

BOARD OF EDUCATION
COMMUNITY CONSOLIDATED SCHOOL DISTRICT 64

COMMITTEE-OF-THE-WHOLE on FINANCE

MONDAY, February 8, 2010
6:00 P.M. – 7:30 P.M.

HENDEE EDUCATIONAL SERVICE CENTER
164 S. PROSPECT AVENUE

AGENDA

1. CALL TO ORDER AND ROLL CALL
2. PRESENTATION ON FINANCIAL PROJECTIONS
3. ADJOURNMENT

SP:mw

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

Board of Education Agenda

Monday, February 8, 2010
Raymond Hendee Educational Service Center
164 S. Prospect Avenue

Please note that the starting times after the first session are estimates. If a session ends earlier than expected, the next session scheduled may convene immediately. In addition, on some occasions the order of business may be adjusted as the meeting progresses to accommodate Board members' schedules, the length of session, breaks and other needs.

Monday, February 8, 2010

TIME		APPENDIX
6:00 p.m.	Meeting of the Board Convenes <ul style="list-style-type: none"> • Roll Call • Introductions • Opening Remarks from President of the Board 	
6:00 p.m.	• Board Recesses and Adjourns to Committee of the Whole on Finance	
7:30 p.m.	• Board Adjourns from Committee of the Whole on Finance and Resumes Regular Meeting	
7:30-7:35 p.m.	• Public Comments	
7:35-7:50 p.m.	• Presentation on Planned Review of Programs and Services for High Achieving Students -- Assistant Superintendent for Student Learning	A-1
7:50-8:10 p.m.	• Continuation of Discussion on Policy 8:25 – Advertising and Distributing Materials in Schools Provided by Non-District Organizations and Related Entities -- Superintendent	A-2
8:10 -8:30 p.m.	• Update on Summer 2010 Construction and FAA Projects -- Director of Buildings and Grounds	A-3
8:30-8:50 p.m.	• Administration Response to Community Finance Committee (CFC) Recommendation -- Superintendent	A-4
8:50-8:55 p.m.	• First Reading of Policy Issue 69, November 2009 and Policy Issue 70, December 2009 -- Superintendent	A-5
8:55-9:00 p.m.	• Consent Agenda - -- Board President <ul style="list-style-type: none"> • Personnel Report 	Action Item 10-02-1 A-6

- Bills and Payroll
- Acceptance of Donation Check
- Destruction of Audio Closed Minutes (None)

9:00-9:05 p.m. • **Approval of Minutes** **Action Item 10-02-2** **A-7**
 -- Board President

- Open Minutes of January 25, 2010
- Minutes of Committee-of-the-Whole on Smart Boards and 2nd Quarterly Report of January 25, 2010

9:05-9:10 p.m. • **Other Items of Information** **A-8**
 -- Superintendent

- Upcoming Agenda
- Memorandum of Information (none)
- Minutes of Board Committees
 - Wellness Committee Minutes of January 19, 2010
 - CFC Planning Meeting Minutes of January 19, 2010

9:10 p.m. • **Adjournment**

Next Regular Meeting: Monday, February 22, 2010 – 7:30 p.m.
 Carpenter Elementary School – North Gym
 300 N. Hamlin Avenue

February 22

- Committee of the Whole: Present Strategic Plan Team Report
- Update on Implementation of District Goals at Carpenter School
- Recognition of Strategic Planning Participants
- Board Authorizes 2010-11 Staffing Plan
- Board Direction to Community Finance Committee (CFC)
- First Reading of Policy 8:25
- Direct Purchase of Natural Gas Update (Memo of Information)
- Approval of Policy Issue 69, November 2009 and Policy Issue 70, December 2009
- Recap on Quotes for Art, Paper & General Supplies (Memo of Information)

March 8

- Dismissal of Staff
- Recommendation on FLES Materials
- Approval of Student Fees

April 5

- Approval on FLES Recommendation
- Recommendation on Language Arts Instruction Materials

April 26

- Present Recommendation on Strategic Plan
- Update on Green Initiatives

May 10

- Approve Strategic Plan and Implementation for 2010-11

May 24

- Committee of the Whole: Board Reviews Draft of the 2010-11 Tentative Budget

June 14, 2010

- Committee of the Whole: Board Reviews Draft of the 2010-11 Tentative Budget

June 28, 2010

- Board Adopts 2010-11 Tentative Budget
- Board Sets Date of Public Hearing for Final Budget Adoption
- Board Places Tentative Budget on Public Display for 30 days Prior to Public Hearing and Final Budget Adoption

TBD

- Update on Wellness
- Update on MTSEP
- Recommendation on Financial and Human Resources Software Package
- Approval of Superintendent
- Review of Early Entrance Criteria
- Food Service Contract (April)
- Custodial Supply Bid & Copier Paper Bid (May or June)
- Bid for Printer Ink Cartridges (May)
- P.E. Uniforms (Memo of Information) (March)

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 Buildings and Grounds 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

DATE: February 8, 2010

TO: Board of Education
Dr. Sally Pryor

FROM: Diane Betts, Assistant Superintendent for Student Learning *JB*
Dr. Lynne Farmer, Director of EIS/RtI
Kathy Ross, Curriculum Specialist for Channels of Challenge

RE: Review of Programs and Services for High Achieving/High Ability Students

RELATION OF REPORT TO:

State/Federal Mandates:	None
Board Goal:	Improving Achievement of the Whole Child
Board Policy:	6:130 Program for the Gifted
Board Procedure:	None
Budget Implications:	Cost to conduct review

OVERVIEW

The purpose of this report is to provide a preliminary outline of proposed plans for reviewing the programs and services used to meet the needs of high achieving/high ability students in District 64. A brief overview of our current services will be provided as well as a rationale for why we believe a review is needed. The broad questions we wish to address in this review as well as an outline of proposed steps are provided.

It is important to note that a review of services and programs for high achieving/high ability students has also been included as an Action Plan in Strategy 4 of the Strategic Plan (Define and clarify expectations for student learning, ensure all staff effectively differentiate instruction, and use assessment data to support students in meeting or exceeding the District's targeted benchmarks).

BACKGROUND

Current Services and Programs:

District 64 currently strives to meet the needs of all students and to help them "achieve their fullest potential as they develop the skills, knowledge, and attitudes to live successful, socially responsible lives ...(current District 64 Mission). A variety of programs and services are utilized to help us reach this goal for our high achieving and high ability students.

The Channels of Challenge gifted program formally identifies 3rd-8th grade students who we believe can benefit from an advanced and accelerated curriculum that takes the place of the regular curriculum in either reading or math. In addition, we also provide enriched academic experiences in reading and math for students in Kindergarten – 2nd grade through our Primary Challenge program. This program uses a flexible identification process and provides services as a student demonstrates need.

Students' academic needs can also be met through grade level acceleration. This can involve early entrance to kindergarten or first grade or placing a student full time into a grade level above their chronological peers. Specific subject matter acceleration is also used to meet a student's need for advanced academic instruction (placing a third grade student into a fourth grade math class on a regular basis).

In addition to these more formal means for meeting students' needs, teachers within the general classroom also differentiate curriculum, expectations and/or assignments to provide challenge for high achieving students.

Need for Review:

The need for a review of these services and programs is part of our District's attempt to use the Response to Intervention initiative as a means for meeting the needs of all students (those that struggle to reach benchmarks as well as those that exceed benchmarks). Our current Channels of Challenge program utilizes a data driven process to identify students in need of a differentiated core curriculum that takes the place of the regular Math or Reading curriculum. This program can be considered a Tier III level of differentiation. While we have long used the C of C program to meet the needs of our most able and high achieving students, we have not developed a systematic yet flexible process for identifying and meeting the academic needs of students who could benefit from short-term or less intense differentiation and enrichment of curriculum. Parents have indicated a need for more systematic differentiation and enrichment for students who do not qualify for C of C services.

The review of services for high achieving and high ability students is also being recommended in response to the Board's and administration's desire to have a larger percentage of students reach targeted growth goals on the MAP test and to have a larger percentage of students score at the "Exceeds" level on the ISAT. Student performance on Reading and Math ISAT tests has made steady improvement over the past twelve years as measured by percentage of students scoring in the Meets or Exceeds level. However, the percentage of students scoring in the Exceeds level decreases from Grade 3 to Grade 8. In Reading the change is constant. In Math, the percentage declines steeply from Grade 3 to Grade 5 and rises from Grade 6 to Grade 8. Analysis of the District's MAP testing over the past four years, shows that our students perform very well in comparison to the national norms for NWEA. The district mean score for Reading and Math in all grades is between the 65th and 73rd percentile nationally. With that said, we would like to see a larger percentage of students meet their growth target. High performing school districts typically have at least 70% of their students meeting growth targets. At this point our schools are not meeting this level of performance.

Questions have also arisen regarding specific criteria needed to qualify students for the C of C program in upper intermediate and middle school grades. While we have begun to address this concern through an alternative Individual Problem Solving process for determining whether a student needs this Tier III level of support, we believe that the identification process and criteria for entrance into the program needs to be reviewed.

PROPOSED PLAN FOR REVIEW

Overall Scope of Review:

Conduct a review of the programs and services we provide for high achieving/high ability students and develop suggestions for improvement as needed.

Questions to answer in the Review of Programs and Services for High Achieving/High Ability Students:

1. What is the philosophy for meeting the needs of high ability/high achieving students?
2. What are we doing for students who score in the 75th - 95th percentile nationally? How should we provide Tier II type differentiation/enrichment for students in this range?
3. What is an appropriate percentage of students to be served at Tier III? (Currently, the C of C program is intended to identify 10% of our students.)
4. Are there any changes that are needed in our current Tier III C of C program?
5. How should we identify students for Tier II services? For Tier III services? What should the criteria be?
6. How should we determine if a Tier II or Tier III enrichment is effective and still needed for an individual student? How often should re-examination/identification of Tier II and Tier III services occur?
7. Should we continue to focus services only in reading and math or do want to examine student performance in other areas of giftedness?

Proposed Action Steps:

- Form a committee of administrators, teachers and parents to conduct review.
- Develop or adapt a Needs Assessment to review current programs and services for high achieving/high ability students.
- Examine current student achievement data as part of Needs Assessment.
- Research literature and best practices regarding how to meet needs of high achieving/high ability students.
- Based on review, determine District 64's philosophy for meeting needs of high achieving/high ability students.
- Examine data from Needs Assessment and determine strengths and needs.
- Brainstorm ways needs can be met.
- Determine who should be served and how.
- Determine if changes to current C of C program are needed.
- Develop recommendations for changes to programs and services for high achieving/high ability students.
- Determine how to share recommendations with various stakeholder groups.

Timeline of Work:

This review could begin this year with the formation of a committee, the development of a Needs Assessment instrument and an examination and analysis of current achievement data. The remaining proposed action steps could possibly be completed at an accelerated pace in order to have recommendations presented next spring and changes implemented for the 2011-12 school year.

Or the Board could incorporate this work as part of the Strategic Plan and determine a specific timeline for the work in light of the other action plans and their recommended timelines.


NEXT STEPS

We would appreciate Board feedback on this proposed plan for reviewing the programs and services used to meet the needs of high achieving/ high ability students in District 64. In particular, we ask the Board to identify any specific areas or questions they would like to see examined that have not listed in this proposed plan. Conversely, we ask the Board to identify any area or current practice that you do not want to be examined or possibly recommended for change. Feedback on whether this review should be initiated this year or delayed and incorporated into the Strategic Plan is also requested.

A mid-term report can be made to the Board following the review of research and the Needs Assessment. This would provide the Board another opportunity to give input on any parameters for moving forward with the review and the development of recommendations for programs and services.

If you have any questions or comments prior to the Board meeting, please contact one of us.

DB:LF:KR:km

Date: February 8, 2010
To: Board of Education
From: Sally Pryor, Superintendent 
Re: Policy 8:25

BACKGROUND

District 64's Policy 8:25 on Advertising and Distributing Materials in Schools by Non-District Organizations and Related Entities was revised in May 2003 and made considerably more restrictive than in the past. The policy limited the groups, organizations, or entities that could advertize or distribute information to parents to:

1. Parent organization and booster clubs recognized by the School Board in accordance with Board Policy 8:90.
2. Any organization of teachers recognized by the School Board whose official membership is comprised of a majority of the professional certificated personnel of the District and whose membership includes certified teachers in all of the District's schools.
3. Not-for-profit organizations that acquire and develop resources to fund grants to benefit the students who attend the District's schools and who provide financial gifts to the District totaling more than \$20,000 annually, such as the Elementary Learning Foundation.
4. Governmental agencies/departments within the county, state or federal government.

The categories of groups described above may distribute materials, which are

- Materials or information directly related to students' school or recreational programs or activities;
- Materials or information directly related to school programs or activities where the programs or activities are authorized under the general policies of the Board of Education; or
- Materials or information directly related to a fund-raising event of the organization for the purposes of raising funds for the benefit of the schools and/or student-related programs or activities.

The policy has proven problematic for many groups who do not fall into one of the four categories identified above but who have information to share, which would be of interest to the school community.

Following the presentation by legal counsel, we collected copies of policies from other school districts whose policies are more inclusive including: Aptakisic-Tripp District 102 and Round Lake District 116. We also reviewed the list of priority groups allowed to reserve space in District 64 as a possible model for the type of organizations who might be allowed to advertize through our school newsletters. We also began to discuss the possibilities that “virtual bulletin boards” provided and the other options that the electronic distribution of our school newsletters now provides.

RECOMMENDATION

With the Board’s agreement we would like to work with the Administrative and Board Policy Committees to review Policy 8:25 in an attempt to make it more inclusive and more responsive to the community’s interest in providing information to District 64 parents. Our goal would be to have this revised policy ready for the Board’s approval before June 2010.

SP:mw

**Elementary School District 64
Park Ridge – Niles, Illinois**

MEMO

DATE February 8, 2010

TO: Board of Education

FROM: Roy Jensen, Director of Buildings and Grounds
Rebecca J. Allard, Business Manger

SUBJECT: Summer 2010 Construction Projects

The attached information provides a summary of the construction projects that are planned for the summer 2010. The projects are concentrated at four of the districts eight buildings. These are Washington, Lincoln, Jefferson and Roosevelt Schools.

Washington School – FAA Sound Insulation Project (Phase 2)

The primary focus of the summer work is to upgrade the HVAC systems.

In summary, the work at this location will:

- add air conditioning to educational spaces
- add energy efficient boilers
- add new univents to classrooms
- add new energy efficient boilers
- add new sound insulated ceiling tile

The work is scheduled to begin on June 11 and be completed on or before August 17.

The warehouse operation at this location will remain functional throughout the summer, as this area is not affected by the work. Bergen Construction is the General Contractor for this project.

Lincoln School – Life Safety Projects

These projects are funded by District 64 and are part of a multi-year effort to bring all of the schools into compliance with the Life Safety standards for Illinois schools.

Life Safety work at Lincoln will include:

- Re-roofing all areas with the exception of the gymnasium and the LRC
- Significant masonry work including tuck-pointing and the replacement of stone sills
- ADA upgrades to the nurse's office
- Upgraded fire alarm equipment

- Updating the locker rooms with new showers, benches and more lockers

The work is scheduled to begin on June 11 and be completed on or before August 17. The work is being coordinated by Bovis Lend Lease, the District Construction Manager.

The bid opening is scheduled for February 19, at 1:00 PM with the recommendation being brought forward to the Board of Education on Monday, March 9.

Jefferson School

Jefferson School will benefit from American Reinvestment and Recovery Act (ARRA) and State Grant funding.

Improvements at Jefferson include:

- Renovating the multi-purpose room
- Redesigning the courtyard
- Complete student locker replacement

The locker replacement will occur during spring break with the balance of the work being completed during the summer. Green Associates is completing the design work on these projects.

Roosevelt School – FAA Sound Insulation Project

During the summer of 2009 the FAA approved funding for planning and design work of the Roosevelt sound insulation project. We anticipate final approval of the construction phase of the project by March 31, 2010. The FAA has stated that the project is on track for approval pending the federal government finalizing the funding of the FAA. Most recently the federal government has granted approvals on a quarterly basis.

The Roosevelt project includes:

- air conditioning in all educational spaces
- new energy efficient boilers
- new energy conserving windows
- new unit ventilators in classrooms

Pending approval of the FAA funding the demolition of the existing boiler will begin on May 1 (second shift). All other work is scheduled to begin on June 11. With the exception of the auditorium all other work is scheduled for completion by August 17. The work is being coordinated by Bovis Lend Lease, the District Construction Manager.

The bid opening is scheduled for March 15, at 1:00 PM with the recommendation being brought forward to the Board of Education on Monday, April 5.

Park Ridge-Niles Community Consolidated School District 64 **2010 Buildings and Grounds Projects Summary**

Building	Oversight	Project Description	Estimated Cost	Start Date	End Date
Lincoln	Construction Manager	2010 Life Safety Work Classrooms area roof replacement Masonry work and new stone sills Fire-alarm upgrades Physical education locker room repairs ADA upgrade - nurses office Miscellaneous repairs	\$550,000 \$790,000 \$184,000 \$100,000 \$30,000 \$12,675 <u>\$1,666,675</u>	06/11/10	08/17/10
Roosevelt	Construction Manager	FAA Funded Sound Insulation Project Install three new boilers Install new chilled and hot water piping Install new univents in classrooms Install 250 new sound insulating windows Install a new central cooling plant (chiller) Install new ceilings and lighting in selected areas Install a new electrical service switchboard	<u>\$4,752,394</u>	05/01/10	09/30/10
Washington	District Staff	FAA Funded Sound Insulation Project Install a new chiller Install new univents in classrooms Install door and window insulation Install insulated ceiling tiles	<u>\$2,563,897</u>	05/01/10	08/17/10
Jefferson	District Staff	ARRA and State Grant Funded Improvements Renovate multi-purpose room Demolish and install a redesigned courtyard Locker replacement and hallway repairs	\$200,000 \$100,000 \$70,000 <u>\$370,000</u>		

Building	Oversight	Project Description	Estimated Cost	Start Date	End Date
District Wide	District Staff	Annual Maintenance			
		Paint 25 classrooms	\$13,125	06/11/10	08/17/10
		Carpet 25 classrooms	\$80,000		
		Repair broken asphalt	\$50,000		
		Sealcoat and stripe parking lots	\$25,000		
		Repair fences	\$25,000		
		Repair playground equipment	\$20,000		
			<u>\$213,125</u>		
		Projects Total	<u>\$9,566,091</u>		

Note 1: Total FAA and Grant Monies: \$7,686,291
Total D64 funds: \$1,879,800

Note 2: All estimated costs are pre-bid



COMMUNITY CONSOLIDATED SCHOOL DISTRICT 64 PARK RIDGE-NILES

164 S. Prospect Avenue

Park Ridge, IL 60068-4079

(847) 318-4300

FAX (847) 318-4351

www.d64.org

December 7, 2009

Mr. James Keefer
Manager, Chicago Airports District Office
Federal Aviation Administration
2300 E. Devon Ave.
Des Plaines, IL 60018

Dear Mr. Keefer:

We are writing in regard to the sound insulation project at Roosevelt School, and would like to begin by thanking you for the initial grant to plan and design the project. Now, we urge you to move ahead immediately to approve full funding.

