Ms. Seinfeld has worked with students of all ages, including middle school, high school, university level and adult participants. She holds a Bachelor of Arts from The George Washington University and a Master of Arts from the University of Miami. Ms. Seinfeld also holds a professional certification in Management from Cornell University.

To: Board of Education
Laurie Heinz, Superintendent

From: Luann Kolstad, Chief School Business Official

Date: February 8, 2016

Subject: Discussion Regarding Formation of Board Finance and Building/Sites Committees

To facilitate more streamlined Board meetings, the Administration is proposing that the Board of Education consider the formation of a Finance Committee and a Building & Sites Committee. I have attached for the Board's review a document that outlines the members, meetings, committee charter, activities and reporting.

The purpose of these committees will be to allow Board members, appointed by their fellow Board members, to dig deeper into the data and have a fuller understanding of the finances and facilities of the District. The committees are not meant to make any decisions on their own. They will make recommendations to Administration on items that will be presented to the full Board for review and/or approval.

Because this is a Board committee, minutes will need to be taken at the meetings. Typically the Board members would take the minutes, since they are the ones reporting back to the Board, but this can be discussed. Since only two Board members are on each committee, it is not subject to the Open Meetings Act so we do not need to post notification of the meeting ahead of time. Committee members should not overlap; therefore, four Board members would be needed to serve.

In terms of meeting times, I work around the Board members' schedules. I have conducted meetings at 7:00 a.m. so a Board member could catch their 8:18 a.m. train downtown. I have also conducted meetings during the day and the evening. These meetings are no longer than two hours, with Buildings & Sites usually only being up to an hour in length. An example of a Finance Committee project would be to go through the budget line item by line item, which is not possible at the monthly Board meeting due to time constraints. Board members will provide oversight and review on the committee; they will not be doing the actual work of the Administration.

Board members must have trust in each other for the committee structure to work. Typically it is ideal to have individuals with an interest in finance or facilities to serve on the committees, however, it is not a requirement. In fact, individuals with little experience in either are ideal candidates, because they will ask questions that will help Administration prepare Board reports that are understandable to the general public.

Proposed Board of Education Finance Committee

Members of Committee:

- Two Board Members
- Chief School Business Official
- Superintendent
- Assistant Business Manager

Meetings:

No more than one time per month.

Committee Charter:

The Finance Committee provides oversight to all policies and procedures related to the management of District revenues and expenditures. Areas of interest include:

- Provides Board perspective to management on the accomplishment of Board financial goals and practices.
- Provides representative Board oversight of the District's financial operations.
- Provides an open forum for discussion of critical issues related to the management of financial processes.

Activities:

The Finance Committee will review more in-depth than time allows at regular Board meetings:

- Legislative/regulatory developments
- Student enrollment and impacts on staffing and budget
- TIF/impact fees
- Student fees, lunch fees, etc.
- State and federal reports, including grants
- Comparable districts surveys/benchmark data
- Budget Development – Including in-depth discussion of all revenue and expenditures being proposed. This will include meeting with the Superintendent's Cabinet members to review their area of the budget.
- Initial review of proposed new initiatives and their impact on District finances
- Review financial modeling, including financial projections as it relates to the budget, new initiatives and negotiations
- Review of annual audit with District personnel and auditor

Reporting:

A Board member of the committee will give the Board a monthly update on the Finance Committee activities and any recommendations on items that will be coming before the Board for approval.

Proposed Board of Education Building & Sites Committee

Members of Committee:

- Two Board Members
- Chief School Business Official
- Superintendent
- Assistant Business Manager
- Director of Facility Management

Meetings:

Quarterly or more often if necessary.

Committee Charter:

The Building & Sites Committee provides oversight to all policies and procedures related to the management of District buildings and sites. Areas of interest include:

- Provides Board perspective to management on the accomplishment of Board financial goals and practices related to facilities.
- Provides representative Board oversight of the District's operations as they relate to building and sites.
- Provides an open forum for discussion of critical issues related to the management of District facilities.

Activities:

The Building & Sites Committee will review more in-depth than time allows at regular Board meetings:

- Legislative/regulatory developments
- State and federal reports, including grants
- Building & Sites annual budget
- New initiatives brought before the committee
- Donations that impact the facilities of the District
- Construction projects
- Health Life Safety and Master Facility Plan – review District's yearly recommendations of projects and associated budgets
- District Board liaisons for safety and security program, including Traffic Safety
- Attendance at annual state-required safety meeting at beginning of school year

Reporting:

A Board member of the committee will give the Board a quarterly update on the Building & Sites Committee activities and any recommendations on items that will be coming before the Board for approval.

To: Board of Education
Laurie Heinz, Superintendent

From: Luann Kolstad, Chief School Business Official

Date: February 8, 2016

Subject: Discussion: Scope of Planned Construction Projects and Recommendations

As the Board of Education gets ready to make a very important decision on March 3, 2016 regarding the District's facilities, the Administration felt it was prudent to review with the Board the discussions we have had so far. The Administration has presented to the Board numerous funding scenarios and the impact on fund balance should the Board decide to use \$10M in Working Cash along with issuing tax-exempt bonds to finance summer construction 2016 projects. Summer 2016 work is projected to come in slightly above \$13M.

The bid packages were released on schedule and a pre-bid meeting was held on Thursday, February 4, 2016; approximately 30 companies attended the meeting. Director of Facility Management Ron DeGeorge was pleased with the level of potential interest demonstrated by attendance at this meeting. The bid opening has been scheduled for February 24. At the recommendation of construction managers Nicholas & Associates, we have scheduled the final recommendation to the Board to occur on March 3.

Next Steps

At the February 22, 2016 meeting, the Board will review final funding scenarios for summer 2016 work. ISBE is slated to approve the Qualified School Construction Bonds (QSCBs) on February 10, 2016.

If the District does not receive the QSCB bonds, Administration will be presenting three scenarios to the Board for consideration:

1. Use \$10M in Working Cash with the balance coming from tax-exempt bonds that the District would issue this summer.
2. Split the projected costs of summer 2016 construction between Working Cash and tax-exempt bonds.
3. Use only tax-exempt bonds to fund construction.

If the District does receive any or all of the QSCB bonds we were able to apply for based on our capital project needs and debt capacity, we will be discussing this alternative in addition to the three aforementioned options.

This financing discussion will bring together all the funding methods available to the District when considering how to move forward with the critical "safe, warm and dry" capital projects for summer 2016.

At the March 3, 2016 Board meeting, Administration will be asking the Board to approve two projects:

1. Secure vestibules in every District building.
2. HLS and critical infrastructure work, such as roofing, exterior lighting and new windows as identified in the scope of work for this summer.

The Board will need to approve the construction contracts at the March 3, 2016 meeting. It is essential to allow our contractors the maximum lead time necessary to order required supplies with long delivery schedules, so that work can begin immediately at the end of the school year.

At the March 21, 2016 Board meeting, Administration will present final funding documents for Board approval to ensure clarity and transparency for the Board.

Information on all prior Board discussions regarding facility improvements and financing options can be viewed on the [Master Facilities Plan page of the website](#). This page captures all the information shared at our Board meetings on development of the Health Life Safety (HLS) survey and Master Facilities Plan (MFP), along with the recommendations and Board discussion through fall 2015.

This is an exciting time in the District as we look forward to improving our facilities for staff and students.

To: Board of Education
Laurie Heinz, Superintendent

From: Luann Kolstad, Chief School Business Official
Joel Martin, Assistant Superintendent for Human Resources

Date: February 8, 2016

Subject: Enrollment Projections for 2016-17 School Year and Discussion on Staffing 2016-17

Change in Enrollment Projection Methods

Projecting student enrollment is the first step in predicting staffing needs. This year the District began using a new method for projecting enrollment called the cohort survival method. The cohort survival method is a more reliable projection than a straight rollover projection because it takes into account live birth data and previous enrollment experience to determine whether enrollment will increase or decrease each year.

It's important to remember that every set of enrollment projections contains many assumptions that could cause actual enrollment to vary. The cohort survival method does not take into account the housing market, new building developments, and community age demographics. However, the cohort survival method is a relatively easy calculation that can be performed by District staff at no cost with the ability to update the projections more frequently as enrollment changes occur within the schools.

Cohort survival method Terminology

To understand the cohort survival method there is some terminology that needs to be defined. A cohort is a group of students within a grade level (e.g. kindergarten).

A survival ratio is calculated based on how the enrollment for a cohort changes as the cohort advances to the next grade level. For example:

- If the enrollment for the kindergarten cohort remains identical when it moves to 1st grade in the following year, the cohort is assigned a survival ratio of 1 for that year.
- If the enrollment for the kindergarten cohort increases when it moves to 1st grade in the following year, it is assigned a survival ratio of greater than 1 for that year.
- If the enrollment for the kindergarten cohort decreases when it moves to 1st grade in the following year, it is assigned a survival ratio of less than 1 for that year.

By including multiple years of data in the analysis, the District can calculate an average survival ratio for cohorts as they advance from one grade to the next.

Projecting Kindergarten Enrollment

The most difficult part of enrollment projections is predicting the kindergarten cohort. The District uses live birth data from the Cook County Department of Public Health for the zip codes served by the District (60068 and 60714). The number of births is compared to the number of kindergarten students that enroll in the District five years later to calculate a survival ratio. Because there is a five-year lag between a child's birth and enrollment in the District and the County is often behind on publishing live birth data, enrollment projections become very unreliable more than 2-3 years in the future.

District 64 Trends

The District developed the current projections by using ten years of historical enrollment data. Although there were certainly some years that were outliers, the survival ratios for cohorts were typically consistent. In general, the District experiences the following enrollment trends:

- An increase in enrollment of about 12% between kindergarten and 1st grade
- An increase in enrollment of about 4% between 1st and 2nd grade
- An increase in enrollment of between 1% and 3% for remaining grades

Even though all of these trends represent increases in enrollment, there is still potential for a decrease in enrollment if the incoming kindergarten cohort is smaller than the graduating 8th grade cohort it is replacing.

Normally, we use our Fall Housing Numbers that are generated on September 30th to project our enrollment for the following year. After comparing the Fall Housing Numbers to the December 31, 2015 enrollment, we decided to use the December 31st numbers because several students disenrolled during that timeframe related to residency issues.

The enrollment projections predict a decrease in enrollment of only two students from the 2015-16 school year. However, based on what grades/schools these students are in, we are predicting an increase of three sections and three potential "bubbles" that we will be watching.

Reduction in Force

In preparation for budget development, we are continually analyzing staffing needs. The Administration continues to review current staffing for efficiencies and any proposed changes in certified and classified staff will be made in accordance with collective bargaining agreements (CBAs), the Illinois School Code, and any other applicable state and federal laws. Actual employment, dismissals or reductions in force of staff occurs when the Board of Education approves personnel reports in the consent agenda or is asked to pass specific resolutions as an action item (e.g. reduction in force resolutions).

With the exception of staff listed on the attached chart it is anticipated that all other current positions will be factored into the 2016-17 budget.

The District's enrollment projections anticipate an increase of three sections for the 2016-17 school year (Washington 2nd grade, Franklin 4th grade and Lincoln 7th grade). Additionally, there are three "bubble sections" or cohorts that are within three students of exceeding the class size guide. These bubble sections are viewed as having the potential to exceed the District's class size guideline prior to the start of a school year. If a bubble section exceeds class size guidelines prior to the start of the school year, the District will hire a teacher. In addition, when a new section is added at a grade level, the District also will need to add special sections (Art, Music, P.E., Spanish). This results in an increase in the number of the current staff's FTE beyond just the 1 teacher hired for the new section.

Due to the fact that the District is using the cohort survival method for the first time, the Administration is asking for authorization to hire the appropriate staff should the need arise. The Administration will not move forward with any additional hiring of staff until enough students have officially enrolled and proven residency to cause the class size guideline to be exceeded. Once the registration period begins for 2016-17, the District will have a better idea of any additional teaching staff that may be needed.

As stated above the cohort survival method of projecting enrollment is not calling for a decrease in overall sections for the 2016-17 school year. As a result of that prediction, the Administration will not be recommending a reduction in force (RIF) of K-8 teachers strictly based on enrollment projections. However, the District may need to RIF teachers to account for staff returning from leaves, returning to full-time from part-time, the end of job-shares, or changes in enrollment in other programs to name but a few. Annually the District releases its entire non-tenured part-time staff, as we are unable to identify if there will be a need for part-time staff for the 2016-17 school year at this time. If we did not dismiss this group of employees we would be obligated to re-hire them at the same part-time status for the following school year.

Reduction of .5 Private Parochial Special Education Teacher

Our District provides special education services to the private and parochial schools located within our District boundaries. The District is mandated by the State to provide evaluation services to determine eligibility for special education students that attend those non-public schools. The District is given a required funding amount of \$100,000 that is to be spent on special education services for the students in these schools. Additionally, the District has gone above and beyond its requirements in providing additional services to these schools (speech and language support and social service support). These additional services that were put in place, dating back to the last referendum, total over \$100,000 per year. For the 2016-17 school year we are recommending that the District only provide the social service support to the private and parochial schools within the District's boundaries. In conversations with the building Administrators the social work support is the service that they most value and would hope to continue. By eliminating a .5 FTE resource teacher in this area, we will still meet our State obligation, provide the service most desired by the schools, reduce our budget to the appropriate range and still maintain a positive, collaborative partnership with our neighbor schools.

Occupational Therapist Hire

Currently the District outsources 1.0 FTE of Occupational Therapist (OT) work to a third party contractual agency. The Administration is recommending that we hire our own OT for the 2016–17 school year and discontinue the outsourced services. There are two clear advantages that a District 64 OT can provide rather than a contractual agency. The quality of services for District 64 students would be better due to an increased level of collaboration with other team members. In addition, contractual agencies are expensive and the District would be able to achieve a minimum savings of \$15,000 for the next school year.

Park Ridge-Niles School District 64
2016-17 Enrollment/Section Projections with Average Class Size
Cohort Survival Method

	K	1	2	3	4	5	6	7	8	Totals		
Class Size Guideline	22	24	24	26	26	28	28	28	28			
										2016-17	2015-16	Change
Carpenter	61	68	82	76	85	77				449	454	-5
Sections	3	3	4	3	4	3				20	21	-1
Avg Class Size	20.33	22.67	20.50	25.33	21.25	25.67						
Field	89	95	103	125	118	108				638	649	-11
Sections	5	4	5	5	5	4				28	29	-1
Avg Class Size	17.80	23.75	20.60	25.00	23.60	27.00						
Franklin	67	83	89	89	81	96				505	493	12
Sections	4	4	4	4	4	4				24	22	2
Avg Class Size	16.75	20.75	22.25	22.25	20.25	24.00						
Roosevelt	91	96	129	92	139	115				662	683	-21
Sections	5	4	6	4	6	5				30	30	0
Avg Class Size	18.20	24.00	21.50	23.00	23.17	23.00						
Washington	89	109	99	114	108	90				609	595	14
Sections	5	5	5	5	5	4				29	27	2
Avg Class Size	17.80	21.80	19.80	22.80	21.60	22.50						
Emerson							283	261	266	810	806	4
Sections							11	10	10	31	31	0
Avg Class Size							25.73	26.10	26.60			
Lincoln							240	236	217	693	688	5
Sections							9	9	8	26	25	1
Avg Class Size							26.67	26.22	27.13			
Total Students	397	451	502	496	531	486	523	497	483	4,366	4,368	-2
Total Sections	22	20	24	21	24	20	20	19	18	188	185	3
2015-16 Sections	20	23	22	23	21	20	18	18	20			
Change	2	-3	2	-2	3	0	2	1	-2			

DISTRICT-WIDE ENROLLMENT PROJECTIONS

School Year	K	1	2	3	4	5	6	7	8	Total	Change from Prior
2015-16	409	484	484	519	483	510	491	483	523	4,386	

Projected:

2016-17	397	451	502	496	531	486	523	497	483	4,366	-20
2017-18	412	446	469	513	511	539	499	528	499	4,416	50
2018-19	412	465	464	480	528	518	554	504	530	4,455	39
2019-20	412	465	483	477	494	535	532	560	506	4,464	9
2020-21	412	465	483	496	490	500	549	537	562	4,494	30

CARPENTER - ENROLLMENT HISTORY & PROJECTIONS

School Year	K	1	2	3	4	5	Total	Change from Prior
2006-07	42	57	45	61	75	64	344	
2007-08	65	53	59	52	66	76	371	27
2008-09	48	75	53	60	53	63	352	-19
2009-10	62	49	73	57	59	53	353	1
2010-11	79	67	52	75	57	60	390	37
2011-12	59	77	66	55	72	55	384	-6
2012-13	72	66	79	67	55	75	414	30
2013-14	61	82	70	85	65	60	423	9
2014-15	73	68	82	73	83	66	445	22
2015-16	60	79	74	83	76	82	454	9

Projected:

2016-17	61	68	82	76	85	77	449	-5
2017-18	64	69	71	84	78	86	452	3
2018-19	64	72	72	73	86	79	446	-6
2019-20	64	72	75	74	75	87	447	1
2020-21	64	72	75	77	76	76	440	-7

FIELD - ENROLLMENT HISTORY & PROJECTIONS

School Year	K	1	2	3	4	5	Total	Change from Prior
2006-07	97	90	114	98	109	112	620	
2007-08	97	102	100	114	97	111	621	1
2008-09	99	103	111	102	121	101	637	16
2009-10	91	108	113	112	110	124	658	21
2010-11	84	99	112	120	121	109	645	-13
2011-12	76	105	110	116	123	123	653	8
2012-13	86	91	108	108	123	123	639	-14
2013-14	106	102	103	114	110	122	657	18
2014-15	85	119	109	106	116	116	651	-6
2015-16	84	99	122	115	107	122	649	-2

Projected:

2016-17	89	95	103	125	118	108	638	-11
2017-18	92	100	99	105	129	120	645	7
2018-19	92	104	104	101	108	131	640	-5
2019-20	92	104	108	107	104	110	625	-15
2020-21	92	104	108	111	110	105	630	5

FRANKLIN - ENROLLMENT HISTORY & PROJECTIONS

School Year	K	1	2	3	4	5	Total	Change from Prior
2006-07	67	80	67	72	78	82	446	
2007-08	75	83	77	69	75	84	463	17
2008-09	79	78	81	77	74	79	468	5
2009-10	54	83	83	78	83	71	452	-16
2010-11	67	68	83	90	77	85	470	18
2011-12	73	72	70	87	86	79	467	-3
2012-13	53	82	71	66	91	90	453	-14
2013-14	65	71	90	70	71	89	456	3
2014-15	72	79	73	92	71	75	462	6
2015-16	74	86	87	79	95	72	493	31