You have our assurance that District 64 is fully committed to moving swiftly to complete the project in summer 2010. Our architects, Green & Associates, are already fully engaged in preparing for the work following a kick-off meeting with FAA representatives. Our Board of Education also has recently authorized construction management to oversee the work; we are pleased that Bovis Lend Lease, one of the leading school construction managers, joined the team on December 1.

District 64 and Roosevelt School welcome the effort to provide this extremely necessary sound insulation work, and will cooperate in every way possible with the FAA to see that this project is approved and scheduled for summer 2010. The entire Park Ridge community also stands behind us in making this commitment. Local residents welcome the project and the community would also benefit from the financial boost your investment would bring to our local economy, too.

Roosevelt School is one of the largest in the area with an enrollment of almost 650 students and an adult staff of more than 80. Right now, they are currently experiencing – and will continue to experience – very high noise levels that affect the quality of student learning and the teaching environment at the school. We cannot let them experience another year of interrupted learning.

We are very appreciative of the FAA's past support of the school sound insulation program. We ask that you continue that effort by immediately approving the sound insulation project for Roosevelt School so that work can be completed in summer 2010.

CARPENTER
SCHOOL
300 N. Hamlin
318-4370

FIELD
SCHOOL
707 N. Wisner
318-4385

FRANKLIN
SCHOOL
2401 Manor Ln
318-4390

ROOSEVELT
SCHOOL
1001 S. Fairview
318-4235

JEFFERSON
SCHOOL
8200 Greendale
Niles, Illinois
318-5360

WASHINGTON
SCHOOL
1500 W. Stewart
318-4360

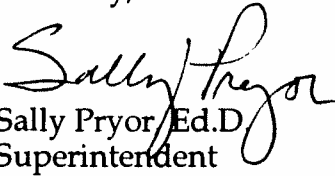
LINCOLN
MIDDLE SCHOOL
200 S. Lincoln
318-4215

EMERSON
MIDDLE SCHOOL
8101 N. Cumberland
Niles, Illinois
318-8110

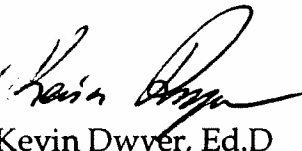
Mr. James Keefer, December 7, 2009 – page 2

Please let us know what additional information or input we can provide to help you reach a favorable decision expeditiously. We are ready to do everything we can to bring this project to completion in summer 2010.

Sincerely,



Sally Pryor, Ed.D.
Superintendent



Kevin Dwyer, Ed.D.
Roosevelt School Principal

cc: Ms. Lindsay Butler
ONCC



U.S. Department
of Transportation
**Federal Aviation
Administration**

RECEIVED

JAN 04 2010

BOARD OF EDUCATION
DISTRICT 64

Great Lakes Region
2300 E. Devon Avenue
Des Plaines, Illinois 60018

JAN 24 2009

Ms. Sally Pryor, Ed. D.
Superintendent, School District 64
164 South Prospect Avenue
Park Ridge, Illinois 60068

Dear Ms. Pryor:

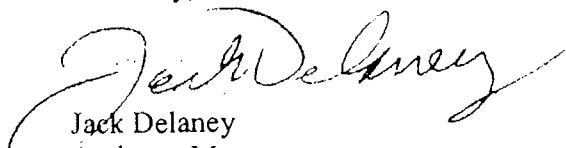
Thank you for your letter of December 7, 2009 addressed to Mr. James Keefer, Manager of the Chicago Airports District Office of the Federal Aviation Administration (FAA). Your letter expressed concerns about the timing of a grant award for the construction portion of the sound insulation at Roosevelt Elementary School located in Park Ridge, Illinois.

As you know, the FAA has partnered with the City of Chicago and the O'Hare Noise Compatibility Commission (ONCC) to provide Airport Improvement Program (AIP) and Passenger Facility Charge (PFC) funding for many years. Over more than 15 years, we have been pleased and proud to be able to provide more than \$275 million in AIP and PFC funds for school sound insulation. In fiscal year 2009, Roosevelt School was awarded a design-only grant for \$250,000.

We understand the sensitive timing of completing construction and the sound insulation work at schools. As you may know, the FY-2010 Federal appropriations legislation has just been signed, but the FAA's authorizing legislation is subject to a series of short-term extensions. At present, our authorization will expire on March 31, 2010. Therefore, we are not in a position to offer any assurance of when we may be able to consider the request for a construction grant at Roosevelt Elementary School. We will continue to work actively with the school to ensure open lines of communication.

I appreciate you contacting me about this important issue. If we can help you further, please contact Ms. Lindsay Butler, Regional Environmental Specialist and School Sound Insulation Program Manager. Ms. Butler may be reached at (847) 294-7723.

Sincerely,


Jack Delaney
Assistant Manager
Chicago Airports District Office

C-B ALLARD
- 1/30/2010

Date: February 8, 2010

To: Board of Education

From: Sally Pryor, Superintendent

Re: Administration's Response to Community Finance (CFC)
Recommendation

The ESC Team reviewed the report from the CFC presented to the Board at the January 25 meeting. We appreciate the work that CFC has proposed to do in four of the six recommendations and encourage the Board to direct CFC to begin its analysis of those areas as noted below. However, we would encourage the Board to defer any decision on implementing recommendations #1 and #3.

Recommendations #1 *Staffing Model/Staffing Approach* and Recommendation #3 *Special Education Tuition* involve administration work, as opposed to CFC work. We recommend that the projects outlined in these two recommendations be deferred and reviewed together with the recommendations from the Strategic Planning Team that will be presented to the Board – initially at the February 22 Committee of the Whole meeting and again as the implementation schedule for the 2010-11 year is finalized later this spring. Since both of these recommendations will involve a significant amount of administrative time and attention, and are costly, we believe they can best be addressed in light of the other work that will come forward as part of the recommendations from the Strategic Planning Team.

We have copied each of the recommendations from the CFC report below, and included our response at the end of each section. Hopefully, this format will provide easy reference for the Board. We would suggest that no action be taken by the Board at this meeting. Board direction to the CFC can be provided at the February 22 meeting.

1. Staffing Model/Staffing Approach

CFC Recommendation: Create a “holistic staffing model” to design jobs from the perspective of outcomes and tasks, prioritize value-added activities, and help evaluate requests for future staffing changes.

Typically this kind of analysis focuses on particular functional areas in the context of the entire organization's mission and objectives, strategy, reporting relationships, processes, skill sets, and culture. The idea is to narrow study to a particular area and concentrate on functions rather than existing job slots. The intent is to identify and document activities required to attain objectives, prioritize those functions, eliminate low-value activities, and redesign job descriptions. The result is not only a refined structure which focuses on high

priority activities but a yardstick that can be used to evaluate future requirements and allow trade-offs between higher- and lower-value activities within positions.

We recommend developing a holistic staffing model focused on administrative positions from the Assistant Superintendents to Assistant Principals. Direct student-facing staff such as teachers and teacher assistants, LRC, psychologists, and the like would not be part of this study apart from understanding how administration's requirements affect their daily duties.

Some of this will be accomplished as part of the strategic planning process, which includes the step of aligning all jobs with the District's strategic plan. We believe this is a great step, but will probably not cause low value-added activities to be curtailed nor result in a viable yardstick that can be used for future staffing change decisions.

We would also recommend that this analysis project include an examination of how retiring teachers and other staff are replaced with less experienced people given the significant proportion of expenditures devoted to salaries.

Incremental Project Costs: Our cursory review of other school districts did not reveal examples of holistic staffing models. It seems to us that this discipline is likely not to be found in the public sector, so it makes sense to retain a consultant experienced in holistic staffing approaches. We envision a business school professor with deep expertise in organizational design and a track record of advising CEOs and Boards of Directors. He or she would bring the knowledge and expertise in organization design, while the District would provide public education subject matter expertise. As a rough guess, such a consultant would require around \$20,000 to \$40,000 in fees over an eighteen-month period.

Potential Economic Benefits: The avoidance of additional, and perhaps elimination of, administrative positions.

Responsibility: The Superintendent should lead this project, with significant input from the Assistant Superintendent for Human Resources and the Superintendent for Student Learning.

The Board should participate in a Steering role.

Potential CFC Roles: Help select a consultant, provide a "bridge" between private sector outlook and District 64, and provide project support as requested.

Administrative Response. We suggest that any decision on this recommendation should involve significant input from administration and the new superintendent. Administration can provide important context for the Board to determine if this type of analysis warrants the time and cost suggested. Should the Board wish administration to conduct this type of study (with or without an outside consultant) it should have a clear understanding of the likely cost/benefit ratio. We believe a recommendation for this type of analysis should be reviewed in conjunction with the recommendations from the Strategic Plan, so that an informed decision on the work assigned to administration can be made.

2. Health Benefits Costs

CFC Recommendation: In the short-term, explore cooperatives and consider issuing a RFP to investigate new broker possibilities. Over the longer-term, negotiate future staff contracts to accelerate greater cost sharing and provide incentives to use less-expensive options, such as higher-deductable MSA offering.

The envisioned project is highly analytical. We recommend the study group should be small and focused on data gathering and analysis.

As conclusions emerge, the District Insurance Committee should be briefed on the analyses and investigations.

Incremental Project Costs: None are foreseen.

Potential Economic Benefits: Reduction in the rate of health insurance expenditure growth.

Responsibility: The Business Manager should lead the project and conduct most of the analyses. As the project proceeds, the Assistant for Human Resources and the District Insurance Committee should be updated.

The Board should provide normal oversight.

Potential CFC Roles: Provide project support as requested.

Administrative Response. We support the proposal to explore cooperatives and consider issuing an RFP to investigate new broker possibilities. We agree that over the longer-term, negotiating future staff contracts to accelerate greater cost sharing and provide incentives to use less-expensive options, such as higher-deductible MSA offering could be beneficial. This type of analysis done by CFC in conjunction with the District's Business Manager and Assistant Superintendent for Human Resources would provide important information for the Board.

3. Special Education Tuition

CFC Recommendation: Accepting the need to provide services as the student population requires, investigate alternative models to provide the same levels of service at lower cost.

The District should evaluate alternatives to current external service providers, particularly alternatives to MTSEP, such as other providers or different cooperatives, or different configurations. This study should learn from and integrate, as appropriate, current MTSEP reviews and discussions, as well as the District 207 special education review chartered as part of the teacher contract.

In particular, the study should assess the benefits and obstacles of providing certain capabilities by the District as a means to reduce net costs while providing current services levels.

Incremental Project Costs: We believe the District would benefit from outside perspectives, which could be provided by an external consultant. The special education field covers numerous disabilities and conditions, which have benefited from significant academic study and evaluation.

It is, in short, a highly specialized discipline.

We envision a university researcher with deep expertise in design and evaluation of special education programs devoted to students of pre-high school age. He or she would bring knowledge and expertise in successful Special Education service models. As a rough guess, such a consultant would require around \$10,000 to \$20,000 in fees over an eighteen-month period.

Potential Economic Benefits: Reduction in the rate of Special Education Tuition expenditures growth.

Responsibility: The Superintendent should lead this project, with significant input from the Director of Pupil Services and the Assistant Superintendent for Student Learning.

The Board should participate in a Steering role.

Potential CFC Roles: It is not clear how CFC could contribute, but perhaps a way to involve family members could be developed.

Administrative Response. Providing appropriate and acceptable special education services for students is a complicated process as educators and parents come to agreement on what is best for students. We believe that the Board needs additional information from administration on our current services, reimbursement for out of District tuition, legal responsibilities and the implications of changing our service model to provide more services within the District, before this recommendation can be reviewed from an informed perspective. We would like the opportunity to discuss these topics with the Board and provide options for reviewing District services and expenses in this area before plans to conduct a study and identify the need for a consultant are decided.

4. Other Expense Growth

CFC Recommendation: The District should reaffirm and reinvigorate the "District 64 culture of savings" through continued discipline and continued attention.

Several expenditure areas for examination include:

- ♦ Energy – monitor and act on energy usage, based on both cost and Green Team perspectives.
- ♦ Professional Services – continue use of RFP process for renewing contracts.
- ♦ Transportation – conduct RFP process for busing.
- ♦ Technology – continue the use of pre-owned assets; integrate strategic plan input.

- ♦ Supplies – continue use RFP process; explore other “industry best practices.”

In addition, we recommend the District continue to document and analyze spending data to identify areas for potential savings through process redesign, RFPs, and/or cutbacks.

Incremental Project Costs: none are foreseen.

Potential Economic Benefits: Reduction in the rate of expense growth.

Responsibility: The Business Manager should lead the project and conduct most of the analyses.

The Board should provide normal oversight.

Potential CFC Roles: Document and analyze spend data, provide insights into RFP processes, provide insights into private sector best practices, and provide project support as requested.

Administrative Response. We believe that this is an area where the CFC can provide important assistance. Monitoring energy use and studying the cost implications of replacing the aging fluorescent ceiling light fixtures throughout the District, for example, could potentially save the District large sums of money. Funding available through the American Recovery and Reinvestment Act (ARRA) might offset some of this cost.

Establishing a schedule to review and if appropriate bid professional services would be helpful; some of this work (legal, food service, auditing service) has already been done. Plans to bid transportation are in place.

Continuing to analyze District expenditures and identify areas for potential savings is also a valuable service that CFC can provide.

5. Alternative Income Streams

CFC Recommendation: Study groups should be formed to investigate alternative income streams.

The intent is to evaluate and recommend ways to build revenue streams that could become meaningful sources of funds over the next five years.

We recommend three study topics:

- ♦ Investigate “alumni giving model” and evaluate its potential.
- ♦ Investigate cell towers and corporate sponsorship – this should be a quicker study.
- ♦ Investigate if strategic planning initiatives are sufficiently innovative to qualify for grant funds; and consider developing an ongoing grant-raising mechanism.

CFC has formed an initial study group for the “alumni giving model” and has begun to investigate the cell tower and corporate sponsorship ideas.

Incremental Project Costs: none are foreseen.

Potential Economic Benefit: Increased revenues.

Responsibility: The Business Manager should lead the project.

The Board should provide normal oversight.

Potential CFC Roles: Conduct analyses with three study groups to advise the Business Manager and the Board.

Administrative Response. **We fully support CFC's work in this area. Conducting analysis in the three areas noted could lead to increased revenues in the future.**

6. Property Tax Environment

CFC Recommendation: The Business Manager should regularly monitor and report on key property tax variables such as EAV, New Property growth, and refunds.

This would include regularly monitoring and updating CPI-U results and outlook, as this variable has a major impact on the limiting rate calculations.

The Business Manager should also investigate and if necessary recommend changes to fund balance policy and targets:

- ♦ The recent change to 55% / 45% timing split of property tax receipts.
- ♦ Implications of major unforeseen capital projects.
- ♦ Whether the fund balance policy should require budgetary or financing actions if targets are not attained.

In addition, the District should continue the practice of annual ten-year fund balance projections.

Incremental Project Costs: none are foreseen.

Potential Economic Benefit: Avoidance of unforeseen cash and fund balance shortfalls.

Responsibility: Business Manager.

The Board should provide normal oversight.

Potential CFC Roles: Conduct analyses and provide feedback as requested.

Administrative Response. **This type of cooperative work between the Business Manager and CFC should be continued. We support and value the independent analysis that CFC can provide.**

First Reading of Policy Issue 69, November 2009 and Policy Issue 70, December 2009

Enclosed is Policy Issue 69, November 2009 and Policy Issue 70, December 2009. If accepted, it will be returned for Board Adoption at the February 22, 2010 Board meeting.

Operational Services

Food Services ¹

Good nutrition shall be promoted in the District's meal programs and in other food and beverages that are sold to students during the school day. The Superintendent shall manage a food service program that complies with this policy and is in alignment with School Board policy 6:50, *School Wellness*. The type and amounts of food and beverages sold to students before school and during the regular school day in any school that participates in the School Breakfast Program or the National School Lunch Program shall comply with any applicable mandates in the Illinois State Board of Education's School Food Service rule and the federal rules implementing the National School Lunch Act and Child Nutrition Act. ²

The food service program shall restrict the sale of foods of minimal nutritional value as defined by the U.S. Department of Agriculture in the food service areas during meal periods. All revenue from the sale of any food or beverages sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period shall accrue to the nonprofit school lunch program account. ³

LEGAL REF.: B. Russell National School Lunch Act, 42 U.S.C. §1751 et seq.
 Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq.
 42 U.S.C. §1779, as implemented by 7 C.F.R. §210.11.
 105 ILCS 125.
 23 Ill.Admin.Code Part 305, School Food Service.

CROSS REF.: 4:130 (Free and Reduced-Price Food Services), 6:50 (School Wellness)

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 requirements contained in this policy are mandatory only for those districts that participate in programs under the National School Lunch Act and Child Nutrition Act.