Projected:

2016-17	67	83	89	89	81	96	505	12
2017-18	69	75	86	91	92	82	495	-10
2018-19	69	78	78	88	94	93	500	5
2019-20	69	78	81	80	91	95	494	-6
2020-21	69	78	81	83	82	92	485	-9

ROOSEVELT - ENROLLMENT HISTORY & PROJECTIONS

School Year	K	1	2	3	4	5	Total	Change from Prior
2006-07	104	102	116	136	116	134	708	
2007-08	114	116	101	116	134	119	700	-8
2008-09	78	119	114	100	115	135	661	-39
2009-10	94	88	121	117	101	118	639	-22
2010-11	105	103	93	128	121	103	653	14
2011-12	82	118	104	90	129	117	640	-13
2012-13	111	97	129	105	95	130	667	27
2013-14	69	131	99	130	105	94	628	-39
2014-15	104	88	132	106	128	102	660	32
2015-16	85	124	90	135	113	136	683	23

Projected:

2016-17	91	96	129	92	139	115	662	-21
2017-18	95	102	100	132	95	141	665	3
2018-19	95	107	106	102	136	96	642	-23
2019-20	95	107	111	109	105	138	665	23
2020-21	95	107	111	114	112	106	645	-20

WASHINGTON - ENROLLMENT HISTORY & PROJECTIONS

School Year	K	1	2	3	4	5	Total	Change from Prior
2006-07	95	90	90	98	101	92	566	
2007-08	95	110	96	95	106	105	607	41
2008-09	87	104	116	96	98	104	605	-2
2009-10	104	95	102	119	102	97	619	14
2010-11	79	111	102	103	126	101	622	3
2011-12	81	81	110	105	101	129	607	-15
2012-13	91	84	88	115	109	107	594	-13
2013-14	92	103	88	88	121	110	602	8
2014-15	88	107	109	89	99	121	613	11
2015-16	97	95	111	105	89	98	595	-18

Projected:

2016-17	89	109	99	114	108	90	609	14
2017-18	92	100	113	101	117	110	633	24
2018-19	92	104	104	116	104	119	639	6
2019-20	92	104	108	107	119	105	635	-4
2020-21	92	104	108	111	110	121	646	11

EMERSON - ENROLLMENT HISTORY & PROJECTIONS

School Year	6	7	8	Total	Change from Prior
2006-07	287	260	264	811	
2007-08	253	281	263	797	-14
2008-09	261	266	282	809	12
2009-10	236	266	272	774	-35
2010-11	260	243	266	769	-5
2011-12	258	254	248	760	-9
2012-13	269	258	260	787	27
2013-14	291	279	259	829	42
2014-15	272	288	276	836	7
2015-16	258	265	283	806	-30

Projected:

2016-17	283	261	266	810	4
2017-18	289	286	262	837	27
2018-19	296	292	287	875	38
2019-20	311	299	293	903	28
2020-21	300	314	300	914	11

LINCOLN - ENROLLMENT HISTORY & PROJECTIONS

School Year	6	7	8	Total	Change from Prior
2006-07	265	246	258	769	
2007-08	248	275	243	766	-3
2008-09	239	247	274	760	-6
2009-10	248	242	251	741	-19
2010-11	231	245	240	716	-25
2011-12	212	232	238	682	-34
2012-13	257	223	240	720	38
2013-14	245	260	228	733	13
2014-15	209	245	263	717	-16
2015-16	234	216	238	688	-29

Projected:

2016-17	240	236	217	693	5
2017-18	210	242	237	689	-4
2018-19	258	212	243	713	24
2019-20	221	261	213	695	-18
2020-21	249	223	262	734	39

Park Ridge - Niles Community Consolidated School District 64
2016-17 Staff Requests

Position	FTE Change	Comments	Cost Impact	Employee Category
Enrollment Changes				
PREA - Teacher	0.00	No reduction in grades 1-8 due to enrollment fluctuations	\$0	PREA
PREA - Teacher	3.00	Classes that have exceeded the class size guide using the cohort survival method	\$168,000	PREA
PREA - Teacher	3.00	Classes within 3 of exceeding the class size guide (bubbles)	\$168,000	PREA
PREA - Teacher	2.50	"Bubble" sections for specials (Art, Music, P.E., etc.) should extra section be needed	\$140,000	PREA
			<u>\$476,000</u>	
Student Learning Support				
Resource Teacher	(0.50)	Reduction of Private Parochial support in the area remedial instruction	(\$27,500)	PREA
Occupational Therapist	1.00	Hire D64 employee to replace third party contractor	(\$15,000)	Exempt
			<u>(\$42,500)</u>	
Summary of Board Approved Positions				
<i>Total Estimated Salary Impact</i>			<u>\$433,500</u>	
<i>Total Estimated Benefit Impact</i>			<u>\$86,700</u>	
<i>Total Estimated Cost</i>			<u>\$520,200</u>	

First Reading of Policies from PRESS Issue 88 and 89 and Policy 2:230

Policy	Issue	Title	District Policy Committee Change/No Change	Board Policy Committee Change/No Change
2:160	89	School Board – Board Attorney	N/C	C
2:260	89	School Board – Uniform Grievance Procedure	N/C	N/C
4:50	89	Operational Services – Payment Procedures	N/C	C *CSBO
5:40	88	General Personnel – Communicable Infectious Disease	C	N/C
5:120	88	General Personnel – Ethics and Conduct	C	C
5:170	89	General Personnel – Copyright	N/C	N/C
5:270	89	Educational Support Personnel – Employment At-Will, Compensation, and Assignment	N/C	C *unlicensed
6:140	89	Instruction – Education of Homeless Children	N/C	N/C
7:10	89	Students – Equal Educational Opportunities	N/C	N/C
7:40	89	Students – Nonpublic School Students, Including Parochial and Home-Schooled Students	C	C *should
7:90	89	Students – Release During School Hours	N/C	N/C
7:220	89	Students – Bus Conduct	N/C	N/C
7:310	89	Students – Restrictions on Publications	N/C	C
2:230		School Board – Public Participation at Board of Education Meetings and Petitions to the Board		

2-8-16

School Board

Board Attorney

~~The School Board may enter into any agreement for legal services with a specific attorney or law firm. The School Board may enter into agreements for legal services with one or more attorneys or law firms to be the Board Attorney(s).~~ 1 The Board Attorney represents the School Board in its capacity as the governing body for the School District. The Board Attorney shall not represent another client if the representation involves a concurrent conflict of interest, unless permitted by the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court. 2 The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services. 3 The District will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a majority of the Board.

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

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to consider the matter.

Insert

On an as needed basis, the superintendent or designee shall report to the board our legal costs by category.

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

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

2 This is a restatement of Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct, at www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp.

3 There is no general format for an agreement for legal services, while some are very informal, others are contained in a letter describing board should require a written agreement with the arrangement in detail board attorney or law firm that details the services, fees, expenses, and billing format. See Board exhibit 2:160-E, Checklist for Selecting a Board Attorney.

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

The attorney will:

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

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

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

Individual board members should ~~be very careful when talking about the advice given to the board by its attorney~~ refrain from discussing their board attorney's advice outside of a board meeting. Disclosing legal advice can waive the attorney-client privilege. Individual board members possess none of the board's powers and are not authorized to individually waive attorney-client privilege on behalf of the board as an entity.

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

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

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

School Board

Uniform Grievance Procedure 1

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or 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:

1. Title II of the Americans with Disabilities Act 2
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
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 (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972) 3

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

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

A grievance procedure is required by many civil rights acts and implementing regulations, including those listed. This policy consolidates all board grievance procedures into one policy, except those contained in collective bargaining agreements. See the cross references for the policies referring to uniform grievance procedure.

Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy is in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

Attorneys disagree whether the Individuals with Disabilities Education Act (IDEA) should be included in the list of statutes that may serve as the basis of a grievance. Many believe that IDEA provides the exclusive remedy; others believe that including IDEA allows parents an opportunity to get their position before the board. Unique and specific complaint resolution mechanisms are expressly provided under IDEA, Article 14 of the School Code, and their respective implementing regulations. These mechanisms follow: (1) IDEA at 20 U.S.C. §1415 (procedural safeguards-mediation and due process); (2) IDEA regulations at 34 C.F.R. §§300.151-300.153 (state complaints), 300.506 (mediation), and 300.507 *et seq.* (due process); (3) School Code at §§14/8.02a (mediation and due process) and 14/8.02b (expedited due process); and (4) special education regulations at 23 Ill.Admin.Code §§226.560 (State complaints), 226.570 (mediation), and Subpart G (due process). A board that would like to include IDEA should consult the board attorney.

2 The Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325, made significant changes to the Americans with Disabilities Act's definition of disability by broadening the scope of coverage. ADAAA also overturned a series of U.S. Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that impairments were a disability. EEOC's regulations, 29 C.F.R. Part 1630, can be found at: www.eeoc.gov/laws/types/disability_regulations.cfm.

Boards should consult with their attorneys regarding how the ADAAA and its implementing regulations impact their districts.