ISBE's so called "junk food" rule limits the type and amounts of food and beverages that may be sold to students in grades 8 or below before school and during the regular school day in any school that participates in the School Breakfast Program or the National School Lunch Program (23 Ill.Admin.Code §305.15(a) and beginning with school year 2009-10, §305.15(b)).

This policy's first sentence provides an opportunity for a school board to consider goals for the food service program and, if appropriate, amend the sentence. For example, a board may want to address the role of parents, alignment with curriculum, or the purpose of vending machines.

² This sentence may be omitted by a high school district.

³ This paragraph concerns the requirements for food and beverages sold in competition to the school's food service. The federal rule, 7 C.F.R. §210.11, requires school districts to:

[E]stablish such rules or regulations as are necessary to control the sale of foods in competition with lunches served under the program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in appendix B of this part, in the food service areas during the lunch periods.

The State rule, 23 Ill.Admin.Code §305.15(e) and beginning with school year 2009-10, §305.15(f), requires that the revenue from all food sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period accrue to the nonprofit school lunch program account.

Operational Services

Free and Reduced-Price Food Services ¹

Notice

The Superintendent shall be responsible for implementing the District's free and reduced-price food services policy and all applicable programs. ²

Eligibility Criteria and Selection of Children ³

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Department of Agriculture and distributed by the Illinois State Board of Education.

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. A policy on eligibility for free and reduced-price meals is required by 7 C.F.R. §245.10 for districts participating in the National School Lunch or Breakfast Programs.

Every public school must have a free lunch program (School Breakfast and Lunch Program Act, 105 ILCS 125/4).

~~Schools in which~~ Each school where at least 40% or more of the students are eligible for free or reduced-price lunches must operate a school breakfast program (Childhood Hunger Relief Act, 105 ILCS 126, amended by P.A. 96-158). A school district may opt-out if the expense reimbursement would not fully cover the costs of implementing and operating the breakfast program. To do so, the district must petition its regional superintendent by ~~November 15~~ February 15. The regional superintendent, after a public hearing, and by ~~December~~ March 15, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement a school breakfast program by September 4 the first student attendance day of the subsequent next school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education.

School districts ~~that have~~ must, by February 15, promulgate a plan to serve breakfast and/or lunch at least one each school where 50% or more of the students are eligible for free or reduced-price school meals *and* have a summer school program operating during the summer months: ~~must by February 15, 2009, promulgate a plan to serve breakfast and/or lunch at each school(s) that meets the criteria in~~ 105 ILCS 126/20, as amended by P.A. 95-155 and 96-734. School districts must implement these programs during the every summer of 2009 and run them for at least the duration of their summer school program(s); as long as the school district has a school or schools that meet the criteria. If a school building with a 50% or greater free and reduced percentage does not operate a summer school program, the school district shall make information available regarding the number of children in the school eligible for free or reduced-price school meals upon request by a non-profit organization. A school district may utilize an *opt-out* provision if documentation can be provided ~~showing~~ shows the expense reimbursement would not fully cover the costs of implementing and operating a program. To do so, the district must petition its regional superintendent of schools by January 15. The regional superintendent, after a public hearing, and by March 1, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement and operate the summer food program the summer following the current school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education who shall hear appeals and make a final decision at the conclusion of the hearing no later than April 1. Resources for promulgating a plan for a summer breakfast or lunch (or both) food service program are available on the State Board of Education's website at: www.isbe.net/nutrition/hnmls/summer.htm.

² 7 C.F.R. §245.10(a)(1).

³ 7 C.F.R. §245.3; see also the subhead titled *Household Eligibility Criteria* on State Board of Education's website at: www.isbe.net/nutrition/hnmls/forms_sbn.htm#het. If a child transfers from one district school to another district school, his or her eligibility for free or reduced price meals or for free milk, if previously established, is honored by the receiving school.

Notification 4

At the beginning of each school year, by letter, the District shall notify students and their parents/guardians of: (1) eligibility requirements for free and reduced-price food service; (2) the application process; (3) the name and telephone number of a contact person for the program; ⁵ and (4) other information required by federal law. The Superintendent shall provide the same information to: (1) informational media, the local unemployment office, and any major area employers contemplating layoffs; ⁶ and (2) the District's website (if applicable), all school newsletters, or students' registration materials. ⁷ Parents/guardians enrolling a child in the District for the first time, any time during the school year, shall receive the eligibility information.

Nondiscrimination Assurance 8

The District shall avoid publicly identifying students receiving free or reduced-price meals and shall use methods for collecting meal payments that prevent identification of children receiving assistance.

Appeal 9

A family may appeal the District's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Department of Agriculture in 7 C.F.R. §245.7, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools. The Superintendent shall establish a hearing procedure for adverse eligibility decisions and provide by mail a copy of them to the family. The District may also use these procedures to challenge a child's continued eligibility for free or reduced-price meals or milk.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.

The Superintendent shall keep on file for a period of 3 years a record of any appeals made and the hearing record. The District shall also maintain accurate and complete records showing the data and method used to determine the number of eligible students served free and reduced-price food services. These records shall be maintained for 3 years.

LEGAL REF.: U.S. Dept. of Agriculture, Food and Nutrition Service, National School Lunch Program, 7 C.F.R. Part 210.
U.S. Dept. of Agriculture, Food and Nutrition Service, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools, 7 C.F.R. Part 245.
105 ILCS 125/ ~~et seq.~~ and 126/
23 Ill.Admin.Code §305.10 et seq.

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⁴ 7 C.F.R. §245.5; 23 Ill.Admin.Code §305.10(c). Any changes in the eligibility criteria must be announced according to 7 C.F.R. §245.5(b).

⁵ 23 Ill.Admin.Code §305.10(c) requires notification of this one additional piece of information.

⁶ 7 C.F.R. §245.5.

⁷ 23 Ill.Admin.Code §305.10(c). Only one medium must be used; a board may choose one medium and delete the others from the policy or use them all.

⁸ 7 C.F.R. §§245.8 and 245.10(a)(4).

⁹ 7 C.F.R. §245.7. The minimal hearing requirements are also found there.

Operational Services

Facility Management and Building Programs 1

The Superintendent shall manage the District's facilities and grounds as well as facility construction and building programs in accordance with the law, the standards set forth in this policy, and other applicable School Board policies. The Superintendent or designee shall facilitate: (1) inspections of schools by the Regional Superintendent and State Fire Marshal or designee, and (2) review of plans and specifications for future construction or alterations of a school if requested by the relevant municipality, county (if applicable), or fire protection district. 2

Standards for Managing Buildings and Grounds

All District buildings and grounds shall be adequately maintained in order to provide an appropriate, safe, and energy efficient physical environment for learning and teaching. The Superintendent or designee shall provide the Board with periodic reports on maintenance data and projected maintenance needs that include cost analysis. Prior Board approval is needed for all renovations or permanent alterations to buildings or grounds when the total cost will exceed \$5,000 12,500, including the cost equivalent of staff time. 3 This policy is not intended to discourage efforts to improve the appearance of buildings or grounds that are consistent with the designated use of those buildings and grounds.

Standards for Green Cleaning 4

For each District school with 50 or more students, the Superintendent or designee shall establish and supervise a green cleaning program that complies with the guidelines established by the Illinois Green Government Coordinating Council.

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

1 Each district with a school having 50 or more students must have a green school cleaning policy (Green Cleaning School Act, 105 ILCS 140-~~as added by P.A. 95-844~~ - 1. Many other State and federal law laws control many features of facility management and building programs. Administrative Code subjects for administrative procedures may include management of custodial services, security, and green cleaning, among others.

The Prevailing Wage Act is generally applicable to all construction projects (820 ILCS 130/1.04 et seq.). It requires, among other things, that: (1) all workers on a public works project be paid no less than the prevailing hourly rate, (2) the district specify in all public works contracts that the prevailing rate must be paid, and (3) all contractors must submit certain employment records to the district and the district must keep these records for not less than 3 years (820 ILCS 130/5).

2 105 ILCS 5/3-14.20 and 5/3-14.21.

3 This provision is optional and the amount may be changed. The \$12,500 spending limit is one-half of the bidding threshold for purchases or contracts (105 ILCS 5-10-20.21, amended by P.A. 95-090 which increased the bidding threshold from \$10,000 to \$25,000 or a lower amount as required by policy). This provision's intent is to ensure that the board is kept informed about significant renovations and permanent alterations. A board should discuss this provision with its superintendent before including it in the policy.

4 Required by the Green Cleaning School Act (105 ILCS 140-~~as added by P.A. 95-844~~) and Green Cleaning for Elementary and Secondary Schools (23 Ill.Admin.Code Part 2800). According to the Guidelines and Specifications, established by the Illinois Green Government Coordinating Council, page "[a]ll schools may continue to use their current cleaning supplies, equipment and policies until May 9, 2008, at which time such time as the supplies and equipment on hand as of May 9, 2008 are exhausted." See

<http://www.sca.org/2008/05/09/green-school-cleaning-policy/>

<http://www.sca.org/2008/05/09/green-school-cleaning-policy/>

Standards for Facility Construction and Building Programs 5

As appropriate, the Board will authorize a comprehensive study to determine the need for facility construction and expansion. On an annual basis, the Superintendent or designee shall provide the Board with projected facility needs, enrollment trends, and other data impacting facility use. Board approval is needed for all new facility construction and expansion.

When making decisions pertaining to design and construction of school facilities, the Board will confer with members of the staff and community, the Illinois State Board of Education, and educational and architectural consultants, as it deems appropriate. The Board's facility goals are to:

1. Integrate facilities planning with other aspects of planning and goal-setting.
2. Base educational specifications for school buildings on identifiable student needs.
3. Design buildings for sufficient flexibility to permit new or modified programs.
4. Design buildings for maximum potential for community use.
5. Meet or exceed all safety requirements.
6. Meet requirements on the accessibility of school facilities to disabled persons as specified in State and federal law.
7. Provide for low maintenance costs and, energy efficiency, and minimal environmental impact.

Naming Buildings and Facilities 6

Recognizing that the name for a school building, facility, or ground or field reflects on its public image, the Board's primary consideration will be to select a name that enhances the credibility and stature of the school or facility. Any request to name or rename an existing facility should be submitted to the Board. 7 When a facility is to be named or renamed, the Board President will appoint a special committee to consider nominations and make a recommendation, along with supporting rationale, to the Board. The Board will make the final selection. The Superintendent or designee may

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⁵ The Health Life Safety Code for public schools is found in 23 Ill. Admin. Code Part 180. The Ill. Environmental Barriers Act (410 ILCS 25) and the Ill. Accessibility Code (71 Ill. Admin. Code Part 400) ensure that "all applicable buildings are designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and usable by, environmentally limited persons." (71 Ill. Admin. Code §400.110). Press boxes constructed on school property before July 1, 2009 do not have to comply with the Accessibility Code (105 ILCS 5-10-20.40, added by P.A. 96-674).

A building intended for classroom or instructional use may be constructed only after voter approval at a referendum unless the building is: (1) leased by the district, or (2) purchased with funds from the sale or disposition of other buildings or structures, or with funds received as a grant under the School Construction Law or as a gift, provided that no funds (other than lease payments) are derived from the district's bonded indebtedness or its tax levy (105 ILCS 5/10-22.36).

A district may levy a tax for "fire prevention, safety, energy conservation, disabled accessibility, school security, specified repair purposes," (105 ILCS 5-17-2.11). An expedited process may be available in emergency situations (Id., added by P.A. 96-752).

The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements (20 ILCS 3130, added by P.A. 96-73). Waivers may be granted by the Capital Development Board in certain situations (Id.). For environmental impact laws, see policy 4-160, *Environment and Quality of Buildings and Grounds*.

The inclusion and identification of the facility goals listed in the second paragraph are at the board's discretion.

⁶ This section is optional and its contents are at the board's discretion.

⁷ The board may want to include criteria for the committee, in which case the following is an option:

1. The committee will encourage input from the community, staff members, and students.
2. Consideration will be given to names of local communities, neighborhoods, streets, landmarks, historical considerations, and individuals who have made a contribution to the District, community, State, or nation.
3. The name will not duplicate or cause confusion with the names of existing facilities in the District.

name a room or designate some area on a school's property in honor of an individual or group that has performed outstanding service to the school without using the process in this policy.

LEGAL REF.: 42 U.S.C. §12101 et seq.
20 ILCS 31.30, Green Buildings Act.
105 ILCS 5/10-20.46, 5/10-22.36, 5/17-2.11, 140., and 230/5-1 et seq.
410 ILCS 25, Environmental Barriers Act.
820 ILCS 130/0.04 et seq. Prevailing Wage Act.
23 Ill.Admin.Code Part 151, School Construction Program; Part 180, Health/Life Safety Code for Public Schools; and Part 2800, Green Cleaning for Elementary and Secondary Schools.
71 Ill.Admin.Code Part 400, Illinois Accessibility Code

CROSS REF.: 2:150 (Committees), 2:170 (Procurement of Architectural, Engineering, and Land Surveying Services), 4:60 (Purchases and Contracts), 8:70 (Accommodating Individuals with Disabilities)

Operational Services

Hazardous and Infectious Materials

Environmental Quality of Buildings and Grounds 1

Change letter to:
ENVIRONMENTAL RESPONSIBILITY

The Superintendent shall take all reasonable measures to protect: (1) the safety of District personnel, students, and visitors on District premises from risks associated with hazardous materials, including pesticides and infectious materials; and (2) the environmental quality of the District's buildings and grounds. 2 Before pesticides are used on District premises, the Superintendent or designee shall notify

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1 State or federal law controls this policy's content. The requirements imposed by 105 ILCS 5-10-20.4b, added by P.A. 96-424, and the corresponding compliance methods follow:

1. Districts must adopt a procedure to comply with the Structural Pest Control Act and the Lawn Care Products Application and Notice Act. This policy cross references 4-160-AP, Administrative Procedure - Environmental Quality of Buildings and Grounds.
2. A staff person must be designated to be responsible for compliance with the Acts listed in the second sentence of the policy - this policy designates the superintendent or designee.

Many State and federal laws regulate the environmental quality of schools. For example:

1. Owners of underground storage tanks must comply with federal law (Hazardous and Solid Waste Amendments of 1984, Pub.L. No. 98-616), as well as State regulations (41 Ill.Admin.Code Part 170).
2. Several federal laws regulate asbestos as a hazardous substance, the most significant for schools being the Asbestos Hazard Emergency Response Act of 1986. The Asbestos Abatement Act, 105 ILCS 105/, requires schools to perform a variety of functions regarding asbestos.
3. The Indoor Air Quality Act, 410 ILCS 87/, created an advisory council to develop advisory guidance. Ill. Dept. of Public Health Guidelines for Indoor Air Quality: www.idph.state.il.us/envhealth/factsheets/indoorairqualityguide_fs.htm
4. The Smoke-Free Illinois Act, 410 ILCS 82/, bans tobacco smoking inside schools.
5. The Structural Pest Control Act, 225 ILCS 235, reenacted by P.A. 96-473, required the Ill. Dept. of Public Health to establish guidelines for an integrated pest management program for schools. See: www.idph.state.il.us/envhealth/compstfshs.htm.
6. Notices to employees and parents/guardians before pesticide applications are required by the Structural Pest Control Act (225 ILCS 235-10.3, reenacted by P.A. 96-473). The Lawn Care Products Application and Notice Act requires similar notices but only to parents/guardians (415 ILCS 65-3, amended by P.A. 96-424).
7. The Green Cleaning School Act, 105 ILCS 140/, and Green Cleaning for Elementary and Secondary Schools, 23 Ill.Admin.Code Part 2800, contain guidelines for green cleaning. See policy 150, Facility Management and Building Program.
8. The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements (20 ILCS 3130, added by P.A. 96-73). Waivers may be granted by the Capital Development Board in certain situations (Id.).
9. The Ill. legislature recommended that each occupied school building be tested every 8 years for radon and provided a process for the screening in 105 ILCS 5-10-20.4b, added by P.A. 96-417, eff. 1-1-10.

2 A board person(s) by 19 in the above footnote may add the following option which may be modified (e.g., compliance may be "feasible" or add time periods):

However, if it is possible, the Superintendent or designee shall manage the testing of each occupied school building according to Section 10-10 in the Local School Code.

A board may want to add the following option if it is concerned that employees who are eligible for district-paid hepatitis B vaccination are unaware of their eligibility:

The Superintendent or designee shall notify all employees who must be offered, according to State or federal law, District-paid hepatitis B vaccine and vaccination.

employees and parents/guardians of students as required by the Structural Pest Control Act, 225 ILCS 235, and the Lawn Care Products Application and Notice Act, 415 ILCS 65, 3

LEGAL REF.: 29 C.F.R. Part 1910.1030, as adopted by the Illinois Department of Labor, 56 Ill.Admin.Code §350.280-300(c).
20 ILCS 3130, Green Buildings Act.
105 ILCS 5/10-20.17a; 5/10-20.46; 135/4-et seq.; and 140., Green Cleaning School Act.
225 ILCS 235/~~4-et seq.~~, Structural Pest Control Act.
415 ILCS 65/~~4-et seq.~~, Lawn Care Products Application and Notice Act.
820 ILCS 255/~~4-et seq.~~, Toxic Substances Disclosure to Employees Act.
23 Ill.Admin.Code §1.330, Hazardous Materials Training.
56 Ill.Admin.Code Part 205, Toxic Substances Disclosure To Employees.

CROSS REF.: 4:150 (Facility Management and Building Programs), 4:170 (Safety)

ADMIN. PROC.: 4:160-AP (Administrative Procedure - Environmental Quality of Buildings and Grounds)

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³ Different requirements pertain to the notices in the Structural Pest Control Act, 225 ILCS 235, 10-3, enacted by P.A. 96-473, and the Lawn Care Products Application and Notice Act, 415 ILCS 65, 3(D), amended by P.A. 96-424. Both require notice to parents/guardians. Notice to employees is only required by the Structural Pest Control Act. For the sake of simplicity, the sample policy requires notice to employees before pesticides are used. Notice at least 4 business days before application is required by Lawn Care Products Application and Notice Act; notice at least 2 business days is required by the Structural Pest Control Act.

If the following alternative is used, delete the policy's last sentence:

The Superintendent, or designee, shall maintain a registry of employees and parents/guardians of students registering in advance before the application of pesticides and notify those people as required by the Structural Pest Control Act, 225 ILCS 235, and the Lawn Care Products Application and Notice Act, 415 ILCS 65.

Be sure the notice provisions in the policy and its implementing administrative procedure are consistent.

Instruction

School Year Calendar and Day ¹

School Calendar

The School Board, upon the Superintendent's recommendation and subject to State regulations, annually establishes the dates for opening and closing classes, teacher institutes and in-services, the length and dates of vacations, and the days designated as legal school holidays. ² The school calendar shall have a minimum of 185 days to ensure 176 days of actual student attendance. ³

Commemorative Holidays

The teachers and students shall devote a portion of the school day on each commemorative holiday designated in The School Code to study and honor the commemorated person or occasion. ⁴ The Board may, from time to time, designate a regular school day as a commemorative holiday.

School Day

The Board establishes the length of the school day with the recommendation of the Superintendent and subject to State law requirements. ⁵ The Superintendent or designee shall ensure that observances required by State law are followed during each day of school attendance. ⁶

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

² State-mandated school holidays are found in 105 ILCS 5/24-2, amended by P.A. 96-640. See policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, for a holiday listing. P.A. 96-640 allows a school board to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on five identified school holidays if: (1) the school board first holds a public hearing on the proposal, and (2) the person or persons honored by the holiday are recognized through instructional activities conducted on the school holiday or on the first school day preceding or following the school holiday. This is an item on which collective bargaining may be required, and a board that wishes to implement this law should consult its attorney.

A State mandated school holiday on "Good Friday" is unconstitutional according to *Metzl v. Leininger*, 57 F.3d 618 (7th Cir., 1995). Closing school on religious holidays may still be permissible for those districts able to demonstrate (e.g., through surveys) that remaining open would be a waste of educational resources due to widespread absenteeism. Also, districts may be able to close school on Good Friday by adopting a "spring holiday" rationale or ensuring that it falls within spring break. School districts should discuss ~~these~~ all of these options, and collective bargaining implications with their board attorneys.

If the county board or board of election commissioners chooses a school to be a polling place, the school district must make the school available; however, for the election day, a school district may choose to keep the school open or hold a teachers' institute (10 ILCS 5/11-4.1).

³ The school calendar must have a minimum 185 days to ensure 176 days of actual pupil attendance (105 ILCS 5/10-19 and 5/24-1; 23 Ill.Admin.Code §1.420). Schools must be closed during county institute (105 ILCS 5/24-3). The school calendar may be a mandatory subject of collective bargaining. The calendar for the school term and any changes must be submitted to and approved by the regional superintendent before the calendar or changes may take effect (105 ILCS 5/10-19).

⁴ 105 ILCS 5/24-2, amended by P.A. 96-640, lists the following as commemorative holidays: Jan. 28 (Christa McAuliffe Day commemorating space exploration), Feb. 15 (Susan B. Anthony), March 29 (Viet Nam War Veterans Veterans' Day), the school day immediately preceding Veterans' Veterans' Day (Korean War Veterans Veterans' Day), Oct. 1 (Recycling Day), and Dec. 7 (Pearl Harbor Veterans Veterans' Day). Other commemorative holidays include: Arbor and Bird Day on the last Friday in April (105 ILCS 5/27-18), Leif Erickson day on Oct 9 if a school day and otherwise on a school day nearest the date (105 ILCS 5/27-19), American Indian Day on the 4th Friday of Sept. (105 ILCS 5/27-20), Ill. Law Week during the first full school week in May (105 ILCS 5/27-20.1), "Just Say No" Day on a school day in May (105 ILCS 5/20.2), a Day of Remembrance on Sept. 11 (5 ILCS 490/86), and Ronald Reagan Day on Feb. 6 (5 ILCS 490/2).

LEGAL REF.: 105 ILCS 5/10-19, 5/10-24.46, 5/18-8.05, 5/18-12, 5/18-12.5, 5/24-2, 5/27-3, 5/27-18, 5/27-19, 5/27-20, 5/27-20.1, 5/27-20.2, and 20/1.
23 Ill.Admin.Code §1.420(f).
Metzl v. Leininger, 850 F.Supp. 740 (N.D. Ill., 1994), *aff'd* by 57 F.3d 618 (7th Cir., 1995).

CROSS REF.: 2:20 (Powers and Duties of the School Board), 5:200 (Terms and Conditions of Employment and Dismissal), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 6:60 (Curriculum Content), 6:70 (Teaching About Religions), 7:90 (Release During School Hours)

5 A school day must consist of a minimum 5 clock hours under the direct supervision of a teacher or non-teaching volunteer providing non-teaching or supervisory duties as specified in 105 ILCS 5/10-22.34(a), in order to qualify as a full day for calculating state aid entitlement (105 ILCS 5/18-8.05(F), amended by P.A. 96-640), 23 Ill.Admin.Code §1.420(f). P.A. 95-152 amends 105 ILCS 5/18-12 to allow for a partial day of attendance to be counted as a full day of attendance when a school district has provided at least one clock hour of instruction but must dismiss students from one or more school buildings due to a condition beyond the school district's control. Students in attendance for fewer than two hours of school work are not counted for calculating average daily attendance (23 Ill.Admin.Code §1.420(f)(4)). Contrast 105 ILCS 5/18-12, amended by P.A. 96-734. It allows a partial day of attendance to be counted as a full day when: (1) the school district has provided at least one hour of instruction prior to the closure of the school district; (2) a school building has provided at least one hour of instruction prior to the closure of the school building; or (3) the normal start time of the school district is delayed. P.A. 96-734 also outlines the process to claim attendance prior to providing any instruction when a school district must close a building or buildings, but not the entire district, after consultation with a local emergency response agency or due to a condition beyond the control of the district. Additionally, 105 ILCS 5/18-12.5, added by P.A. 96-689 outlines the process for claiming attendance when a school district must close a building or buildings, but not the entire district, specifically because of a public health emergency. Attendance for such days may only be claimed if the school building(s) was scheduled to be in operation on those days.

Alternative education programs may provide fewer than 5 hours under certain circumstances (105 ILCS 5/2-3.33a and 5/13B-50). Exceptions also exist for kindergarten, teaching hospitalized or homebound students, first-grade, disabled children less than 6 years old, the opening and closing days of the school term, in-service training for teachers in accordance with 105 ILCS 5/10-22.39, parent-teacher conferences, and days when the Prairie State Achievement Examination is administered (105 ILCS 5/18-8.05(F), amended by P.A. 96-640).

6 105 ILCS 5/27-3 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. Note that the Illinois statute does not require every student to recite the Pledge – that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the Pledge, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the Pledge. West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943); Sherman v. Community Consolidated School District 21 of Wheeling Township, 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the Pledge, such as, “You may now stand to recite the Pledge.” Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

On 10-11-07, an Illinois law went into effect requiring a mandatory *brief period of silence* for all Illinois public school students (Silent Reflection and Student Prayer Act, 105 ILCS 20/1). A student filed a federal lawsuit alleging that the *brief period of silence* law was unconstitutional because it is too vague and violates the First Amendment. Sherman v. THSD 214 and Koch, No. 07-cv-00448, 624 F.Supp.2d 907 (N.D.Ill., 2007). The court issued a preliminary injunction to prevent the plaintiff-student's school district from implementing the Act and State Superintendent Koch from enforcing it. The court granted plaintiff's request to make the lawsuit a class action – the defendant class comprising all Illinois public school districts. After the case's merits are heard, the preliminary injunction may be made permanent or be rescinded. School districts must follow court orders and the State Superintendent's instructions.

105 ILCS 5/10-21.16, amended by P.A. 96-84, requires a moment of silence to recognize veterans during any type of event held at a district school on November 11. See 11C2 above for more discussion.

Instruction

School Wellness 1

Student wellness, including good nutrition and physical activity, shall be promoted in the District's educational program, school activities, and meal programs. This policy shall be interpreted consistently with Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004.

Goals for Nutrition Education 2

The goals for addressing nutrition education include the following:

- Schools will support and promote good nutrition for students.
- Schools will foster the positive relationship between good nutrition, physical activity, and the capacity of students to develop and learn.
- Nutrition education will be part of the District's comprehensive health education curriculum. See School Board policy 6:60, *Curriculum Content*. 3

Goals for Physical Activity 4

The goals for addressing physical activity include the following:

- Schools will support and promote an active lifestyle for students.

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 to be covered in policy and controls its content. The federal Child Nutrition and WIC Reauthorization Act of 2004 requires school districts participating in a program authorized by the National School Lunch Act or the Child Nutrition Act to have a school wellness policy by the 2006-07 school year (PL 108-265, Sec. 204). State law required ISBE to "establish a State goal that all school districts have a wellness policy," (105 ILCS 5/2-3.437). At its 129th ISBE complied in October 2007 meeting. ISBE adopted the goal that "instructs by 'instruct[ing]' all public school districts to establish a School Wellness Policy." The federal and State legislation has laws list mandatory topics for the policy. The second sentence of this policy should be deleted when if the district does not participate in the National School Lunch Act or the Child Nutrition Act.

Many organizations have published material to assist schools. ISBE's website contains a plethora of resource material; see See ISBE's numerous resources at http://www.isbe.net/nutrition.html#wellness_policy.htm. Action for Healthy Kids is a national organization dedicated to overcoming the "epidemic of overweight, undernourished and sedentary youth by focusing on changes in schools;" see its resources at www.actionforhealthykids.org/index.php.

The 4ASB This sample policy seeks to be both legally compliant and consistent with good governance principles. Both federal and State legislation give laws allow each local school district the authority to determine how the required topics are addressed. Good governance principles suggest that the board should establish goals with community and stakeholder input. The administration should determine how to achieve the goals. The board should request monitor this policy by requesting and reviewing periodic implementation data or reports in order to adequately monitor the policy and make ongoing adjustments to it.

The board must establish a policy that "involves parents, students, and representatives of the school food authority, the board, school administrators, and the public in the development of the school wellness policy." The awkward wording of this requirement notwithstanding, a board can take steps to comply by seeking community input during the adoption and monitoring phases for this policy. See 2-240 *Board Policy Development*.

The Ill. Dept. of Agriculture and ISBE are directed to create the Farm Fresh Schools Program (50 ILCS 105.5-719, added by 96-153). They are also directed to administer a grant program to further the Program's intent of "reduc[ing] obesity and improv[ing] nutrition and public health, as well as strengthen[ing] local agricultural economies by increasing access to and promoting the consumption of locally grown fruits and vegetables in schools and increasing physical activities and programs that promote pupil wellness."

² This is a required topic, but the local board may determine what goals are appropriate (PL 108-265, Sec. 204(a)(1); 105 ILCS 5/2-3.437-39(a)(2).

³ 105 ILCS 110/3 and 23 Ill.Admin.Code §1.420(n). The 4ASB ISBE's rules for Comprehensive Health Education found at 23 Ill.Admin.Code Part 253 have been were repealed effective 10/3/05.

⁴ This is a required topic, but the local board may determine what goals are appropriate (PL 108-265, Sec. 204(a)(1); 105 ILCS 5/2-3.437-39(a)(2).

- Physical education will be taught in all grades and shall include a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. See Board policy 6:60, *Curriculum Content*. 5
- During the school day, all students will be required to engage in a daily physical education course, unless otherwise exempted. See Board policy 6:60, *Curriculum Content*. 6
- The curriculum will be consistent with and incorporate relevant Illinois Learning Standards for Physical Development and Health as established by the Illinois State Board of Education. 7

Nutrition Guidelines for Foods Available in Schools During the School Day 8

Students will be offered and schools will promote nutritious food and beverage choices consistent with the current Dietary Guidelines for Americans and Food Guidance System published jointly by the U.S. Department of Health and Human Services and the Department of Agriculture. In addition, in order to promote student health and reduce childhood obesity, the Superintendent or designee shall establish such administrative procedures to control food sales that compete with the District's non-profit food service in compliance with the Child Nutrition Act. Food service rules shall restrict the sale of foods of minimal nutritional value, as defined by the U.S. Department of Agriculture, in the food service areas during the meal periods and comply with all applicable rules of the Illinois State Board of Education. 9

OK to change

Guidelines for Reimbursable School Meals 10

Reimbursable school meals served shall meet, at a minimum, the nutrition requirements and regulations for the National School Lunch Program and/or School Breakfast Program. 11

Monitoring 12

The Superintendent or designee shall provide periodic implementation data and/or reports to the Board concerning this policy's implementation sufficient to allow the Board to monitor and adjust the policy.

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

5 105 ILCS 5/27-5 and 27-6.

6 Id.

7 Schools must "set student learning objectives which meet or exceed goals established by the State," (105 ILCS 5/2-3.63). The Learning Standards can be found on ISBE's website, www.isbe.state.il.us/ils.

8 The policy must include the nutrition guidelines selected by the board for "all foods available during the school day with the objective of promoting student health and reducing childhood obesity," (PL 108-265, Sec. 204(a)(2); see also 105 ILCS 5/2-3.437139(a)(1).

9 Districts must prohibit the sale of foods of minimal nutritional value, as defined by federal rule, in the food service areas during the lunch periods (42 U.S.C. §1779; 7 C.F.R. §210.11; 7 C.F.R. Part 210, App. B). However, a board may ban the sale of minimally nutritious foods during the entire day. The sale of other competitive foods is allowable in the food service area during the lunch period only if all income from the sale of such foods accrues to the benefit of the nonprofit school food service, the school, or student organizations approved by the school (Id.). ISBE's rule limits the types and amounts of food and beverages that may be sold to students in grades 8 or below before school or during the regular school day in any school that participates in the School Breakfast Program or the National School Lunch Program. (23 Ill. Admin. Code §305.15). A board may place additional limitations on the sale of minimally nutritious or junk foods.

10 Inclusion in the policy is required for only those districts that participate in a program authorized by the National School Lunch Act or the Child Nutrition Act (PL 108-265, Sec. 204(a)(3).

11 Child Nutrition Act of 1966 (42 U.S.C. §1771 et seq.) and National School Lunch Act (42 U.S.C. §1758).

12 The policy must establish "a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy," (PL 108-265, Sec. 204(a)(4); see also 105 ILCS 5/2-3.437139(a)(4).

Community Input 13

The Superintendent or designee will invite suggestions and comments concerning the development, implementation, and improvement of the school wellness policy from community members, including parents, students, and representatives of the school food authority, school administrators, and the public.

LEGAL REF.: Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265, Sec. 204.
Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq.
National School Lunch Act, 42 U.S.C. §1758.
42 U.S.C. §1779, as implemented by 7 C.F.R. §210.11.
105 ILCS 5/2-3.4-37139.
23 Ill.Admin.Code Part 305, Food Program.
ISBE's "School Wellness Policy" Goal, adopted Oct. 2007.

CROSS REF.: 4:120 (Food Services)

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

13 A board must establish a policy that "involves parents, students, and representatives of the school food authority, the board, school administrators, and the public in the development of the school wellness policy," (PL 108-265, Sec. 204(a)(5); see also 105 ILCS 5/2-3.4-37139(a)(3). This requirement's law word wording notwithstanding, a board may use compliance reports seeking community input during this policy's adoption and monitoring phases. See 4:240 Board Policy Development.

Instruction

Remote Educational Program 1

The Superintendent shall develop, maintain, and supervise a remote educational program consistent with Section 10-29 of The School Code. The remote educational program shall provide an opportunity for qualifying students to participate in an educational program delivered by the District in a location outside of a school.

The remote educational program shall:

1. Align its curriculum with the Illinois State Learning Standards and Board policies 6:10, *Educational Philosophy and Objectives* and 6:15, *School Accountability*.
2. Offer instruction and educational experiences consistent with those given to students at the same grade level in the District through compliance with Board policies 6:30, *Organization of Instruction* and 6:300, *Graduation Requirements*. 2
3. Provide instructors that meet the teacher qualifications in Board policy 5:190, *Teacher Qualifications*. Instructors are responsible for the following elements of the program: 3
 - a. Planning instruction,
 - b. Diagnosing learning needs,
 - c. Prescribing content delivery through class activities,
 - d. Assessing learning,
 - e. Reporting outcomes to administrators and parents/guardians, and
 - f. Evaluating the effects of instruction.
4. Follow the District's regular school term that is established by Board policies 2:20, *Powers and Duties of the School Board* and 6:20, *School Year Calendar and Day*. 4
5. Calculate the number of clock hours a student participates in instruction in alignment with Board policy 6:20, *School Year Calendar and Day*. 5

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

¹ This policy is optional, but school boards that wish to implement a remote educational program must adopt a policy with statutorily prescribed content. 105 ILCS 5/10-29, added by P.A. 96-684. Before adopting this policy school officials should consider how a remote educational program fits into the district's mission statement for instruction. School officials should consult the board attorney and a representative from ISBE for advice when implementing this program. A remote educational program will be subject to ISBE rules once ISBE promulgates and adopts them.

Homes or other locations outside of a school building for remote educational programs are not "public school facilities" (105 ILCS 5/10-29(e)).

Number one is a statutory remote educational program requirement; 105 ILCS 5/10-29(a)(2). The Illinois State Learning Standards may be found at: www.isbe.state.il.us/ils and 23 Ill.Admin.Code §1, App. D. See also, 105 ILCS 5/2-3.25d and 5/27-1.

² Statutory remote educational program requirement; 105 ILCS 5/10-29(a)(2).

³ Statutory remote educational program requirement; 105 ILCS 5/10-29(a)(3). Consult the board attorney for advice because the listed statutory responsibilities for instructors of remote educational programs may impact wages, hours, and terms and conditions of employment. In addition, 105 ILCS 5/10-29(d) requires these responsibilities to be subject to local collective bargaining agreements. When the district has an applicable collective bargaining agreement, replace number 2 with the following sentence:

Provide instructors that meet the teacher qualifications in Board policy 5:190, *Teacher Qualifications*. Instructors are responsible for the elements of the program consistent with the current [insert name of professional CBA].