7. Bullying, 105 ILCS 5/27-23.7 4
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children 5
9. Curriculum, instructional materials, and/or programs
10. Victims' Economic Security and Safety Act, 820 ILCS 180
11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students
13. Illinois Whistleblower Act, 740 ILCS 174/- 6
14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.) 7

³ Consult the board attorney to ensure the district's non-discrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon bullying and/or sexual violence under Title IX's sexual harassment umbrella. The U.S. Dept. of Education's guidance states that while acts of sexual violence are crimes, they may also be discrimination under Title IX. Many attorneys agree these guidance documents are a *heads-up* to schools to ensure appropriate responses and training to these issues. The guidance documents highlight appropriate responses to sexual violence under Title IX. They are titled as follows: (1) *Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts*, 111 LRP 23852 (OCR 04/04/11) and available at: www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html, and (2) *Dear Colleague Letter: Harassment and Bullying*, 55 IDELR 174 (OCR 10/26/10) and available at: www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201010.html, and (3) *Revised Sexual Harassment Guidance: Harassment of Student by School Employees, Other Students, or Third Parties*, January 2001, at www2.ed.gov/offices/OCR/archives/pdf/shguide.pdf.

Consult the board attorney regarding proper filing and storage of these investigation documents, including whether certain student-related investigation documents are sole possession records. A Family Policy Compliance Office (FPCO)-created exemption to the Family Education Rights Privacy Act (FERPA). See Letter to Ruscio, 115 LRP 18601 (FPCO, Dec. 17, 2014).

⁴ All districts must have a policy on bullying (105 ILCS 5/27-23.7). See policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. The inclusion of bullying in the list of topics that may serve as the basis of a grievance furthers the obligation to communicate this policy to students and their parents/guardians.

⁵ Parents/guardians of educationally disadvantaged children may sue a district for misuse of funds allocated by State law for the benefit of such children. *Noyola v. Board of Education*, 688 N.E.2d 81 (1997), (affirming the appellate court's conclusion in *Noyola v. Board of Education*, 671 N.E.2d 802 (Ill.App.1, 1996) that parents/guardians may pursue a claim to enforce the requirements of the School Code but holding that the proper action for enforcement is by means of mandamus not an implied right of action).

⁶ The Illinois Whistleblower Act, 740 ILCS 174/, includes school districts in the definition of employer. It protects employees from employer retaliation for disclosing information to a government or law enforcement agency. Section 15 also contains language prohibiting employers from retaliating against employees who disclose information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation. The Public Act also amends the Illinois Whistleblower Reward and Protection Act (740 ILCS 175/). Its definition of "State" includes school districts. A strict interpretation of this language appears to allow school boards to collect civil penalties and costs against someone making a false claim. Before disciplining any employee, Boards should thoroughly investigate the ramifications of this Public Act in consultation with their attorney and liability insurance carriers.

⁷ The Genetic Information Nondiscrimination Act (GINA) is a federal law. Title I, eff. 5-2-08, addresses the use of genetic information pertaining to health insurance. Title II, eff. 11-21-09, protects job applicants, current and former employees, labor union members, and apprentices and trainees from discrimination based on their genetic information. GINA covers employers with 15 or more employees.

GINA broadly defines genetic information to include information about an individual's genetic tests, their family members, and, among other things, the manifestation of a disease or disorder in the individual or family members. Information about an individual's or family member's age or gender is excluded from genetic information. Its remedies mirror those available under a Title VII of the Civil Rights Act claim: back pay, reinstatement, attorneys' fees and compensatory and punitive damages. Retaliation against an individual who brings a claim under GINA is also prohibited. Federal regulations have been proposed and are available at: www.eeoc.gov/policy/docs/qanda_geneticinfo.html. An FAQ titled, "FAQs on the Genetic Information Nondiscrimination Act" is available at: www.dol.gov/ebsa/faqs/faq-GINA.html.

15. Employee Credit Privacy Act, 820 ILCS 70/- 8

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure ~~and~~. If a formal complaint is filed, to under this procedure, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this procedure may forego any informal suggestions and/or attempts to resolve it and may proceed directly to the 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 hereunder 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.

Deadlines

All deadlines under this procedure 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.

The Ill. Genetic Information Protection Act (GIPA), 410 ILCS 513/ also prohibits employers from making employment decisions on the basis of any employee's genetic testing information. This amendment to GIPA includes the federal GINA's definition of genetic information and created more stringent obligations on Ill. employers. While the federal GINA exempts small employers (those with less than 15 employees), Illinois' GIPA covers all employers, even those with one employee. GIPA's also provides penalties for negligent and intentional mishandling of genetic information. Note that Title II of GINA does not preempt GIPA's greater protections to Illinois employees.

Before using any sort of genetic information, consult the board's attorney for guidance regarding the GINA's and GIPA's specific applications to the district and how these laws integrate with other related federal laws, such as the Family Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA), and State laws governing time off for sickness and workers' compensation.

8 820 ILCS 70/. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report, (2) inquire about an applicant's or employee's credit history, or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, when the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. A person who is injured by a violation of this Act may bring a civil action to obtain injunctive relief and/or damages (820 ILCS 70/25). The court must award costs and reasonable attorney's fees to a prevailing plaintiff.

For bullying and cyber-bullying, 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.

Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. 9 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, this policy, or (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, or (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 procedure about the status of the investigation. Within 30 school business days of 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. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with the following section of this policy. The Superintendent will keep the Board informed of all complaints.

Decision and Appeal

Within 5 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 U.S.-mail, first class, U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the preponderance of evidence standard. 10

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 5 school business days of the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action. 11

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

9 The Ill. sex equity regulations require districts to have "specific timelines for completion of each step and rendering of a written decision, and shall provide for final appeal of grievance decisions made at the system level to the system's governing board" (23 Ill.Admin.Code §200.40). To avoid arguments over these timelines, this sample policy provides that the failure to strictly follow the timelines does not prejudice any party. The grievance procedure is worthless if complaints are not thoroughly and promptly investigated.

10 Preponderance of evidence is a standard of proof in civil cases. It means "evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not." See Black's Law Dictionary (9th ed. 2009).

11 Note: ISBE is authorized "[t]o hear and determine all controversies arising under the school laws of the State, coming to it by appeal from a regional superintendent of schools," (105 ILCS 5/2-3.8, 5/3-10).

This grievance procedure 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 Nondiscrimination Coordinator and Complaint Managers ¹²

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.

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint 2 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, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

Joel T. Martin
Name
164 S. Prospect Avenue, Park Ridge, IL 60068
Address
jmartin@d64.org
Email 847-318-4305
Telephone

Complaint Managers:

<u>DR. Lori Lopez</u> Name <u>164 S. Prospect Ave., Park Ridge</u> Address <u>llopez@d64.org</u> Email	<u>DAN Walsh</u> Name <u>2401 MARION LANE, PARK RIDGE, IL</u> Address <u>dwalsh@d64.org</u> Email
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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹² Title IX regulations require districts to identify the name, address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. A OCR prefers that school districts make Title IX information and coordinators visible to the community, and it has provided materials designed to remind schools of their obligation to designate a Title IX coordinator. These materials include (a) a Dear Colleague Letter on Title IX Coordinators, (b) a Letter to Title IX Coordinators that provides them with more information about their role, and (c) a Title IX Resource Guide that includes an overview of Title IX's requirements with respect to several key issues. They are listed at: www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html.

The names are not part of the adopted policy, and the policy should not be adopted with a person's name in it; rather, the identifying information can be added and amended. This allows for additions and amendments as necessary. It is important for an updated, accurate name and contact information to be inserted into this policy and monitored on a regular basis.

847-318-4303
Telephone

847-318-4396
Telephone

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 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.
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 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.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 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), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public Suggestions and Concerns)

Operational Services

Payment Procedures ¹

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

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

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

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

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

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

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

² 105 ILCS 5/8-16 and 5/10-20.19.

³ 105 ILCS 5/10-7.

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

⁵ 105 ILCS 5/8-16 and 5/10-20.19.

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

General Personnel

Communicable and Chronic Infectious Disease ¹

The Superintendent or designee shall develop and implement procedures for managing known or suspected cases of a communicable and chronic infectious disease involving District employees that are consistent with State and federal law, Illinois Department of Public Health rules, and School Board policies. ²

INSERT A
An employee with a communicable or chronic infectious disease is encouraged to inform the Superintendent immediately and grant consent to being monitored by the District's Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Superintendent concerning the employee's conditions of employment and necessary accommodations. The Review Team shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed by law. ³

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. ⁴ An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

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

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

² District employment is contingent upon satisfactory results of a physical examination and freedom from communicable diseases (105 ILCS 5/24-5). The U.S. Supreme Court, however, has held that the Rehabilitation Act prohibits discrimination against a person handicapped by a communicable disease, provided that person is "otherwise qualified" to perform the job. *School Bd. of Nassau County, Fla. v. Arline*, 107 S.Ct. 1123 (1987) (teacher with tuberculosis was protected by the Rehabilitation Act). The decision supports the position that an HIV-positive employee or applicant who is "otherwise qualified" to perform the job must be reasonably accommodated despite having AIDS.

The Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325, may protect an HIV-positive employee or applicant (42 U.S.C. §12102(2)(A)). The ADAAA made significant changes to the Americans with Disabilities Act's definition of disability by broadening the scope of coverage thus overturning a series of U.S. Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that impairments were a disability. EEOC's regulations, 29 C.F.R. Part 1630, can be found at: www.eeoc.gov/laws/types/disability_regulations.cfm. Boards should consult with their attorneys regarding how the ADAAA and its implementing regulations impact the employment of an individual with a communicable disease who is otherwise qualified to perform the job.

³ This paragraph is optional. While not required by law, the creation and use of a Communicable and Chronic Infectious Disease Review Team (CIDRT) could greatly assist a district's efforts to review data on an employee who has a communicable or infectious disease. Its members are appointed by the superintendent according to board policy, 2:150, *Committees*. Whether the CIDRT is an administrative committee organized by the superintendent and/or administrators or a board committee subject to the Open Meetings Act must be discussed with the board attorney (see also 2:150-AP, Superintendent Committees). The CIDRT is guided by the board's policies, Ill. Dept. of Public Health rules and regulations, and all other applicable State and federal laws. The CIDRT also consults the employee's personal physician and local health department officials before making any recommendations.

The Americans with Disabilities Act (ADA) specifies that only an employee's direct supervisor and someone who would need to know in the event of an emergency may have access to an employee's medical records (42 U.S.C. §12112(d)). The Review Team's ability to operate may depend on the employee's waiver of the ADA's confidentiality provisions.

⁴ Required by 42 U.S.C. §12101 *et seq.*

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.; 29 C.F.R. §1630.1 et seq., amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325,
Rehabilitation Act of 1973, 29 U.S.C. §791; 34 C.F.R. §104.1 et seq.
Department of Public Health Act, 20 ILCS 2305/6.
105 ILCS 5/24-5.
Personnel Record Review Act, 820 ILCS 40/
Control of Communicable Diseases, 77 Ill.Admin.Code Part 690.

CROSS REF.: 2:150 (Committees), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary Incapacity)

^
An employee with a communicable or chronic infectious disease is encouraged to inform the Superintendent immediately. A Review Team (Superintendent, Assistant Superintendent for Human Resources, and Facilitator of Health Services) provides information and recommendations to the Superintendent concerning the employee's condition of employment and necessary accommodations. The Review Team shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed by law.

General Personnel

Ethics and Conduct ¹

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. ² In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy. ³ Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal. ⁴ *INDEPT A*

The following employees must file a *Statement of Economic Interests* as required by the Illinois Governmental Ethics Act: ⁵

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts, including collective bargaining agreement agreement(s), in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and

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¹ The State Officials and Employees Ethics Act (5 ILCS 430/), requires a policy on a subject-matter covered in this sample policy; State and federal law controls its 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.

² 105 ILCS 5/10-22.39 requires each board to conduct in-service training on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel. These expectations will be most effective when the in-service curriculum reflects local conditions and circumstances. While the School Code only requires the in-service, the requirement presents an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-service that instructs all district staff to maintain boundaries and act appropriately, professionally, and ethically with students. See discussion in third option of f/n 3, 5:100, *Staff Development Program*. After its discussion of these issues, the board may have further expectations and may choose to reflect those expectations here.

³ 23 Ill.Admin.Code Part 22. Boards are not required to include ISBE's *Code of Ethics for Illinois Educators* in a board policy. Incorporating it by reference into a policy demonstrates a board's commitment to the *Code's* principles and may allow a board to enforce the *Code* independently from any action taken by the State Superintendent.

Use this optional sentence to establish a requirement that the board can monitor: "The Superintendent or designee shall identify appropriate employee conduct standards and provide them to staff members." Sample conduct standards are contained in administrative procedure 5:120-AP2, *Employee Conduct Standards*. Consult the board attorney for advice on whether the board must offer to negotiate employee conduct standards with the applicable exclusive bargaining representative before establishing them.

⁴ This sentence is optional. The Ill. Human Rights Act makes it a civil rights violation to fail to take remedial action, or to fail to take appropriate disciplinary action, against any employee when the district knows that the employee committed or engaged in sexual harassment of a student (775 ILCS 5/5A-102). Sexual harassment of a student is also prohibited by 7:20, *Harassment of Students Prohibited*, and of an employee by 5:20, *Workplace Harassment Prohibited*.

⁵ 5 ILCS 420/4A-101. Any county clerk may use a mandatory system of Internet-based filing of economic interest statements; if done, the clerk must post the statements, without the addresses, of the filers, on a publicly accessible website (5 ILCS 420/4A-108).

7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

School Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. 6 Students shall not be used in any manner for promoting a political candidate or issue.

Prohibited Interests, Limitation of Authority, and Outside Employment and Conflict of Interest

No District employee In accordance with Section 22-5 of the School Code, "no school officer or teacher shall be ~~directly or indirectly~~ interested in ~~any contract, work, or business of the District, or in the sale, proceeds, or profits of any article by book, apparatus, or furniture used~~ or to ~~the District, be used in any school with which such officer or teacher may be connected,~~" except when the employee is the author or developer of instructional materials listed with the Illinois State Board of Education and adopted for use by the School Board. 7 An employee having an interest in instructional materials must file an annual statement with the Board Secretary. 8

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District.

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

Incorporated
by reference: 5:120-B (Code of Ethics for Illinois Educators)

LEGAL REF.: U.S. Constitution, First Amendment.
5 ILCS 420/4A-101 and 430/.
50 ILCS 135/.
105 ILCS 5/10-22.39 and 5/22-5, and 5/24-22-5.
775 ILCS 5/5A-102.
23 Ill.Admin.Code Part 22, Code of Ethics for Illinois Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), 5:100 (Staff Development Program)

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

6 The State Officials and Employees Ethics Act prohibits State employees from engaging in certain political activities and accepting certain gifts (5 ILCS 430/). The Act requires all school districts to adopt an ordinance or resolution "in a manner no less restrictive" than the Act's provisions. See policy 2:105, *Ethics and Gift Ban*.

Districts may not inhibit or prohibit employees from petitioning, making public speeches, campaigning for or against political candidates, speaking out on public policy questions, distributing political literature, making campaign contributions, and seeking public office (50 ILCS 135/, Governmental Employees Political Rights Act). An employee may not use his/her position of employment to coerce or inhibit others in the free exercise of their political rights or engage in political activities at work (Id.).

7 This sentence quotes 105 ILCS 5/22-5 because the statute does not define important terms making it difficult to paraphrase. No appellate decision defines school officer or apparatus, or what is meant by connected. The statute was enacted in 1961 but earlier versions were in the School Code much longer. A violation of this prohibition is a Class A misdemeanor.

8 Id.

Insert A

The School District shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

General Personnel

Copyright 1

Works Made for Hire

The Superintendent shall manage the development of instructional materials and computer programs by employees during the scope of their employment in accordance with State and federal laws and School Board policies. Whenever an employee is assigned to develop instructional materials and/or computer programs, or otherwise performs such work within the scope of his or her employment, it is assured the District shall be the owner of the copyright.

Copyright Compliance

While staff members may use appropriate supplementary materials, it is each staff member's responsibility to abide by the District's copyright compliance procedures and to obey the copyright laws. The District is not responsible for any violations of the copyright laws by its staff or students. A staff member should contact the Superintendent or designee whenever the staff member is uncertain about whether using or copying material complies with the District's procedures or is permissible under the law, or wants assistance on when and how to obtain proper authorization. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. At no time shall it be necessary for a District staff member to violate copyright laws in order to properly perform his or her duties.

Copyright Infringement; Designation of District Digital Millennium Copyright Act (DMCA) Agent 2

The employee listed below receives complaints about copyright infringement within the use of the District's online services. The Superintendent or designee will register this information with the federal Copyright Office as required by federal law.

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1 State or federal law controls this policy's content. Creators of original materials, including materials posted on the Internet, are granted exclusive rights, known as *copyrights* (17 U.S.C. §101 et seq.). These exclusive rights include reproducing and publicly performing the work. Congress granted some exceptions to exclusive rights for schools, including §107 on fair use, §108 on library reproduction and archiving, §109 on first sale, and §110 on classroom performance and display. If not covered by an exception, the copyright owner's permission must be sought before a work can be copied or performed. The fine for failing to comply with copyright law is steep making the cost of consulting with the board attorney a bargain.

2 Optional. Before using this text, consult the board attorney to first identify whether the District is an online service provider (OSP) under the DMCA. The DMCA is an amendment to 17 U.S.C. §101 et seq. The amendment provides limitations on OSP liability for storage, at the direction of a user, of copyrighted material residing on a system or network controlled or operated by or for the OSP. This liability limitation is called the Safe Harbor Provision (SHP). If a district is an OSP, the SHP provision will not apply if the district does not designate, publicize, and register a DMCA Agent with the federal Copyright Office (at publication time, registration was \$105).

Districts that may benefit from the SHP are those which operate or contract to operate the following types of websites: file and information sharing sites; blogs that allow guests to post content; social media sites; and other sites that accept, publish or host content created and submitted by other parties. For further steps to designate a DMCA agent, see 5:170-AP4, Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process.

District DMCA Agent:

Name MARY JANE WARDEN

Address 8200 N. Greendale Avenue, Niles, IL 60714

Email MJWARDEN@dlb4.org

Telephone 847-318-5421

LEGAL REF.: Federal Copyright Law of 1976, 17 U.S.C. §101 et seq.
105 ILCS 5/10-23.10.