⁴ Statutory remote educational program requirement; 105 ILCS 5/10-29(a)(4) and 5/10-19. Districts that choose to offer remote educational programs during summer school should use the following alternative sentence:

Follow the District's regular school and summer terms that are established by Board policies 2:20, *Powers and Duties of the School Board* and 6:20, *School Year Calendar and Day*.

6. Limit participation to students who are juniors or seniors or demonstrate individual educational need(s). Approval of students in the program will be on a space-available basis. 6
7. Authorize the Superintendent or designee to approve students for participation in the program when the student shows evidence of: 7
 - a. Enrollment in the District pursuant to Board policies 7:60, *Residence* and 7:30, *Student Assignment and Intra-District Transfer*.
 - b. Prior approval from their individualized educational program (IEP) team, if applicable.
 - c. How the remote educational program best serves the student's individual learning needs.
 - d. A consistent, appropriate attendance record, no disciplinary record, and a 2.5 minimum grade point average.
8. Include a process for developing and approving a written remote educational plan for each student participating in the program. 8
9. Require students to complete their participation in the program within 12 months, unless the student's participation is extended by the District. 9
10. Require students to participate in all assessments administered by the District pursuant to State and federal law and Board policy 6:340, *Student Testing and Assessment Program*. 10
11. Align with the requirements of Board policy 7:340, *Student Records*. 11

5 Statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(E). Days of attendance by students in a remote educational program meeting the requirements of 105 ILCS 5/10-29 may be claimed for general State aid purposes in accordance with and subject to the limitations of Section 18-8.05 of The School Code (105 ILCS 5/10-29(c)). Alternatively, a remote educational program may also be used for instruction delivered to a student in the home or other location outside of a school building that is not claimed for general State aid purposes.

6 Must be covered in policy if any limitations on participation are imposed; 105 ILCS 5/10-29(a)(1)(B). This language is a suggestion for limitation on participation. Replace this sentence with the district's specific limitations regarding the number of students or grade levels that may participate in a remote educational program. If a district has no limitations this sentence may be deleted.

7 The introductory phrase must be covered in policy; 105 ILCS 5/10-29(a)(1)(C). If a district has its own description of the process it will use to approve participation in the remote educational program, replace this sentence with the district's language.

7a is a statutory remote educational program requirement; 105 ILCS 5/10-29(a)(6).

7b is a statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(C). The law is silent whether a student who has a plan under Section 504 of the federal Rehabilitation Act of 1973 (504 plan) needs prior approval, but the student's remote educational plan must deliver content in a manner consistent with the student's 504 plan.

7c is a statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(A). A student and his or her parent/guardian will need to inform the district of how a remote educational program will best serve the student's individual learning needs.

7d must be covered in policy; 105 ILCS 5/10-29(a)(1)(A). It may be customized, but the language must address, at a minimum, consideration of a student's prior attendance, disciplinary record, and academic history. The board may want to require the same minimum GPA standards that it requires for eligibility to participate in interscholastic activities. See also, 6:270, *Guidance and Counseling Program*.

8 Statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(D). A written remote educational plan must meet the requirements of 105 ILCS 5/10-29(a)(5). It must be approved by the school district and a person authorized to enroll the student under 105 ILCS 5/10-20.12b. Any amendments to a student's written remote educational plan must also be approved in the same manner. See f/n 9 & 13 for a discussion of the length of a written remote educational plan.

9 Statutory remote educational program requirement; 105 ILCS 5/10-29(a)(7). A district may extend participation longer than 12 months when it: (1) evaluates the student's progress in the program, (2) determines that the student's continuation in the program will serve the student's individual learning needs, and (3) amends the student's remote educational plan, addressing any changes for the upcoming term of the program.

10 Statutory remote educational program requirement; Id. at 10-29(a)(6).

- ~~12. Comply with other State and federal laws and align with all applicable Board policies. This includes the Superintendent submitting a copy of this policy to the Illinois State Board of Education along with any amendments to it and any data on student participation. 12~~
- ~~13. Be monitored by the Board pursuant to Board policy 2:240, *Board Policy Development* and included as an topic for discussion in the annual report required by Board policy 6:10, *Educational Philosophy and Objectives*. It shall include a discussion of the process for renewal of the program when applicable. 13~~

LEGAL REF.: 105 ILCS 5/10-29.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 2:240 (Board Policy Development), 5:190 (Teacher Qualifications), 6:10 (Educational Philosophy and Objectives) 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:30 (Organization of Instruction), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:30 (Student Assignment and Intra-District Transfer), 7:60 (Residence), 7:340 (Student Records)

11 Remote educational programs present specific student records and privacy issues that should be examined with the board attorney. Both federal (Family Educational Rights and Privacy Act (20 U.S.C. §1232g) and State (Illinois School Student Records Act, 105 ILCS 10/) laws govern student school records and these laws differ in many respects.

12 The first sentence is a statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(G). Consult the board attorney to discuss other issues that may pertain to the district's specific circumstances. The second sentence is a statutory remote educational program requirement; 105 ILCS 5/10-29(g). The law provides no guidance how to accomplish this requirement other than granting ISBE rulemaking authority (105 ILCS 5/10-29(h)).

13 Must be covered in policy; 105 ILCS 5/10-29(a)(1)(F). A description of the process for renewing a remote educational program at the expiration of its *term* is required. Dual uses of the word *term* occur in this law. Depending upon the type of remote educational program, *term* suggests the district's entire remote educational program may need renewal from time to time. The Act provides little guidance other than that the district must describe the process in its policy. The annual report required by Board policy 6:10, *Educational Philosophy and Objectives*, is one option to describe the process. Replace this sentence with the district's language if a different process is developed.

105 ILCS 5/10-29(a)(7) also references *term*. There, *term* requires that a student's "written remote educational plan" not extend the student's participation in the remote educational program longer than 12 months, unless the district extends participation. See t/n 9 for further discussion.

on an equal basis
to those without disabilities

Community Relations

Accommodating Individuals with Disabilities 1

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities ~~as those without disabilities~~ and will not be subject to illegal discrimination. 2 When appropriate, the District may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others. 3

The District will provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. 4

Each service, program, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety. 5

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

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

2 The Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. §§12101 et seq. and 12131 et seq., 28 C.F.R. Part 35, §§35.130. The policy, with accompanying footnotes, contains only the essential elements of the ADA's requirements. Three significant other requirements are: (1) if structural changes are planned, districts employing 50 or more persons must develop a "transition plan," give public notice, and allow opportunity for comment (28 C.F.R. §35.150(d)); (2) a district may not contract with entities ~~that discriminate against beneficiaries of the district's services or programs~~ (28 C.F.R. §35.130(b)); and (3) a district may not aid or perpetuate discrimination by providing significant ~~assistance~~ to an organization that discriminates in providing any benefits to the public entities/beneficiaries (28 C.F.R. §35.130(b)).

The ADA covers all state and local governments, including those that receive no federal financial assistance. Title II of the ADA specifically contains accessibility requirements (42 U.S.C. §§12131 et seq.). Its nondiscrimination provision states: "[s]ubject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

The Department of Justice, through its Civil Rights Division, is the key agency responsible for enforcing Title II. The regulations implementing Title II are found at 28 C.F.R. Part 35. For a comprehensive compliance toolkit, see: www.ada.gov/peamtoolkit/chap1toolkit.htm. This policy contains only the basic elements of the ADA's requirements.

The ADA Amendments Act (ADAAA) significantly changed the ADA's definition of disability (42 U.S.C. §12102). It did not, however, amend any provision in Title II regarding accessibility requirements. Consult the board attorney regarding the ADAAA's impact, if any, on the district's Title II accessibility obligations.

The III. Environmental Barriers Act (410 ILCS 25-1) and the III. Accessibility Code (71 III. Admin. Code Part 400) ensure that "all applicable buildings are designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and useable by, environmentally limited persons." (71 III. Admin. Code §400.110). Press boxes constructed on school property before July 1, 2009 do not have to comply with the Accessibility Code (105 ILCS 5.10-20.46, added by P.A. 96-674). The III. High School Assoc. refers to a press box as a "space... set aside to provide for news media representatives covering the [event], whether they be from newspapers, radio stations, commercial television stations and/or cable television stations." P.A. 96-674 implies that press boxes constructed after July 1, 2009 must comply with the Accessibility Code.

3 28 C.F.R. §35.130(b). If separate services or programs are provided, a district may not deny the individual an opportunity to participate in the regular programming unless the accommodation would alter the fundamental nature of the program (28 C.F.R. §35.130(b)).

4 Districts must provide auxiliary aids and services to ensure that no disabled individual is excluded or treated differently than other individuals, unless the district can show that taking such steps would fundamentally alter the nature of the function, program, or meeting or would be an undue burden (28 C.F.R. §§35.160 and 35.164). The term "auxiliary aids and services" includes qualified interpreters, assistive listening devices, notetakers, and written materials for individuals with hearing impairments; for individuals with vision impairments, the term includes qualified readers, taped texts, and Brailled or large print materials.

OK

The Superintendent or designee is designated the Title II Coordinator and shall: ⁶

1. Oversee the District's compliance efforts, recommend necessary modifications to the School Board, and maintain the District's final Title II self-evaluation document and keep it available for public inspection for at least 3 years after its completion date. ⁷
2. Institute plans to make information regarding Title II's protection available to any interested party. ⁸

Individuals with disabilities should notify the Superintendent or Building Principal if they have a disability that will require special assistance or services and, if so, what services are required. ⁹ This notification should occur as far in advance as possible of the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Superintendent or designated Title II Coordinator, or by filing a grievance under the Uniform Grievance Procedure. ¹⁰

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq.; 28 C.F.R. Part 35.

Rehabilitation Act of 1973 §104, 29 U.S.C. §794 (2006).

105 ILCS 5-10-20.46.

410 ILCS 25, Environmental Barriers Act.

71 Ill. Admin. Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and Expansion Programs)

⁵ This requirement applies to construction commenced after January 26, 1992 (28 C.F.R. §35.151). Compliance methods include: equipment redesign, reassignment of services to accessible buildings, assignment of aids to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities (a district is not required to make structural changes in existing facilities where other methods are effective in achieving compliance), and use of accessible rolling stock or other conveyances (28 C.F.R. §35.150).

⁶ Each district having 50 or more full or part-time employees must designate at least one employee to coordinate its efforts to comply with Title II, including complaint investigations (28 C.F.R. §35.107).

⁷ A written evaluation of district services, policies, and practices should have been completed by January 26, 1993. Interested people should have been allowed to submit comments during the evaluation process. The final self-evaluation document must be kept for at least 3 years, be available for public inspection, and include a list of individuals and organizations consulted, a description of areas examined and any problems identified, and a description of any modifications. The record retention requirement applies to only those districts having 50 or more full or part-time employees.

⁸ Each district must make information regarding the ADA's protection available to any interested party (28 C.F.R. §35.106). For example, a simple notice can be included in school newspapers, program or performance announcements, and registration material.

⁹ The superintendent decides the appropriate response on a case-by-case basis.

¹⁰ Adoption of the Uniform Grievance Procedure fulfills the ADA's requirement that each district having 50 or more employees adopt and publish a grievance procedure providing for prompt and equitable resolution of any complaint.

School Board

Types of School Board Meetings 1

General

For all meetings of the School Board and its committees, the Superintendent or designee shall satisfy all notice and posting requirements contained herein as well as in the Open Meetings Act. This shall include mailing meeting notifications to news media that have officially requested them and to others as approved by the Board. 2 Unless otherwise specified, all meetings are held in the District's main office. 3 Board policy 2:220, *School Board Meeting Procedure*, governs meeting quorum requirements.

The Superintendent is designated on behalf of the Board and each Board committee to receive the training on compliance with the Open Meetings Act that is administered by the Illinois Attorney General's Public Access Counselor. The Superintendent may identify other employees to receive the training. Each Board member is encouraged to take the training once during his or her term. 4

Regular Meetings

The Board announces the time and place for its regular meetings at the beginning of each fiscal year. 5 The Superintendent shall prepare and make available the calendar of regular Board meetings. Meeting dates may be changed with 10 days' notice in accordance with State law. 6

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 provisions of the Open Meetings Act (OMA) do not apply to collective bargaining negotiations and grievance arbitrations as provided in 115 ILCS 5/18.~~

2 5 ILCS 120/2.02. These responsibilities may be given to anyone.

3 State law only requires that meetings be held in a location convenient and open to the public and no open meeting is allowed to be held on a legal holiday unless the regular meeting day falls on that holiday (5 ILCS 120/2.01). With limited exceptions, any person may record an open meeting (5 ILCS 120/2.05). See policy 2:220, *School Board Meeting Procedure*.

4 ~~Each board must designate at least one employee or member to receive training on compliance with OMA (5 ILCS 120/1.05, added by P.A. 96-542, eff. 1-1-01). Revise this paragraph if the board designates other individuals to receive the training. A list of designated individual(s) must be submitted to the Attorney General's Public Access Counselor. By July 1, 2010, the designated individual(s) must successfully complete an electronic training curriculum administered by the Attorney General's Public Access Counselor, and thereafter must successfully complete an annual training program. Whenever a public body designates an additional employee or member to receive this training, that person must successfully complete the electronic training curriculum within 30 days after that designation.~~

The OMA does not specify times for the designated individuals who receive the training but presumably they would assist the board in its OMA compliance efforts. Recognizing that compliance with the OMA is a shared responsibility of board members, the sample policy urges each member to take the training. This sentence may be deleted or replaced by:

Alternative 1: Each Board member will, if possible, also take the training even though no Board member is specifically designated.

Alternative 2: Each Board member may also take the training [continue as in the alternative above].

5 The Open Meetings Act (OMA) and The School Code have different provisions regarding the establishment of a regular meeting schedule. The Open Meetings Act (OMA) requires each public body to prepare and make available a regular meeting schedule at the beginning of each calendar or fiscal year (5 ILCS 120/2.03). The School Code states that this task is accomplished during the organizational meeting. By "announcing" the schedule at the beginning of each calendar or fiscal year and by "fixing" the schedule at the organizational meeting, a board can implement both laws. Note that the phrase in this sample policy, "at the beginning of each fiscal year," can be changed to "at the beginning of each calendar year."

A meeting agenda shall be posted at the District's main office and the Board's meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting. ⁷ Items not specifically on the agenda may still be considered during the meeting. ⁸

Closed Meetings

The Board and Board committees may meet in a closed meeting to consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. 5 ILCS 120/2(c)(1).
2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
3. The selection of a person to fill a public office, as defined in the Open Meetings Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
4. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in the Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4).
5. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
6. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).
7. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
8. Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8).
9. Student disciplinary cases. 5 ILCS 120/2(c)(9).
10. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).

⁶ Regular meeting dates may be changed by giving at least 10 days notice in a newspaper of general circulation and posting a notice at the district's main office (5 ILCS 120/2.03). Districts with a population of less than 500, in which no newspaper is published, may give the 10 days notice by posting a notice in at least 3 prominent places within the district, in addition to posting a notice at the district's main office (Id.). Notice shall also be given to those news media having filed an annual request to receive notifications (Id.).

⁷ 5 ILCS 120/2.02.

⁸ 5 ILCS 120/2.02 Id. On January 24, 2002, in a non-school case, the Ill. Appellate Court held that the Open Meetings Act (OMA) prohibits a board from voting on a matter at a regular meeting that is not on the agenda (Rice v. Board of Trustees of Adams County, 762 N.E.2d 1205 (Ill.App.4, 2002)). Consult your district's board attorney for guidance. The posting location should be modified, if necessary, to comply with the law's requirement that the agenda be posted at the district's main office. The agenda's format is up to the board.

11. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11).
12. The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member. 5 ILCS 120/2(c)(12).
13. Self-evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member. 5 ILCS 120/2(c)(16).⁹
14. Discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).

The Board may hold a closed meeting, or close a portion of a meeting, by a majority vote of a quorum, taken at an open meeting. The vote of each Board member present, and the reason for the closed meeting, will be publicly disclosed at the time of the meeting and clearly stated in the motion and the meeting minutes. ¹⁰

A single motion calling for a series of closed meetings may be adopted when such meetings will involve the same particular matters and are scheduled to be held within 3 months of the vote. ¹¹

No final Board action will be taken at a closed meeting. ¹²

Reconvened or Rescheduled Meetings

A meeting may be rescheduled or reconvened. Public notice of a rescheduled or reconvened meeting shall be given in the same manner as that for a special meeting, except that no public notice is required when the original meeting is open to the public and: (1) is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. ¹³

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⁹ IASB field services directors are available to facilitate a board self-evaluation.

¹⁰ 5 ILCS 120/2a. Provided the open meeting was properly noticed, no additional notice is required to close the meeting. A motion to close a meeting can be as simple as, "I move that the Board hold [go into] a closed session to discuss [state one of the closed meeting grounds with reference to the specific section authorizing the closed meeting]."

The adequacy of a motion to go into closed session was discussed in Henry v. Anderson and Champaign Community Unit School District, No. 4, 827 N.E.2d 522 (Ill.App.4, 2005). A statutory citation is not required in the motion to go into closed session, but the Open Meetings Act ¹⁴ does require a ~~confirmation~~ reference to the specific exception. The ~~litigation~~ ¹⁵ exception is tricky. If the litigation has been filed and is pending, the motion to go into closed session need only state that the board will discuss litigation that has been filed and is pending. If the litigation has not been filed, the board must: (1) find that the litigation is probable or imminent, and (2) record and enter into the minutes the basis for that finding.

¹¹ *Id.*

¹² 5 ILCS 120/2(e).

¹³ 5 ILCS 120/2.02.