CROSS REF.: 6:235 (Access to Electronic Networks)

Educational Support Personnel

Employment At-Will, Compensation, and Assignment ¹

Employment At-Will ²

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason, other than a reason prohibited by law, or no reason at all. ³ Nothing in School Board policy is intended or should be construed as altering the employment at-will relationship.

Exceptions to employment at-will may include employees who are employed annually, have an employment contract, or are otherwise granted a legitimate interest in continued employment. The Superintendent is authorized to make exceptions to employing nonlicensed employees at-will but shall maintain a record of positions or employees who are not at-will.

Compensation

The Board will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. An employee covered by the overtime

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A collective bargaining agreement may contain provisions that supersede this policy, in which case, the policy might state: "Please refer to the current bargaining agreement between the Educational Support Personnel and the School Board."

While the term *educational support personnel* is not defined in the School Code, at least one appellate court and one circuit court decision found in dicta that the term refers to nonlicensed employees, such as clerical workers, custodians, cafeteria workers, bus drivers, and teachers' aides. *Laukhuf v. Congerville-Eureka-Goodfield School Dist.*, 2003 WL 23936148 (Ill. Cir., 2003) (non-precedential); *Buckeliew v. Georgetown-Ridge Farm Community Unit School Dist.*, 575 N.E.2d 556 (Ill. App. 4, 1991).

² Illinois law does not specifically create a protected property interest in continued employment for nonlicensed employees, except in a reduction in force. However, whether an employee is actually employed at-will depends on the specific facts. This determination is important because the dismissal of an employee having a protected property right in continued employment requires a notice and hearing. *Cleveland Bd of Educ. v. Loudermill*, 105 S.Ct. 1487 (1985). **A 2013 appellate decision that reinforced the existence of at-will employment is *See also* *Griggsville-Perry Community Unit School Dist. No. 4 v. Ill. Ino's Educ. Labor Relations Bd.*, 96384 N.E.2d 332 (Ill. App. 4, 2013) (arbitrator exceeded his authority by implying a dismissal standard in 440 (Ill. 2013) (upheld an arbitrator's finding that the requirement to provide a pre-discharge written notice was drawn from the parties' collective bargaining essence of the agreement for an at-will employee).**

Even with this policy, it is safest to presume that all nonlicensed employees are at least employed annually. This is a good assumption because districts routinely assure next-year employment so that the employee will not qualify for summer unemployment. In addition, annual employment may be created through a collective bargaining agreement, past practice, an employees' handbook, personnel policy manual, or an oral promise. *Ameson v. Bd of Trustees, McKendree College*, 569 N.E.2d 252 (Ill. App. 5, 1991). Moreover, there are several exceptions to at-will including prohibitions against discrimination and retaliatory discharge (*Michael v. Precision Alliance Group*, 952 N.E.2d 682 (Ill. App. 5, 2011) (common law recognizes a cause of action for retaliatory discharge when the employee engaged in protected activity). Consult the board attorney for help determining whether an employee is employed at-will.

A district, by policy or handbook, may not take away a previously given property interest in continued employment to current employees; only those employees hired afterwards could be affected. *Duldulao v. St. Mary of Nazareth Hospital*, 483 N.E.2d 956 (Ill. App. 1, 1985); *Kaiser v. Dixon*, 468 N.E.2d 822 (Ill. App. 2, 1984).

For a discussion of prohibited dismissal reasons, see 5:10, *Equal Employment Opportunity and Minority Recruitment*. Volunteer firefighters may not be fired for responding to an emergency (50 ILCS 748/).

³ 105 ILCS 5/10-23.5. For more information on RIF, see policy 5:290, *Employment Termination and Suspensions*.

provisions in State or federal law shall not work overtime without the prior authorization from the employee's immediate supervisor. 4 Educational support personnel are paid twice a month. 5

Assignment

The Superintendent is authorized to make assignments and transfers of educational support personnel.

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.

~~Griggsville-Perry Community Unit School Dist. No. 4 v. Illinois Educ. Labor Relations Bd., 963 N.E.2d 332 (Ill. App.4, 2013).~~

~~Cook v. Eldorado Community Unit School District, No. 03 MR 32 (Ill. App.5, 2004).~~

~~Dulchao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (Ill. App.1, 1985),
aff'd in part and remanded, 505 N.E.2d 314 (Ill. 1987).~~

~~Kaiser v. Dixon, 468 N.E. 2d 822 (Ill. App.2, 1984).~~

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment) 5:35
(Compliance with the Fair Labor Standards Act), 5:290 (Educational Support
Personnel - Employment Termination and Suspensions), 5:310 (Educational
Support Personnel - Compensatory Time-Off)

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

4 For information regarding overtime, see policy 5:35, *Compliance with the Fair Labor Standards Act*.

5 820 ILCS 115/3. However, the wages of employees who are *exempt* as defined in the Fair Labor Standards Act (FLSA), 29 U.S.C. §201 *et seq.*, may be paid once a month. For a discussion of the FLSA, see 5:35, *Compliance with the Fair Labor Standards Act*.

Instruction

Education of Homeless Children ¹

Each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, as provided to other children and youths, including a public pre-school education. ² A "homeless child" is defined as provided in the McKinney Homeless Assistance Act and State law: the III. Education for Homeless Children Act. ³ The Superintendent or designee shall act as or appoint a Liaison for Homeless Children to coordinate this policy's implementation. ⁴

A homeless child may attend the District school that the child attended when permanently housed or in which the child was last enrolled. A homeless child living in any District school's attendance area may attend that school. ⁵

The Superintendent or designee shall review and revise rules or procedures that may act as barriers to the enrollment of homeless children and youths. In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residency, birth

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¹ State and federal law control this policy's content. This sample policy contains the basic requirements of the III. Education for Homeless Children Act, 105 ILCS 45/, as well as the McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq. Other policies that are relevant to the education of homeless children are listed in the Cross References, e.g., school admissions and immunizations.

² For high school districts, delete "including a public pre-school education" at the end of the sentence.

³ Under the McKinney Homeless Assistance Act (42 U.S.C. §11434a(2)),

"Homeless Children" (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1); and (B) includes --

- i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals, or are awaiting foster care placement;
- ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of Section 11302(a)(2)(C);
- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- iv. migratory children (as such term is defined in section 6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Under State law (105 ILCS 45/1-5),

"Homeless person, child, or youth" includes, but is not limited to, any of the following:

- (1) An individual who lacks a fixed, regular, and adequate nighttime place of abode.
- (2) An individual who has a primary nighttime place of abode that is:
 - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
 - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (C) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

See www.isbe.net/homeless/default.htm for helpful informational resources and training with regard to the education of homeless children in Illinois. See www2.ed.gov/programs/homeless/legislation.html for the U.S. Dept. of Education's information about federal requirements.

⁴ 42 U.S.C. §11432(g)(1)(i)(ii).

⁵ 105 ILCS 45/1-10.

certificates, school records and other documentation, and guardianship. ⁶ Transportation shall be provided in accordance with the McKinney Homeless Assistance Act and State law. ⁷ The Superintendent or designee shall give special attention to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school. ⁸ If a child is denied enrollment or transportation under this policy, the Liaison for Homeless Children shall immediately refer the child or his or her parent/guardian to the ombudsperson appointed by the Regional Superintendent and provide the child or his or her parent/guardian with a written explanation for the denial. ⁹ Whenever a child and his or her parent/guardian who initially share the housing of another person due to loss of housing, economic hardship, or a similar hardship continue to share the housing, the Liaison for Homeless Children shall, after the passage of 18 months and annually thereafter, conduct a review as to whether such hardship continues to exist in accordance with State law. ¹⁰

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Ill. Education for Homeless Children Act, 105 ILCS 45/1-1 et seq./

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:110 (Transportation), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

ADMIN. PROC.: 6:140-AP (Education of Homeless Children)

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

⁶ The first sentences in this paragraph are required by 42 U.S.C. §11432(g)(7).

⁷ 42 U.S.C. §11432(g)(1)(i)(iii) and 105 ILCS 45/1-15.

⁸ Required by 42 U.S.C. §11432(g)(7).

⁹ Required by 105 ILCS 45/1-25.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

¹⁰ Optional ~~C~~, but allowed by 105 ILCS 45/1-25(a-5). As an alternative, a school board may omit this sentence or use a permissive verb, such as, "...the Liaison for Homeless Children may, after the passage of 18 months and annually thereafter, conduct..." Any change required as a result of this review becomes effective at the close of the school year. Any person who knowingly or willfully presents false information in any review commits a Class C misdemeanor.

Students

Equal Educational Opportunities ¹

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, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy. ² 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 School Board policy 8:20, *Community Use of School Facilities*. ³ Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*. ⁴

Sex Equity ⁵

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

¹ State or federal law requires this subject matter be covered by policy and controls this policy's content.

² Many civil rights laws guarantee equal education opportunities; see citations in the Legal References.

In 23 Ill.Admin.Code §1.240, ISBE states that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Tyler v. Doe, 457 U.S. 202 (1982))."

The Ill. Human Rights Act and an ISBE rule prohibit schools from discriminating against students on the basis of *sexual orientation* and *gender identity* (775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240). *Sexual orientation* is defined as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth," (775 ILCS 5/1-103(O-1)). *Gender identity* is included in the definition of sexual orientation in the Act. The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms (775 ILCS 5/5-103). 775 ILCS 5/1-102(A) makes *order of protection status* a protected category.

The Ill. Human Rights Act's jurisdiction is specifically limited to: (1) failing to enroll an individual, (2) denying access to facilities, goods, or services, or (3) failing to take corrective action to stop severe or pervasive harassment of an individual (775 ILCS 5/5-102.2).

³ 23 Ill.Admin.Code §200.40(b) prohibits entering into agreements with entities that discriminate against students on the basis on sex. Section 200.80(a)(4) contains an exception for single sex youth organizations, e.g., Boy and Girl Scouts. Note that the U.S. Supreme Court refused to apply N.J.'s public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scouts' freedom of expressive association. *Boy Scouts of America v. Dale*, 120 S.Ct. 2446 (2002). When deciding whether to allow non-school groups to use its facilities, a public school district may not engage in viewpoint discrimination. *Good News Club v. Milford Central School*, 121 S.Ct. 2093 (2001).

⁴ Districts must have a grievance procedure (See Legal References following policy). Absent a specific statute or rule, there is no consensus on whether students have the right to appeal a board's decision to the Regional Superintendent and thereafter to the State Superintendent pursuant to 105 ILCS 5/2-3.8.

⁵ Every district must have a policy on sex equity (23 Ill.Admin.Code §200.40(b)). The Ill. Human Rights Act, Public Accommodation section, prohibits schools from: (1) failing to enroll an individual, (2) denying a individual access to its facilities, goods, or services, or (3) failing take corrective action to stop severe or pervasive harassment of an individual (775 ILCS 5-102.2), on the basis of the individual's sex or sexual orientation, among other classifications (775 ILCS 5/5-101). Districts must periodically evaluate their policies and practices to identify and eliminate sex discrimination as well as evaluate course enrollment data to identify disproportionate enrollment based on sex. In-service training for all staff members is required (23 Ill.Admin.Code §1.420).

With some exceptions, Title IX guarantees that "[n]o person in the United States shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..." (20 U.S.C. §§1681(a)). Equal participation and equal opportunity in athletics is addressed in the U.S. Dept. of Education's implementing rules (34 C.F.R. §106.41). Generally, when a school district offers a team for one gender but not for the other, a member of the excluded gender is allowed to try out for the team

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 Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8). ⁶

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator. ⁷ The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and grievance procedure. ⁸

LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney Homeless Assistance Act.
20 U.S.C. §1681 et seq., ~~34 C.F.R. Part 106~~; Title IX of the ~~Education~~ Education Amendments implemented by 34 C.F.R. Part 106.
29 U.S.C. §791 et seq., Rehabilitation Act of 1973.
775 ILCS 35/5, Religious Freedom Restoration Act.
Ill. Constitution, Art. I, §18.
Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001).
105 ILCS 5/3.25b, 3.25d(b), 10-20.12, 10-22.5, and 27-1.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 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), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:330 (Student Use of Buildings - Equal Access), 8:20 (Community Use of School Facilities)

unless the sport is a *contact sport*. Contact sports are boxing, wrestling, rugby, ice hockey, football, basketball, and other sports involving bodily contact. The rules also list the factors that determine whether equal opportunities are available to both genders. These include: whether the selection of athletics accommodates the interests and abilities of both genders; equipment and supplies; scheduling; opportunity to receive coaching and academic tutoring; locker rooms, practice facilities, and fields; and publicity.

⁶ Districts must have a grievance procedure and must tell students that they may appeal a board's resolution of a sex equity complaint to the Regional Superintendent and, thereafter, to the State Superintendent (23 Ill.Admin.Code §200.40).

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

⁷ Required by regulations implementing Title IX (34 C.F.R. Part 106.8).

⁸ Required by regulations implementing Title IX (34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40). Comprehensive Faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. Faculty handbooks may contain working conditions and be subject to mandatory collective bargaining.

Students

Nonpublic School Students, Including Parochial and Home-Schooled Students ¹

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. ² Requests for part-time attendance must be submitted to the Building Principal of the school in the school attendance area where the student resides. All requests for attendance in the following school year ~~must~~ ^{should} be submitted before May 1. ³

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. ⁴ Transportation on other than established bus routes is the responsibility of the parent(s)/guardian(s).

Students with a Disability ⁵

The District ~~will accept~~ ^{accepts} for part-time attendance those ~~students with disabilities who live within the District and children for whom it has been determined that special education services are needed,~~ ^{or home schooled.} 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

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

¹ State or federal law controls this policy's content. The compulsory attendance law (105 ILCS 5/26-1 *et seq.*) requires that parent(s)/guardian(s) of a child between the ages of 7 and 17 years send their child to public school. An exception is provided for any child attending a private or parochial school "where children are taught the branches of education taught to children of corresponding age and grades in public schools, and where the instruction of the child in the branches of education is in the English language." (*Id.*) Home schooling is included in this exception if the teacher is competent, the required subjects are taught, and the student receives an education that is at least equivalent to public schooling (*People v. Levisen*, 404 Ill. 574, 90 N.E.2d 213 (1950)).

² As of January 1, 1996, many of the duties imposed on school boards became powers (105 ILCS 5/10-20). Thus, boards have the power to accept students enrolled in nonpublic schools for part-time attendance (105 ILCS 5/10-20.24). A board should consult its attorney before deciding not to accept nonpublic students for part-time attendance.

³ *Id.* The deadline for submitting a request is at the local district's option. Consult the board attorney if the district or a school receives a request after this deadline.

⁴ Such transportation is required by 105 ILCS 5/29-4.

⁵ **This paragraph restates State law (105 ILCS 5/14-6.01). Federal law requires districts to develop and implement a system to locate, identify, and evaluate children with disabilities who attend private schools (including religiously affiliated schools and home-schools) located within the district. Moreover, the district must conduct child find activities for private school children with disabilities that are similar to those for children with disabilities in public schools. See 34 C.F.R. §§300.130-300.144 (children with disabilities enrolled by their parents in private schools). See Section 2, Child Find, in the 2015 Special Education Procedures, at www.iasb.com/law/icespeced.cfm. Information from the U.S. Dept. of Education is at: www2.ed.gov/admins/lead/speced/privateschools/index.html?cxo=3, including the publication *Provisions Related to Children with Disabilities Enrolled by their Parents in Private Schools*.**

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.

Extracurricular Activities, Including Interscholastic Competition

A nonpublic school student is eligible to participate in: (1) interscholastic competition, provided his or her participation adheres to the regulations established by any association in which the School District maintains a membership, and (2) non-athletic extracurricular activities, provided the student attends a District school for at least one-half of the regular school day, excluding lunch.⁶ A nonpublic student who participates in an extracurricular activity is subject to all policies, regulations, and rules that are applicable to other participants in the activity.

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.⁷

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.⁸ 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.⁹

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 School Board policy 7:30, *Student Assignment*, as well as administrative procedures implementing this policy.

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

⁶ State law is silent on this issue; however, the Illinois High School Association Bylaws, 3.011 and 4.011, state that in order to be eligible to participate in interscholastic competition a student must be enrolled in a district school and take a minimum of **30 25** credit hours of work for which the district will grant high school credit upon the student's passing the course. If the board decides not to allow such participation, consider omitting this section of the policy and substituting:

Nonpublic school students, regardless of whether they attend a District school part-time, will not be allowed to participate in any extracurricular activities.

⁷ This paragraph is optional; districts are not required to accept the grade placement or academic credits from nonpublic schools. However, ISBE provides a *recognition* status to nonpublic schools in order to, among other things, provide assurance that the school's educational program meets at least minimum State requirements. See 105 ILCS 5/2-3.250; 23 Ill.Admin.Code Part 425, and ISBE's guidance at: www.isbe.net/nonpublic/default.htm. Nonpublic schools may seek a *Certificate of Nonpublic School Recognition* by complying with these guidelines. While nonpublic school certification is entirely voluntarily, only nonpublic schools that have met the voluntary recognition requirements are eligible to receive school safety and education improvement block grant funding. See 23 Ill.Admin.Code §425.80.

⁸ The question whether to award academic credit based on proficiency is complex. If credit is not given, any incoming secondary student from a nongraded school begins high school as a freshman, regardless of age or proficiency. On the other hand, to award credit based on a student's proficiency only if the student is transferring from a nongraded school will seem unfair to other students. State law is silent on this issue and boards should consult their administrative team for guidance.

⁹ Optional.

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)

Students

Release During School Hours ¹

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

Early Dismissal Announcement

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

CROSS REF.: 4:170 (Safety)

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

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

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

Students

Bus Conduct ¹

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

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

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

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

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

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

Electronic Recordings on School Buses ³

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

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

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.105 ILCS 5/10-20.14, 5/10-22.6, and 10/.
720 ILCS 5/14-3(m).
23 Ill.Admin.Code Part 375, Student Records.

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

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

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

³ This section is optional; it contains the statutory prerequisites for districts that want to use electronic audio and visual recording devices on school buses (720 ILCS 5/14-3(m), amended by P.A. 98-1142. These required prerequisites are contained reside in an exception to the criminal eavesdropping statute that. The criminal eavesdropping statute prohibits recording a conversation in which someone has a reasonable expectation of privacy without the consent of all parties. Two Ill. Supreme Court decisions declared the criminal eavesdropping statute but allows citizens to be unconstitutionally overbroad in violation of the first amendment. People v. Melenge, 6 N.E.3d 120 (2014), and People v. Clark, 6 N.E.3d 154 (2014). The enforceability of the statute containing exceptions to a crime that no longer exists is questionable until the General Assembly amends record public conversations without obtaining consent. While the criminal eavesdropping statute to correct its deficiency, — was legislatively corrected as of 12-30-2014, 720 ILCS 5/14-3(m) remains the same. Districts should consult with their board attorney regarding the requirements of the new statute.