Special Meetings

Special meetings may be called by the President or by any 3 members of the Board by giving notice thereof, in writing, stating the time, place, and purpose of the meeting to remaining Board members by mail at least 48 hours before the meeting, or by personal service at least 24 hours before the meeting. 14

Public notice of a special meeting is given by posting a notice at the District's main office at least 48 hours before the meeting and by notifying the news media that have filed a written request for notice. A meeting agenda shall accompany the notice. 15

No matters will be discussed, considered, or brought before the Board at any special meeting other than such matters as were included in the stated purpose of the meeting. 16

Emergency Meetings

Public notice of emergency meetings shall be given as soon as practical, but in any event, before the meeting to news media that have filed a written request for notice. 17

Posting on the District Website 18

In addition to the other notices specified in this policy, the Superintendent or designee shall post the following on the District website: (1) the annual schedule of regular meetings, which shall remain posted until the Board approves a new schedule of regular meetings; (2) a public notice of all Board meetings; and (3) the agenda for each regular meeting which shall remain posted until the regular meeting is concluded.

LEGAL REF.: 5 ILCS 120/4 et seq. Open Meeting Act.
5 ILCS 140. Freedom of Information Act.
105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:210 (Organizational School Board Meetings), 2:220 (School Board Meeting Procedure), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 6:235 (Access to Electronic Networks)

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~~14 105 ILCS 5/10-16—Two (2) members of a board of directors may call a meeting (c. 105 ILCS 5/10-6). Lawyers disagree whether 3 members may call a special meeting without violating the OMA, although there is general agreement that no violation occurs if 3 members call a special meeting while they are participating in a lawful board committee meeting with the matter on the agenda.~~

~~15 5 ILCS 120/2.02. News media that gave the board an address or telephone number within the district's territorial jurisdiction must be given notice in the same manner as that given board members.~~

~~16 Id. and 5 ILCS 120/2.02. The validity of any board action that is germane to a subject on the agenda is not affected by other errors or omissions in the agenda (Id.).~~

~~17 5 ILCS 120/2.02(a).~~

~~18 Required only if the district has a website that is maintained by a full-time staff member; if not, this section may be omitted (5 ILCS 120/2.02 as amended by P.A. 94-28). Note that 5 ILCS 120/2.02(b), as amended by P.A. 94-28, requires that a notice of all meetings be posted on the district website, but only notices of regular meetings must remain posted until the regular meeting is concluded. As this is an obvious oversight, it is wise to leave the notice of every meeting on the website until after the meeting occurred. The agenda must remain on the district website until the regular meeting is concluded (Id.).~~

School Board

Access to District Public Records 1

Full access to the District's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures.

Freedom of Information Officer 2

The Superintendent shall serve as the District's Freedom of Information Officer and is assigned all the duties and powers of that office as provided in FOIA and this policy. The Superintendent may delegate these duties and powers to one or more designees but the delegation shall not relieve the Superintendent of the responsibility for the action that was delegated. The Superintendent or designee(s) shall report any FOIA requests and the status of the District's response to the Board at each regular Board meeting.

Definition 3

The District's *public records* are defined as records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of the School District.

Requesting Records 4

A request for inspection and/or copies of public records must be made in writing and may be submitted by personal delivery, mail, telefax, or email directed to the District's Freedom of Information Officer. Individuals making a request are not required to state a reason for the request other than to identify when the request is for a commercial purpose or when requesting a fee waiver.

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¹ The Illinois Freedom of Information Act (FOIA) governs the subject matter in this policy (5 ILCS 140/, amended by P.A. 96-542, eff. 1-1-10). State law does not explicitly require boards to adopt a policy on access to their records. However, a board policy is the logical instrument to memorialize the actions that are required to implement FOIA.

² Each board must designate one or more official(s) or employee(s) to act as its freedom of information officer(s) (5 ILCS 140/3.5, added by P.A. 96-542). Amend this sentence to identify by job title the freedom of information officer or use one of the following:

Alternative 1: The Board will appoint an employee to serve as the District's Freedom of Information Officer who is assigned all the duties and powers of that office as provided in FOIA and this policy.

Alternative 2: The Superintendent shall appoint an employee, who may be himself or herself, to [continue as with alternative 1].

The School Code requires the FOIA report described in the second sentence of this section (105 ILCS 5/10-16); it is optional, however, for districts governed by a board of school directors.

³ The definition is quoted from 5 ILCS 140/2(c), amended by P.A. 96-542. Substitute the following alternative for this paragraph if desired: "The definition of *public records*, for purposes of this policy, is the definition contained in Section 2(c) of FOIA without amendment."

⁴ This section restates 5 ILCS 140/3(c), amended by P.A. 96-542. Districts may, but are not required to, accept oral requests. Compliance with an oral request may stave off the formal written request and permit more flexibility in the response. Add this option if the district wants to accept oral requests: "Oral requests may be accepted provided personnel are available to handle them." The response to an oral request should be documented. Districts may provide a request form for convenience but may not require its use. See 2:250-E1, *Written Request for District Records*.

All requests for inspection and copying shall immediately be forwarded to the District's Freedom of Information Officer or designee.

Responding to Requests

The Freedom of Information Officer shall approve all requests for public records unless:

1. The requested material does not exist; ⁵
2. The requested material is exempt from inspection and copying by the Freedom of Information Act; ⁶ or
3. Complying with the request would be unduly burdensome. ⁷

Within 5 business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA. The Freedom of Information Officer may extend the time for a response for up to 5 business days from the original due date. If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the delay, and (2) either inform the person of the date on which a response will be made or agree with the person in writing on a compliance period. ⁸

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request. ⁹

Copying Fees ¹⁰

Persons making a request for copies of public records must pay any applicable copying fee. The Freedom of Information Officer shall, as needed, recommend a copying fee schedule for the Board's approval. Copying fees, except when fixed by statute, are reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. No fees shall be charged for the first 50 pages of black and white, letter

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⁵ FOIA does not require a public body to create a record (5 ILCS 140/1).

⁶ 5 ILCS 140/7 and 140/7.5, amended/added by P.A. 96-542, describe numerous explicit exceptions to the presumption that all public records are available for public inspection. Each record is "presumed to be open to inspection or copying" and the district will have "the burden of proving by clear and convincing evidence that it is exempt," (5 ILCS 140/1.2 and 140/11(f), added/amended by P.A. 96-542). A person who prevails in a court proceeding to enforce FOIA will be awarded attorney fees; the public body may incur a civil penalty of between \$2,500 and \$5,000 for a willful or intentional violation of FOIA or other action in bad faith (5 ILCS 140/11(i) and (j), amended by P.A. 96-542). School officials should seek the board attorney's advice concerning the denial of a record request.

Appellate decisions from the former FOIA may be, but are not necessarily, relevant to several exemptions. See Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App.1, 2002)(student records are *per se* prohibited from disclosure); Copley Press, Inc. v. Peoria Sch. Dist., 834 N.E.2d 558 (Ill.App.3, 2005)(upheld a board's denial of a request for the superintendent's evaluation); and Gekas v. Williamson, 912 N.E.2d 347 (Ill.App.4, 2009)(all investigatory records for an employee are disclosable, despite a finding that the allegations were unfounded and no discipline was imposed).

⁷ 5 ILCS 140/3(g), amended by P.A. 96-542.

⁸ 5 ILCS 140/3(e) and (f), amended by P.A. 96-542.

⁹ 5 ILCS 140/7, amended by P.A. 96-542. Redacting exempt portions is permitted, but not required, except that contractors' employees' address, telephone numbers, and social security numbers must be redacted before disclosure (5 ILCS 140/2.10, amended by P.A. 96-542). Reviewing past responses to FOIA requests will promote uniform treatment of requests for similar records.

¹⁰ 5 ILCS 140/6, amended by P.A. 96-542. The statute contains additional limitations on fees, including a prohibition on charging for the costs of any search for and review of the records or other personnel costs. The fee for black and white, letter or legal sized copies may not exceed 15 cents per page.

or legal sized copies. No fee shall be charged for electronic copies other than the actual cost of the recording medium.

Access ¹¹

The inspection and copying of a public record that is the subject of an approved access request is permitted at the District's administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer.

Many public records are immediately available from the District's website including, but not limited to, a description of the District and the methods for requesting a public record. ¹²

Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the District's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g. a litigation hold), District auditor, or other individual authorized by the School Board or State or federal law to make such a request. ¹³ Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by

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¹¹ Public bodies may adopt rules for the time and places where records will be made available (5 ILCS 140/3(h), amended by P.A. 96-542). Amend this sentence to reflect where records will be made available.

¹² Web-posting of high-interest records is an easy way to reduce paperwork. FOIA requires that the records identified in this sentence be posted at each administrative office, made available for copying, and posted on the district website, if any (5 ILCS 140/4, amended by P.A. 96-542). Many other records are required to be web-posted and this sentence may be amended to include them. If the district does not have a website, change this sentence as follows: "Some public records are available for immediate access including a description of the District and the methods for requesting a public record, and a list of all types or categories of records under its control." For a list of required web-postings, see exhibit 2:250-E2, *Immediately Available District Public Records*. Using the district's website is also a convenient way to comply with FOIA's requirement to identify documents that are *immediately* available (5 ILCS 140/3.5(a), added by P.A. 96-542). However, lawyers disagree as to whether having material web-posted suffices for having it *immediately* available without also having printed copies on-hand to distribute *immediately* on request. Although not required to be web-posted, a list of all types or categories of records under its control must be prepared and made available (5 ILCS 140/5). See 2:250-API, *Access to and Copying of District Public Records*.

¹³ The Local Records Act, 50 ILCS 205/3, requires the preservation of records described in items #1-3. The preservation of records described in item #3 is also required by the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and the Ill. School Student Records Act, 105 ILCS 10/, among other laws. An example of a record described in item #4 is a record subject to a *litigation hold* or a document preservation requirement pursuant to Federal Rules of Civil Procedure, Rules 16 and 26.

Categorizing email messages is complicated because two laws apply and the rules differ when a board member is a party. See sample policy 2:140, *Communications To and From the Board*, for a discussion of email between or among board members. When employees or agents are using email for school purposes, the email messages may be *public records*, but will not necessarily be subject to disclosure depending on the topic discussed. FOIA's list of exemptions from disclosure determines whether these emails are subject to disclosure. For exemptions, see 5 ILCS 140/7 and 140/7.5, amended/added by P.A. 96-542.

Not all email messages between or among employees must be preserved, even if they are *public records* for purposes of FOIA. The definition of *public record* in the Local Records Act, 50 ILCS 205/, is narrower than its definition in FOIA. Thus, staff email, like all district records, must be retained only when it contains material described in #1-4. While this is a slippery slope without definitive parameters, employee email that is conversational or personal, or contains brainstorming may generally be deleted.

The Prevailing Wage Act (820 ILCS 130/5) requires contractors, while participating on public works, to keep records of all laborers, mechanics, and other workers employed by them on the project and to submit this record monthly to the public body. The public body in charge of the project must keep these records for a period of not less than 3 years. These records must be made available in accordance with FOIA except that contractors' employees' address, telephone numbers, and social security numbers must be redacted before disclosure (5 ILCS 140/2.10, amended by P.A. 96-542).

the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission. **14**

LEGAL REF.: 5 ILCS 140/, Illinois Freedom of Information Act.
105 ILCS 5/10-16.
820 ILCS 130/5.

CROSS REF.: 2:140 (Communications To and From the Board), 5:150 (Personnel Records),
7:340 (Student Records)

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

14 50 ILCS 205/. Preservation and destruction of documents is covered in 2:250-AP-2, *Protocols for Record Preservation and Development of Retention Schedules*. See also the Ill. Secretary of State's website for information on preserving and destroying records, www.cyberdriveillinois.com/departments/archives/records_management/record.html.

Operational Services

Transportation 1

The District shall provide free transportation for any student in the District who resides: (1) at a distance of one and one-half miles or more from his or her assigned school, unless the School Board has certified to the Illinois State Board of Education that adequate public transportation is available, 2 or (2) within one and one-half miles from his or her assigned school where walking to school or to a pick-up point or bus stop would constitute a serious hazard due to vehicular traffic or rail crossing, and adequate public transportation is not available. 3 A student's parent(s)/guardian(s) may file a petition with the Board requesting transportation due to the existence of a serious safety hazard. 4 Free transportation service and vehicle adaptation is provided for a special education student if included in the student's individualized educational program. 5 Non-public school students shall be transported in accordance with State law. 6 Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act. 7

Bus schedules and routes shall be determined by the Superintendent or designee and shall be altered only with the Superintendent or designee's approval and direction. In fixing the routes, the pick-up and discharge points should be as safe and convenient for students as possible.

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. Each district must have a pre-trip and post-trip inspection policy (625 ILCS 5/12-816, amended by P.A. 96-818).

2 The following districts must provide free transportation as described in the sample policy: community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, and combined school districts if the combined district includes any district that was previously required to provide transportation (105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510(a)). Districts that are not required to provide free transportation may do so (Id.). Districts may provide transportation within 1-1/2 miles and may charge for such transportation (105 ILCS 5/29-2).

Optional provision: (105 ILCS 5/29-3.1)

The District may provide transportation to and from school-sponsored activities and may charge for such transportation.

3 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510.

4 Required by 105 ILCS 5/29-3. If a petition is filed, the district must conduct a study and forward its findings to the Illinois Department of Transportation for review.

5 23 Ill.Admin.Code §§226.20d(5), 226.910, and 226.960.

6 105 ILCS 5/29-3.2 and 5/29-4.

7 42 U.S.C. §11431 et seq., amended by the No Child Left Behind Legislation of 2001. This federal legislation requires a district to provide transportation to a homeless student at the request of the parent/guardian (or in the case of an unaccompanied youth, the Liaison for Homeless Children), to and from the school of origin [42 U.S.C. §11432(g)(1)(J)(iii)]. The term *school of origin* means the school that the student attended when permanently housed or the school in which the student was last enrolled [42 U.S.C. §11432(g)(3)(G)]. Transportation must be arranged as follows:

1. If the homeless student continues to live in the area served by the school district in which the school of origin is located, the student's transportation to and from the school of origin shall be provided or arranged by the district in which the school of origin is located [42 U.S.C. §11432(g)(1)(J)(iii)(I)].
2. If the homeless student's living arrangements in the area served by the district of origin terminate and the student, though continuing his or her education in the school of origin, begins living in an area served by another school district, the district of origin and the district in which the homeless student is living shall agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally [42 U.S.C. §11432(g)(1)(J)(iii)(II)].

No school employee may transport students in school or private vehicles unless authorized by the administration. ⁸

Every vehicle regularly used for the transportation of students must pass safety inspections in accordance with State law and Illinois Department of Transportation regulations. ⁹ The strobe light on a school bus may be illuminated any time a bus is bearing one or more students. ¹⁰ The Superintendent shall implement procedures in accordance with State law for accepting comment calls about school bus driving. ¹¹

All contracts for charter bus services must contain the clause prescribed by State law regarding criminal background checks for bus drivers. ¹²

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

⁸ Optional. This presents an opportunity for each board to discuss this issue with the superintendent and direct the superintendent to include it in the curriculum for the required in-service on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39, amended by P.A. 96-431). See 5:120, *Ethics* (f/n 2), and 5:100 *Staff Development* (f/n 3), for more detailed discussions. Include policies 5:100, *Staff Development* and 5:120, *Ethics*, in the cross references when this sentence is used.

⁹ 625 ILCS 5/13-109.

625 ILCS 5/11-1414.1, amended by P.A. 96-410, requires districts to transport students to and from any curriculum-related school activity in a school bus or vehicle as defined at 625 ILCS 5/1-182, amended by P.A. 96-410. This transportation includes: (1) to and from home and school, (2) tripper or shuttle services between school attendance centers, (3) to and from a vocational or career center or other trade-skill development site, (4) to and from a regional safe school, (5) to and from a school-sponsored alternative learning program, and (6) trips directly related to the regular curriculum of a student for which he or she earns credit.

105 ILCS 5/29-6.3, amended by P.A. 96-410, requires districts to transport students to and from specified interscholastic or school-sponsored activities in: (1) a school bus (see definition in above paragraph), (2) a vehicle manufactured to transport not more than 10 persons including the driver, or (3) a multifunction school-activity bus manufactured to transport not more than 15 persons including the driver (defined at 625 ILCS 5/1-148.3a-5, added by P.A. 96-410). These activities do not require student participation as part of the education services of the district and are not associated with the regular class-for-credit schedule or required 5 clock hours of instruction.

¹⁰ 625 ILCS 5/12-815.

¹¹ 625 ILCS 5/12-821(b), amended by both P.A. 95-176 and 96-410, requires districts that own school busses (P.A. 95-176) and multifunction school activity busses (P.A. 96-410) to establish procedures for accepting comment calls and responding to them. In accordance with good governance principles, this duty is delegated to the superintendent. For a sample procedure, see 4:110-AP2, *Pre-Trip and Post-Trip Inspection and Bus Driving Comments*.

¹² 105 ILCS 5/10-20.21a, requires all contracts for providing charter bus services to transport students to or from interscholastic athletic or interscholastic or school sponsored activities to contain clause (A) except that a contract with an out-of-state company may contain clause (B) or clause (A). The clause must be set forth in the contract's body in at least 12 points typeface and all upper case letters:

(A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

(B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

and

Pre-Trip and Post-Trip Vehicle Inspection 13

The Superintendent or designee shall develop and implement a pre-trip and post-trip inspection procedure to ensure that the school bus driver ~~is~~ (1) tests the ~~last person~~ two-way radio and ensures that it is functioning properly before the bus is operated, and (2) walks to the rear of the bus before leaving the bus and that no passenger is left behind or remains on the vehicle at the end of a each route, work shift, or ~~work day~~ work day, to check the bus for children or other passengers in the bus.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
105 ILCS 5/10-22.22 and 5/29-1 et seq.
105 ILCS 45/1-15.
625 ILCS 5/1-148.3a-5, 5/1-182, 5/11-1414.1, 5/12-815, 5/12-816, 5/12-821, and 5/13-109.
23 Ill.Admin.Code §§1.510 and 226.935.
92 Ill.Admin.Code §440-3.