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

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

Students

Restrictions on Publications ¹

School-Sponsored Publications and Web Sites

School-sponsored publications, productions, and web sites are part of the curriculum and are not a public forum for general student use. ² School authorities may edit or delete material that is inconsistent with the District's educational mission.

All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, ~~is socially inappropriate~~, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

Non-School Sponsored Publications Accessed or Distributed On-Campus ³

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, ~~and~~ (2) audio-visual material, on any medium including electromagnetic media (e.g., images, MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, CD-ROM, etc.) or ~~on-line~~ online (e.g., any website, social networking site, database for information retrieval, etc.), ~~or (3) information or material on electronic devices (e.g., data or voice messages delivered by cell phones, tablets, and other hand-held devices).~~ ⁴

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

¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled.

² School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. *Hazelwood School District v. Kuhlmeier*, 108 S.Ct. 562 (1988). This policy allows such control by clearly stating that school-sponsored publications are not a "public forum" open for general student use but are, instead, part of the curriculum.

A school board that does not retain control of student publications can anticipate at least two problems: (1) how to keep content consistent with the district's mission, and (2) how to ensure that the Constitutional rights of third parties are not violated by student journalists. Concerning the second problem, a third party may seek to hold the district responsible for the student journalists' acts. See *Yeo v. Town of Lexington*, 131 F.3d 241 (1st Cir. 1997), *cert. denied* (1998).

³ Non-school sponsored publications, like underground newspapers, cannot be subject to the same degree of regulation by school authorities as school-sponsored publications. Absent a showing of material and substantial interference with the requirements of good discipline, students retain their First Amendment free speech rights. The federal circuits disagree on whether school authorities may require prior approval before a student is allowed to distribute non-school-sponsored publications. The Seventh Circuit, which covers Illinois, refused to approve prior approval regulations. *Fujishima v. Board of Education*, 460 F.2d 1355 (7th Cir., 1972), but see *Baughman v. Freienmuth*, 478 F.2d 1345 (4th Cir., 1973). Non-school sponsored web sites should be regulated in the same manner as non-school sponsored publications.

A school policy prohibiting junior high students from distributing written material at school that is prepared by non-students was upheld in *Hedges v. Wauconda Community Unit School Dist. No. 118*, 9 F.3d 1295 (7th Cir. 1993).

⁴ The definition of *publication* is optional and may be amended. This sample definition uses broad and generally understood terms to keep the policy current with rapid technology changes.

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the School District.

Students are prohibited from creating, distributing and/or accessing at school any publication that:

1. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;⁵
2. Violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright;⁶
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and Student Handbooks;⁷
4. Is reasonably viewed as promoting illegal drug use;⁸ or
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. Nothing herein shall be interpreted to prevent the inclusion of material from outside sources or the citation to such sources as long as the material to be distributed or accessed is primarily prepared by students.⁹

Accessing or distributing “on-campus” includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be

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⁵ For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school’s computer. School authorities could reasonably believe the article would be disruptive. *Boucher v. School Board of the School District of Greenfield*, 134 F.3d 821 (7th Cir., 1998).

⁶ School officials may not regulate student speech based upon their fear or apprehension of disturbance. Many decisions address the tension between students’ right to free speech and restrictions of it on campus. See, for example:

Brandt v. Board of Educ. of City of Chicago, 480 F.3d 460 (7th Cir., 2007), *cert. denied* (2007) (school did not violate students’ First Amendment rights when it disciplined students for wearing T-shirts with a “talentless infantile drawing” that school officials reasonably found to undermine the educational atmosphere).

Nuxoll v. Indian Prairie School Dist. #204, 523 F.3d 668 (7th Cir., 2008) (holding that the student was likely to succeed on merits of his claim that the school would violate his speech rights by preventing him from wearing T-shirt with slogan “Be Happy, Not Gay”).

I.C. v. Beverly Hills Unified Sch. Dist., 593 F.3d 249 (3rd Cir. 2010) (discussed the “rights of others to be secure and let alone” argument from *Tinker*, but found that the school district violated a student’s First Amendment rights for disciplining her when she posted a video clip on a website.).

***B.H. v. Boston Area School District*, 725 F.3d 293 (3rd Cir 2013), *cert. denied* (2014) (school violated students’ free speech rights by banning the wearing of cancer awareness bracelets containing the caption I ♥ boobies).**

⁷ Be sure that the board’s definitions for *sexting* in this policy aligned with other definitions used throughout the board’s policy manual. For example, see the discussion within sample administrative procedure 7:190-AP5, *Student Handbook-Electronic Devices*. There, *sexting* encompasses the term *indecent visual depiction* as defined by 705 ILCS405/3-40. It defines *indecent visual depiction* as a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the buttocks, or if such person is a female, a fully or partially developed breast of the person. However, a district may create or have another definition of *sexting* that may or may not encompass the statutory term *indecent visual depiction*.

⁸ *Morse v. Frederick*, 551 U.S. 393 (2007).

⁹ Optional. The rationale for this section is that prior to high school, students have not developed sufficient experience and education in critical review of external resource materials. Accordingly, in order to accomplish the district’s educational mission, yet allow students the opportunity to communicate with their fellow students, widespread student distribution of written material in elementary and middle school may be limited to material primarily prepared by the students themselves. *Hedges v. Wanconda Community Unit School Dist. No. 118*, 9 F.3d 1295 (7th Cir. 1993); *Leal v. Everett Public Schools*, 2015 WL 728651 (W.D.Wash. 2015).

disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school. ¹⁰

Non-School Sponsored Publications Accessed or Distributed Off-Campus ¹¹

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

Bullying and Cyberbullying ¹²

The Superintendent or designee shall treat behavior that is bullying and/or cyberbullying according to Board policy 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment, in addition to any response required by this policy.

LEGAL REF.: 105 ILCS 5/27-23.7

Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).

Hedges v. Wanconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969).

CROSS REF.: 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:25 (Advertising and Distributing Materials in School Provided by Non-School Related Entities)

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¹⁰ For example, a school district may discipline a student for writing an underground newspaper, and distributing it at school, that contained an article on how to hack into the school's computer. School authorities could reasonably believe the article would be disruptive. Boucher v. School Board of the School District of Greenfield, 134 F.3d 821 (7th Cir., 1998).

¹¹ Optional. School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus expression is much more limited than expression on school grounds. Many decisions address the tension between public schools' authority to discipline students for off-campus speech and students' right to free speech. However, school officials may generally: (1) remove a student from extracurricular activities when the conduct code for participation requires students to conduct themselves at all times as good citizens and exemplars of the school (see 7:240, Conduct Code for Participants in Extracurricular Activities); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations, as provided in this policy (see also 7:190, Student Discipline). For example, see:

I.S. v. Blue Mountain Sch. Dist., combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), *cert. denied* (2012) (schools may not punish students for their off-campus indecent and offensive parodies of their principals, absent a showing that the parodies caused, or could cause, substantial disruption in the schools).

Kowalski v. Berkeley Cnty. Sch., 652 F.3d 565 (4th Cir. 2011), *cert. denied* (2012) (upheld a student's suspension for off-campus posts to a social network site that defamed a classmate because it was foreseeable that the expression would reach the school and the student's conduct involved substantial disruption and interference with the work and discipline of the school).

The statutory definition of bullying includes cyberbullying (105 ILCS 5/27-23.7); these terms are defined in 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment (see also fn 6 and 7:190-AP6, Guidelines for Investigating Sexting Allegations).

Consult the board attorney for guidance concerning off-campus speech. Every situation is fact specific and the issues require careful evaluation.

12 105 ILCS 5/27-23.7.

PARK RIDGE-NILES SCHOOL DISTRICT 64**SECTION 2 - School Board****2:230 - Public Participation at Board of Education Meetings and Petitions to the Board****2:230 - Public Participation at Board of Education Meetings and Petitions to the Board**

At each regular and special open meeting, members of the public and District employees may comment on or ask questions of the Board, subject to reasonable constraints.

The individuals appearing before the Board are expected to follow these guidelines:

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board President.
2. Identify oneself and be brief. ~~Ordinarily, such~~ comments shall be limited to ~~5~~ ³ minutes. In unusual circumstances, and when the person has made a request in advance to speak for a longer period of time, the individual may be allowed to speak for more than 5 minutes.
3. Observe the Board President's decision to shorten public comment to conserve time and give the maximum number of individuals an opportunity to speak.
4. Observe the Board President's decision to determine procedural matters regarding public participation not otherwise covered in Board of Education policy.
5. Conduct oneself with respect and civility toward others and otherwise abide by Board policy, 8:30, *Visitors to and Conduct on School Property*.

Petitions or written correspondence to the Board shall be presented to the Board in the next regular Board packet.

LEGAL REF.:

5 ILCS 120/2.06.

105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:220 (Board of Education Meeting Procedure), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

ADOPTED: October 27, 1997

REVISED: April 4, 2011; November 17, 2014

PARK RIDGE-NILES COMMUNITY CONSOLIDATED SCHOOL DISTRICT 64