CROSS REF.: 5:100 (Staff Development), 5:120 (Ethics), 5:280 (Educational Support Personnel - Duties and Qualifications), 6:140 (Education of Homeless Children), 7:220 (Bus Conduct)

ADMIN. PROC.: 4:110-AP2 (Pre-Trip and Post-Trip Inspection and School Bus Driving Comments), 6:140-AP (Education of Homeless Children)

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES THE FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

13 625 ILCS 5/12-816(a), amended by P.A. 96-818, requires school districts to have a school bus pre- and post-trip inspection policy with the components as contained in this policy. See also 23 Ill.Admin.Code §1.510(i)(3) and 92 Ill.Admin.Code §440-3. For a sample procedure, see 4:110-AP2, *Pre-Trip and Post-Trip Inspection Bus Driving Comments*. School district contracts with a private sector school bus company must require the company to have a pre- and post-trip inspection policy that is equivalent to this section of the policy (625 ILCS 5/12-816(b), amended by P.A. 96-818).

Each school bus must contain an operating two-way radio while the school bus driver is in possession of a school bus (625 ILCS 5/12-813, amended by P.A. 96-818). The two-way radio must be turned on and adjusted in a manner that would alert the driver of an incoming communication request. Two-way radios may not be as effective as cell phones; they do not work when the bus driver is out of the bus with children (the radio is in the bus but the driver is with the children on a field trip, for example) and their range may be inferior to that of cell phones. Bus drivers may still have cell phones although they are generally prohibited from using them while the bus is in motion (625 ILCS 5/12-813.1). Four important exceptions allow a driver to use a cell phone while operating a bus: (1) in an emergency situation to communicate with an emergency response operator, a hospital, a physician's office or health clinic, an ambulance service, a fire department, fire district, or fire company, or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) if "a cellular radio telecommunication device... has a digital two-way radio service capability owned and operated by the school district, when that device is being used as a digital two-way radio;" and (3) when the bus is parked (625 ILCS 5/12-813.1(c)).

General Personnel

Equal Employment Opportunity and Minority Recruitment ¹

The School District shall provide equal employment opportunities² to all persons regardless of their race, color, creed, religion,³ national origin, sex,⁴ sexual orientation,⁵ age,⁶ ancestry, marital status,⁷ arrest record,⁸ military status, order of protection status,⁹ or unfavorable military discharge.¹⁰

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

¹ Federal and State law (see the policy's legal references) require that all districts have a policy on equal employment opportunities and control this policy's content.

² "Equal employment opportunities" applies to virtually all terms and conditions of employment, e.g., discharge, hire, promotion, pay, demotion, and benefits (see legal references). The Illinois Constitution protects the following categories from discrimination in employment: race, color, creed, national ancestry, and handicap (Art. I, §§17, 18, and 19). The Ill. Human Rights Act protects the following categories from discrimination in employment: race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, order of protection status, sexual orientation, and unfavorable discharge from military service (775 ILCS 5/1-102, amended by P.A. 96-447).

The Equal Employment Opportunities Act (Title VII) prohibits discrimination because of an individual's race, color, religion, sex, or national origin (42 U.S.C. §2000e, amended by The Lilly Ledbetter Fair Pay Act, Pub.L. 111-2).

The Lilly Ledbetter Fair Pay Act clarifies that a discriminatory compensation decision or other practice occurs each time an employee is paid or receives a last benefits check pursuant to the discriminatory compensation decision as opposed to only from the time when the discriminatory compensation decision or other practice occurred. The Act passed with little debate and has no legislative history available to define what the phrase "or other practice" might mean beyond a discriminatory compensation decision. Consult the board attorney for guidance regarding the Lilly Ledbetter Fair Pay Act's specific applications to the district.

While not exhaustive, other laws protecting these and additional classifications are named in subsequent footnotes.

³ In addition to the Ill. Human Rights Act and the federal Equal Employment Opportunities Act (discussed in footnote 2); see the Religious Freedom Restoration Act (775 ILCS 35/).

⁴ In addition to the Ill. Human Rights Act and the federal Equal Employment Opportunities Act (discussed in footnote 2), see Title IX of the Education Amendments, 20 U.S.C. §1681 et seq. The federal Equal Pay Act prohibits an employer from paying persons of one gender less than the wage paid to persons of the opposite gender for equal work (29 U.S.C. §206(d). The State Equal Pay Act of 2003, 820 ILCS 112, amended by P.A. 96-467, offers greater protection by prohibiting the payment of wages to one gender less than another gender "for the same or substantially similar work." (820 ILCS 112-4 et seq.). Similar to the Lilly Ledbetter Fair Pay Act, P.A. 96-467 now defines "date of underpayment" as each time wages are underpaid. Employees have one year from the time they become aware of the underpayment to file a complaint with the Ill. Dept. of Labor. The Pregnancy Discrimination Act amended the Equal Employment Opportunities Act to prohibit discrimination on the basis of pregnancy, childbirth, or related medical conditions (42 U.S.C. §2000e(k)).

⁵ Illinois Human Rights Act, 775 ILCS 5/1-101 et seq. *Sexual orientation* means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity; it does not include a physical or sexual attraction to a minor by an adult (775 ILCS 5/1-103(O-1)).

⁶ Age Discrimination in Employment Act (ADEA), 29 U.S.C. §621 et seq., amended by The Lilly Ledbetter Fair Pay Act, Pub.L. 111-2 (see fn 2 above), 29 C.F.R. Part 1625, ~~eff. 7-6-7, amend.~~ amended the EEOC regulations under ADEA to reflect the U.S. Supreme Court's decision in General Dynamic Systems, Inc. v. Cline, 540 U.S. 581(2004), holding the ADEA to permit employers to favor older workers because of age. Thus favoring an older person over a younger person is not unlawful discrimination, even when the younger person is at least 40 years old.

⁷ 105 ILCS 5/10-22.4 and 775 ILCS 5/1-103(Q). The term *marital status* means an individual's legal status of being married, single, separated, divorced, or widowed (775 ILCS 5/1-103(J)). This statutory definition does not encompass the identity of one's spouse. Thus, school districts may adopt no-spouse policies. Boaden v. Dept. of Law Enforcement, 664 N.E.2d 61 (1996). See policy 5:30, *Hiring Process and Criteria*, for a sample no-spouse rule.

⁸ Districts may not make employment decisions on the basis of arrest history, but may use conviction information (775 ILCS 5/2-103).

⁹ 775 ILCS 5/1-103(O), amended by P.A. 96-447, eff. 1-1-10. The term *order of protection status* means a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1996 or an order of protection issued by a court of another state (775 ILCS 5/1-103(K-5), amended by P.A. 96-447, eff. 1-1-10).

citizenship status provided the individual is authorized to work in the United States,¹¹ use of lawful products while not at work,¹² being a victim of domestic or sexual violence,¹³ genetic information,¹⁴ physical or mental handicap or disability,¹⁵ if otherwise able to perform the essential functions of the job with reasonable accommodation, and other legally protected categories. ^{16 17 18}

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy

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

10 Military status means a person's status on active duty in the U.S. Armed Forces (775 ILCS 5/1-103). *Unfavorable military discharge* does not include those characterized as RE-4 or "dishonorable," (Id.). The Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§4301 et seq., prohibits employers from discriminating or retaliating against any person for reasons related to past, present, or future service in a *uniformed service*. See footnote 9 in policy 5:30, *Hiring Process and Criteria*.

11 775 ILCS 5/1-102(C). According to the Immigration Reform and Control Act of 1986, 8 U.S.C. §§1324(a) et seq., all employers must verify that employees are either U.S. citizens or authorized to work in the U. S.

12 820 ILCS 55/5 prohibits discrimination based on use of lawful products, e.g., alcohol and tobacco, off premises during non-working hours.

13 Victims' Economic Security and Safety Act, 820 ILCS 180/30.

14 410 ILCS 5/3-25, amended by P.A. 95-927, Illinois' Genetic Information Protection Act (GIPA) and Title II of Genetic Information Nondiscrimination Act (GINA), effective 1/1-21-09, 42 U.S.C. §2000ff et seq. Both laws protect job applicants, current, and former employees, labor union members, and apprentices and trainees from discrimination based on their genetic information. Note that GIPA provides greater protections to Illinois employees than Title II of GINA. See footnote 5 in 2:260, *Uniform Grievance Procedure* for the definition of genetic information and a detailed description of both statutes, including of Title I of GINA, effective May 21, 2008 (Title I only affects the use of genetic information in health insurance). Consult the board attorney for guidance regarding the GIPA's and GINA's specific applications to the district and how these laws integrate with other related laws such as the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and other State laws governing time off for sickness and workers' compensation.

15 Americans with Disabilities Act, 42 U.S.C. §§12111 et seq., amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325 and modified by the Lilly Ledbetter Fair Pay Act, Pub. L. 111-2; Rehabilitation Act of 1973, 29 U.S.C. §791 et seq., modified by the Lilly Ledbetter Fair Pay Act, Pub. L. 111-2.

16 Optional sentence (775 ILCS 5/1-103 and 29 U.S.C. §631):

Age, as used in this policy, means the age of a person who is at least 40 years old.

17 Optional provision (29 U.S.C. §705(10)(A) and (B), and 42 U.S.C. §12114):

Handicap and disability, as used in this policy, excludes persons:

1. Currently using illegal drugs;
2. Having a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, are unable to perform the duties of the job; or
3. Whose current alcohol or drug use prevents them from performing the job's duties or constitutes a direct threat to the property or safety of others.

Persons who have successfully completed or are participating in a drug rehabilitation program are considered *handicapped*.

18 Districts may not make residency in the school district a condition of employment for teachers or educational support personnel (105 ILCS 5/24-4.1 and 10-23.5). The statutory ban on residency requirements for teachers applies only to instructional personnel, and not, for example, to assistant principals. *Owen v. Kankakee School Dist. No. 111*, 632 N.E.2d 1073 (Ill.App.3, 1994). Districts also may not ask an applicant, or the applicant's previous employer, whether the applicant ever received, or filed a claim for, benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act (820 ILCS 55/10).

or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information. 19

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager for the Uniform Grievance Procedure. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. 20

Nondiscrimination Coordinator:

Complete
Dr. Sandra Stringer
Name

Address

Telephone

Complaint Managers:

*addresses
phone
number
for both*
Diane Betts
Name

Don Walsh
Name

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

19 Most discrimination laws prohibit retaliation against employees who oppose practices made unlawful by those laws, including, for example, the Equal Employment Opportunities Act, Title IX, Americans with Disabilities Act, Age Discrimination in Employment Act, Victims' Economic Security and Safety Act, and the Ill. Equal Pay Act. The Illinois, and now the Ill. Whistleblower Act, 740 ILCS 174, amended by P.A. 95-128, includes which included school districts in the definition of employer.

It protects employees from employer retaliation. The Ill. Whistleblower Act specifically prohibits employers from retaliating against employees for: (1) disclosing information to a government or law enforcement agency; Section 4.5 of the Whistleblower Act also contains language prohibiting employers from retaliating against employees who disclose (740 ILCS 174-15(a), amended by P.A. 95-128); (2) disclosing 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 (740 ILCS 174-15(b), amended by P.A. 95-128); (3) refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation, including, but not limited to, violations of the Freedom of Information Act (740 ILCS 174-20, changed by P.A. 96-555); and (4) disclosing or attempting to disclose public corruption or wrongdoing (740 ILCS 174-20.1, added by P.A. 96-555). The definition of retaliation is expanded to include *other retaliation and threatening retaliation* (740 ILCS 174-20.1 and 20.2, added by P.A. 96-555).

Ill. Whistleblower Reward and Protection Act, 740 ILCS 175, amended by P.A. 95-128, defines "State" to include school districts. A strict interpretation of this language appears to allow school boards to collect civil penalties and civil action costs for violation of Section 3. School boards should thoroughly investigate the ramifications of this Public Act in consultation with their attorney and liability insurance carriers. For additional information regarding the Ill. Whistleblower Act and the tort of retaliatory discharge, see *Thomas v. Guardsmark*, 487 F.3d 531 (7th Cir., 2007) (discussing the elements of Ill. tort of retaliatory discharge and Ill. Whistleblower Act), and *Sherman v. Kraft General Foods, Inc.*, 651 N.E.2d 708 (Ill. App. Ct., 1995) (finding employee who reported asbestos hazard had a cause of action for tort of retaliatory discharge).

20 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 policy should not be adopted with a person's name in it; rather, the identifying information can be added and amended as necessary. Thus the policy should be adopted with blanks for the superintendent to later fill in later.

Address

Address

Telephone

Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks. ²¹

Minority Recruitment ²²

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

²¹ The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

²² In addition to notifying employees of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district's compliance with Title IX and the Rehabilitation Act of 1973 (34 C.F.R. §§106.8(a) and 104.8(a)). The Nondiscrimination Coordinator may be the same individual for both this policy and policy 7:10, *Equal Educational Opportunities*, as well as a Complaint Manager for policy 2:260, *Uniform Grievance Procedure*. A comprehensive faculty handbook can provide required notices, along with other important information, to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board. Any "working conditions" contained in the handbook may be subject to mandatory collective bargaining.

²² All districts must have a policy on minority recruitment (105 ILCS 5/10-20.7a). Unlike minority recruitment efforts, affirmative action plans are subject to significant scrutiny because of the potential for reverse discrimination. The U.S. Constitution's guarantee of equal protection prohibits school districts from using racial hiring quotas without evidence of past discrimination. See 29 C.F.R. §1608.1 *et seq.* (Equal Employment Opportunity Commission's guidelines for affirmative action plans); *Wygant v. Jackson Board of Education*, 106 S.Ct. 1842 (1986) (The goal of remedying societal discrimination does not justify race-based layoffs.); *City of Richmond v. J.A. Croson Co.*, 109 S.Ct. 794 (1989) (Minority contractor quota struck; quotas must be narrowly tailored to remedy past discrimination and the city failed to identify the need for remedial action and whether race-neutral alternatives existed.).

The Ill. Human Rights Act, 775 ILCS 5/1-101.1, states that it shall not be construed as requiring any employer to give preferential treatment or special rights based on sexual orientation or to implement affirmative action policies or programs based on sexual orientation.

LEGAL REF.:	<p>Age Discrimination in Employment Act, 29 U.S.C. §621 <u>et seq.</u> Americans With Disabilities Act, Title I, 42 U.S.C. §12111 <u>et seq.</u> Civil Rights Act of 1991, 29 U.S.C. §§621 <u>et seq.</u>, 42 U.S.C. §1981 <u>et seq.</u>, §2000e <u>et seq.</u>, and §12101 <u>et seq.</u> Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e <u>et seq.</u>, 29 C.F.R. Part 1601. Equal Pay Act, 29 U.S.C. §206(d). Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff <u>et seq.</u> Immigration Reform and Control Act, 8 U.S.C. §1324a <u>et seq.</u> Rehabilitation Act of 1973, 29 U.S.C. §791 <u>et seq.</u> Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d <u>et seq.</u> Pregnancy Discrimination Act, 42 U.S.C. §2000e(k). Title IX of the Education Amendments, 20 U.S.C. §1681 <u>et seq.</u>, 34 C.F.R. Part 106. Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 <u>et seq.</u> <u>Ill. Constitution</u>, Art. I, §§17, 18, and 19. 105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7. Genetic Information Protection Act, 410 ILCS 513.25. <u>Ill. Whistleblower Act</u>, 740 ILCS 174 <u>et seq.</u>. Ill. Human Rights Act, 775 ILCS 5/1-103 and 5/2-102. Religious Freedom Restoration Act, 775 ILCS 35/5. <u>Ill. Equal Pay Act of 2003</u>, 820 ILCS 112/4 <u>et seq.</u>. Victims' Economic Security and Safety Act, 820 ILCS 180/30. 23 Ill.Admin.Code §1.230.</p>
CROSS REF.:	<p>2:260 (Uniform Grievance Procedure), 5:20 (Sexual Harassment), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), <u>5:200 (Terms and Conditions of Employment and Dismissal)</u>, <u>5:250 (Leaves of Absence)</u>, 5:270 (Employment, At-Will, Compensation, and Assignment), <u>5:300 (Schedules and Employment Year)</u>, <u>5:330 (Sick Days, Vacation, Holidays, and Leaves)</u>, 7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)</p>

Instruction

Curriculum Content 1

The curriculum shall contain instruction on subjects required by State statute or regulation as follows:

1. In kindergarten through grade 8, subjects include: (a) language arts, (b) reading, (c) other communication skills, (d) science, (e) mathematics, (f) social studies, (g) art, (h) music, ² and (i) drug and substance abuse prevention. ³
2. In grades 9 through 12, subjects include: (a) language arts, (b) writing intensive course, (c) science, (d) mathematics, (e) social studies including U.S. history, (f) foreign language, (g) music, (h) art, (i) driver and safety education, and (j) vocational education. ⁴

Students otherwise eligible to take a driver education course must receive a passing grade in at least 8 courses during the previous 2 semesters before enrolling in the course. The Superintendent or designee may waive this requirement if he or she believes a waiver to be in the student's best interest. ⁵ The course shall include classroom instruction on distracted driving as a major traffic safety issue. ⁶ Automobile safety instruction covering traffic regulations and highway safety must include instruction on the consequences of alcohol consumption and the operation of a motor vehicle. ⁷ The eligibility requirements contained in State law for the receipt of a certificate of completion from the Secretary of State shall be provided to students in writing at the time of their registration. ⁸

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.~~

¹ Districts must have a policy on physical education (23 Ill.Admin.Code §1.420(p)). Policies on the remaining topics in this policy are optional. ~~State or federal law controls this policy's content.~~

² 23 Ill.Admin.Code §1.430.

³ 105 ILCS 5/27-13.2.

⁴ 23 Ill.Admin.Code §1.440, 105 ILCS 5/27-22 and 5/27-23. ~~The General Assembly encouraged school boards to implement American sign language courses into the school foreign language curriculum (105 ILCS 5/10-20.46, added by H.B. 725).~~

⁵ 105 ILCS 5/27-23 and 5/27-24.2, as amended by P.A. 98-339.

⁶ 105 ILCS 5/27-24.2, as amended by P.A. 98-339.

⁷ 105 ILCS 5/27-1.7.

⁸ The Ill. Vehicle Code, 625 ILCS 5/6-408.5, contains these requirements; they are paraphrased below and may be added to the policy or otherwise disseminated.

Before a certificate of completion will be requested from the Secretary of State, a student must receive a passing grade in at least 8 courses during the 2 semesters last ending before requesting the certificate. A certificate of completion will not be requested for any person less than 18 years of age who has dropped out of school unless the individual provides:

1. Written verification of his or her enrollment in a GED or alternative education program or a GED certificate;
2. Written verification that before dropping out, the individual had received passing grades in at least 8 courses during the 2 previous semesters last ending before requesting a certificate;
3. Written consent from the individual's parent/guardian and the Regional Superintendent; or
4. Written waiver from the Superintendent of the School District in which the individual resides or resided at the time he or she dropped out of school, or from the chief school administrator with respect to a dropout who attended a non-public high school. A waiver may be given if the Superintendent or chief administrator deems it to be in the individual's best interests.

3. In grades 7 through 12, as well as in interscholastic athletic programs, steroid abuse prevention must be taught. ⁹
4. In grades 4 through 12, provided it can be funded by private grants or the federal government, violence prevention and conflict resolution must be stressed, including: (a) causes of conflict, (b) consequences of violent behavior, (c) non-violent resolution, and (d) relationships between drugs, alcohol, and violence. ¹⁰
5. In grades kindergarten through 12, age-appropriate instruction for Internet safety. Beginning with the 2009-2010 school year ~~3 or above, the curriculum in grades 3 or above shall contain~~ contains a ~~a unit on Internet safety, the scope of which shall be determined by the Superintendent or designee.~~ unit on Internet safety, the scope of which shall be determined by the Superintendent or designee. ¹¹
6. In all grades, character education must be taught including respect, responsibility, fairness, caring, trustworthiness, and citizenship in order to raise students' honesty, kindness, justice, discipline, respect for others, and moral courage. ~~In addition, in all grades, bullying prevention and gang resistance education and training must be taught.~~ ¹²
7. In all schools, citizenship values must be taught, including: (a) patriotism, (b) democratic principles of freedom, justice, and equality, (c) proper use and display of the American flag, (d) the Pledge of Allegiance, and (e) the voting process. ¹³
8. In all grades, physical education must be taught including a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. Unless otherwise exempted, all students are required to engage daily during the school day in a physical education course. For exemptions and substitutions, see policies

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⁹ 105 ILCS 5/27-23.3.

¹⁰ 105 ILCS 5/27-23.4.

¹¹ 105 ILCS 5-27-13.3, as amended by P.A. 95-509 and P.A. 95-869 (effective 1-1-09). The statute recommends 7 topics for the unit on Internet safety. The statute specifically uses the conjunction *or*, arguably, or indicates, in alternative this following disjuncts to begin including the unit on Internet safety after third grade:

The Ill. General Assembly found that "The Internet is used by sexual predators and other criminals to give initial contact with children and other vulnerable residents in Illinois, and . . . education is an effective method for preventing children from falling prey to online predators, identity theft, and other dangers." 105 ILCS 5-27-13.3. It required ISBE to "make available resource materials for educating children regarding child online safety;" and invited schools to "adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12." A board that shares this concern may add the following option: "In grades kindergarten through 12, age-appropriate Internet safety must be taught."

¹² Optional 105 ILCS 5-27-23.7(c), as amended by P.A. 95-198 and 95-349. ¹² 105 ILCS 5-27-12. The Ill. General Assembly invited boards to "make suitable provisions for instruction in bullying prevention and gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein." 105 ILCS 5-27-13.7(c). A board that shares this concern may add the following option: "In addition, in all grades, bullying prevention and gang resistance education and training must be taught."

¹³ 105 ILCS 5/27-3 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. Requirements for displaying a U.S. flag at each school and in each classroom are found in 5 ILCS 465/3 and 465/3a.

Note that the Illinois statute does not require every student to recite the Pledge – that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the Pledge, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the Pledge. *West Virginia State Board of Education v. Barnett*, 319 U.S. 624 (1943); *Sherman v. Community Consolidated School Dist. 21 of Wheeling Township*, 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the Pledge, such as, "You may now stand to recite the Pledge." Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

6:310, *Credit for Alternative Courses and Programs, and Course Substitution*, and 7:260, *Exemption from Physical Activity*. ¹⁴

9. In all schools, health education must be stressed, including: (a) proper nutrition, (b) physical fitness, (c) ~~other~~ components necessary to develop a sound mind in a healthy body, and (d) dangers and avoidance of abduction. The Superintendent shall implement a comprehensive health education program in accordance with State law. ¹⁵
10. In all schools, career/vocational education must be taught, including: (a) the importance of work, (b) the development of basic skills to enter the world of work and/or continue formal education, (c) good work habits and values, (d) the relationship between learning and work, and (e) if possible, a student work program that provides the student with work experience as an extension of the regular classroom. A career awareness and exploration program must be available at all grade levels. ¹⁶
11. In grades 9 through 12, consumer education must be taught, including: financial literacy; installment purchasing; budgeting, savings, and investing; banking; simple contracts; income taxes; personal insurance policies; the comparison of prices; homeownership; and the roles of consumers interacting with agriculture, business, labor unions, and government in formulating and achieving the goals of the mixed free enterprise system. ¹⁷
12. In all schools, conservation of natural resources must be taught, including: (a) home ecology, (b) endangered species, (c) threats to the environment, and (d) the importance of the environment to life as we know it. ¹⁸
13. In all schools, United States history must be taught, including: (a) the principles of representative government, (b) the Constitutions of the U.S. and Illinois, (c) the role of the U.S. in world affairs, (d) the role of labor unions, and (e) the role and contributions of ethnic groups, including but not limited to, the African Americans, Albanians, Asian Americans, Bohemians, Czechs, French, Germans, Hispanics (including the events related to the forcible removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression), Hungarians, Irish, Italians, Lithuanians, Polish, Russians, Scots, and Slovaks in the history of this country and State. ¹⁹

In addition, all schools shall hold an educational program on the United States Constitution on Constitution Day, each September 17, commemorating the September 17, 1787 signing of

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¹⁴ 105 ILCS 5/27-5 requires school boards to provide for students' physical education and allows the P.E. course offered in grades 5 through 10 to include the health education courses required by State law.

105 ILCS 5/27-6 describes when students may be excused from daily P.E. See also 23 Ill.Admin.Code §1.420(p). 105 ILCS 5/27-7 describes the goals and requirements for P.E. courses; these are re-stated in this sample policy.

105 ILCS 5/27-6 contains an exception to the daily P.E. requirement for schools engaged in block scheduling; if this is applicable, substitute this sentence for the last sentence in this paragraph:

Unless otherwise exempted, all students are required to engage daily during the school day, except on block scheduled days for those schools in block scheduling, in a physical education course.

¹⁵ 105 ILCS 5/27-13.2 and 110-3; 23 Ill.Admin.Code §1.420(m). Health education program content is described in administrative procedure 6000-XP, *Comprehensive Health Education Program*; this administrative procedure requires the development of a family life and sex education program. The State Police and ISBE must develop instruction on child abduction prevention instruction (20 ILCS 2605/2605-480).

¹⁶ 23 Ill.Admin.Code §1.420(i). See 105 ILCS 435/0-0 et seq. for the Vocational Education Act.

¹⁷ 105 ILCS 5/27-12.1, as amended by P.A. 95-863; 23 Ill.Admin.Code §1.420(k).

¹⁸ 105 ILCS 5/27-13.1 and 23 Ill.Admin.Code §1.420(l).

¹⁹ 105 ILCS 5/27-21, as amended by P.A. 96-629 (eff. 1-1-01), and 23 Ill.Admin.Code §1.420(r).

the Constitution. However, when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week. ²⁰

14. In grade 7 and all high school courses concerning U.S. history or a combination of U.S. history and American government, students must view a Congressional Medal of Honor film made by the Congressional Medal of Honor Foundation, provided there is no cost for the film. ²¹
15. In all schools, the curriculum includes a unit of instruction on the Holocaust and crimes of genocide, including Nazi atrocities of 1933-1945, Armenian Genocide, the Famine-Genocide in Ukraine, and more recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan. ²²
16. In all schools, the curriculum includes a unit of instruction on the history, struggles, and contributions of women. ²³
17. In all schools, the curriculum includes a unit of instruction on Black History, including the history of the African slave trade, slavery in America, and the vestiges of slavery in this country, as well as the struggles and contributions of African-Americans. ²⁴
18. In all schools offering a secondary agricultural education program, the curriculum includes courses as required by 105 ILCS 5/2-3.80. ²⁵
19. In all schools, instruction during courses as determined by the Superintendent or designee on disability history, awareness, and the disability rights movement. ²⁶

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²⁰ Section 111 of Division J of Pub. L. 108-447, the Consolidated Appropriations Act, 2005, Dec. 8, 2004; 118 Stat. 2809, 3344-45 (Section 111). Section 111(b) states: "[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the U.S. Constitution on September 17 of such year"

²¹ 105 ILCS 5/27-3.5, added by P.A. 96-09. The Congressional Medal of Honor film is available on ISBE's website for no cost at www.isbe.net/curriculum/medal_of_honor.htm.

²² 105 ILCS 5/27-20.3 requires the curriculum to include a *unit of instruction* on this subject but does not specify the amount of time that constitutes a *unit of instruction*.

²³ 105 ILCS 5/27-20.5 requires the curriculum to include a *unit of instruction* on this subject but does not specify the amount of time that constitutes a *unit of instruction*.

²⁴ 105 ILCS 527-20.4 requires the curriculum to include a *unit of instruction* on this subject but does not specify the amount of time that constitutes a *unit of instruction*.

²⁵ 105 ILCS 5/2-3.80(a)(1).

²⁶ 105 ILCS 5/2-3.80(a)(2). P.A. 96-191, eff. 1-1-10. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. The statute requires that the instruction be founded on the principle that all students, including students with disabilities, have the right to experience self-determination. It urges districts to recruit individuals with disabilities to assist in the development and delivery of instruction and also encourages the participation of knowledgeable grass-roots people.

LEGAL REF.: 5 ILCS 465/3 and 465/3a.
 20 ILCS 2605/2605-480.
 Public Law 108-447, Section 111 of Division J.
 105 ILCS 5/2-3.80(e) and (f), 5/27-3, ~~5/27-3.5~~, ~~5/27-5~~, 5/27-6, 5/27-7, 5/27-12,
 5/27-12.1, 5/27-13.1, 5/27-13.2, 5/27-20.3, 5/27-20.4, 5/27-20.5, 5/27-21,
 5/27-22, 5/27-23, 5/27-23.3, 5/27-23.4, 5/27-23.7, ~~5/27-23.8~~, ~~5/27-24.2~~,
~~435/0-01 et seq.~~, and 110/3.
 625 ILCS 5/6-408.5.
 23 Ill.Admin.Code §§1.420, 1.430, and 1.440.

CROSS REF.: 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:70
 (Teaching About Religions), 7:190 (Student Discipline); 7:260 (Exemption from
 Physical Activity)

Students

Equal Educational Opportunities 1

Equal educational and extracurricular opportunities shall be available for all students without regard to race, color, national origin, race, nationality, religion, sex, sexual orientation, ancestry, age, religious beliefs, physical or mental disability, gender identity, status as of being homeless, or 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.

~~As The Ill. Human Rights Act and an ISBE rule prohibits schools from discriminating against students on the basis of sexual orientation (23 Ill.Admin.Code §1.240). The Ill. Human Rights Act prohibits a school from denying a student "the full and equal enjoyment of [his] facilities, goods, and services" on the basis of sexual orientation *gender identity* (775 ILCS 5/5-101(1)), as amended by P.A. 95-668. However, the Act does not provide a remedy for charges involving curriculum content, course content, or course offerings, conduct of the class by the teacher or instructor, or any activity within the classroom or connected with a class activity such as physical education." It defines *sexual orientation* (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), amended by P.A. 96-447, added *order of protection status* to the list of protected categories.~~

~~*Gender identity* is included in the definition of *sexual orientation* in the The Ill. Human Rights Act, boards that want to highlight this frequently misunderstood status should add *gender identity* to the list of protected classifications. I added here it should also be added in the next section, "Sex Equity." 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, added by P.A. 96-814).~~

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 or (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 5/5-102.2, added by P.A. 96-814) on the basis of the individual's sex or sexual orientation, among other classifications (775 ILCS 5/5-101, as amended by P.A. 95-668). 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

No student shall, based on sex ~~or~~, 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 Educational Amendments.
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 5/101 ~~et seq.~~ 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), 6:220 (Instructional Materials Selection and Adoption), 7:20 (Harassment of Students Prohibited), 7:130 (Student Rights and Responsibilities), 7:330 (Student Use of Buildings - Equal Access), 8:20 (Community Use of School Facilities)

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 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).

⁷ Required by regulations implementing Title IX (34 C.F.R. Part 106 s).

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

Harassment of Students Prohibited ¹

No person, including a District employee or agent, or student, shall harass, intimidate or bully another student based upon a student's race, color, ~~national origin~~ nationality, sex, sexual orientation, ancestry, age, religion, creed, physical or mental disability, gender identity, order of protection status ~~as~~, status of being homeless, or actual or potential marital or parental status, including pregnancy, or other protected group status. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, causing psychological harm, threatening or causing physical harm, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above. ²

Complaints of harassment, intimidation or bullying are handled according to the provisions on sexual harassment below. ³ The Superintendent shall use reasonable measures to inform staff members and

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

² This sentence is optional. While *hate speech* is not specifically mentioned in this paragraph, any hate speech used to harass or intimidate is banned. Hate speech without accompanying misconduct may be prohibited in response to actual incidences when hate speech interfered with the educational environment. West v. Derby Unified Sch. Dist., 206 F.3d 1358 (10th Cir. 2000). The following addition is based on this case; absent documentation of hate speech occurrences, this option's inclusion will probably violate the First Amendment:

District employees and students shall not at school, on school property, or at school activities, wear or have in their possession any material, either printed or in their own handwriting, that is divisive or creates ill will or hatred based on race, religion, or sexual orientation (See definition of sexual orientation discussed below). (Examples: clothing, articles, material, publications or any item that denotes Ku Klux Klan, Aryan Nation-White Supremacy, Black Power, Neo-nazi, or any other "hate" group. This list is not intended to be all-inclusive.)

~~As the Ill. Human Rights Act and an ISBE rule prohibit schools from discriminating against students on the basis of sexual orientation (23 Ill. Admin. Code §1-240). The Ill. Human Rights Act prohibits a school from denying a student "the full and equal enjoyment of [its] facilities, goods, and services" on the basis of sexual orientation gender identity (775 ILCS 5/5-101(1)), amended by P.A. 95-668. However, the Act does not provide a remedy for "charges involving curriculum content, course content, or course offerings, conduct of the class by the teacher or instructor, or any activity within the classroom or connected with a class activity such as physical education." It defines sexual (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) amended by P.A. 96-447, added order of protection status to its list of protected categories.~~

~~Gender identity is included in the definition of sexual orientation in the The Ill. Human Rights Act. boards that want to highlight this frequently misunderstood status should add gender identity to the list of protected classifications. 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 added by P.A. 96-814).~~

³ The State legislature has found that bullying behavior has been linked to other forms of antisocial behavior including sexual harassment and violence. The statute defines *bullying prevention* to mean and include instruction about: (1) intimidation, (2) student victimization, (3) sexual harassment, (4) sexual violence, and (5) strategies for student centered problem solving regarding bullying (105 ILCS 5/27-23.7(a), as amended by P.A. 95-349).

Change language as noted

students that the District will not tolerate harassment, intimidation or bullying by including this policy in the appropriate handbooks. ⁴

Sexual Harassment Prohibited

Sexual harassment of students is prohibited. ⁵ Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

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

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Students who believe they are victims of sexual harassment or have witnessed sexual harassment, are encouraged to discuss the matter with the student Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager. Students may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.

An allegation that one student was sexually harassed by another student shall be referred to the Building Principal, Assistant Building Principal, or Dean of Students for appropriate action.

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⁴ 105 ILCS 5/27-23.7(d), as amended by P.A. 95-349, requires school districts to communicate its policies on bullying to its students and their parents/guardians on an annual basis.

⁵ Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance (42 U.S.C. § 2000e-1681). The sample policy's definition of sexual harassment does not distinguish between welcome and unwelcome behaviors - each is prohibited if it has a result described in sub-paragraph 1 or 2. See Mary M. v. North Lawrence Community School Corp., 131 F.3d 1220 (7th Cir., 1997) (An eighth grade student did not need to show that a school employee's sexual advances were *unwelcome* in order to prove sexual harassment.).

School districts are liable for damage awards for an employee's sexual harassment of a student in limited situations. Liability occurs only when a district official who, at a minimum, has authority to institute corrective action, has actual notice of and is deliberately indifferent to the employee's misconduct. Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998). Schools are liable in student-to-student sexual harassment cases when school agents are deliberately indifferent to sexual harassment, of which they have actual knowledge, that is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school. Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999). The Ill. Dept. of Human Rights now has jurisdiction over allegations that a school failed to take corrective action to stop severe or pervasive harassment of an individual based upon a protected category. 1775 ILCS 5/5-102.2, added by P.A. 96-814).

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. ⁶ At least one of these individuals will be female, and at least one will be male.

Nondiscrimination Coordinator:

Dr. Sandra Stringer
Name

Address

Telephone

Complaint Managers:

Diane Betts
Name

Address

Telephone

Dan Walsh
Name

Address

Telephone

The Superintendent shall use reasonable measures to inform staff members and students that the District will not tolerate sexual harassment, such as by including this policy in the appropriate handbooks. ⁷

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any District student who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

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⁶ Title IX regulations require districts to identify the person, address, and telephone number of the individual responsible for coordinating the district's compliance efforts.

⁷ In addition to notifying students of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district's compliance with Title IX (34 C.F.R. Part 106.8(a)). A comprehensive student handbook can provide required notices, along with other important information to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments.
34 C.F.R. Part 106.
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
23 Ill.Admin.Code §1.240 and Part 200.
Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998).
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10th Cir., 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Sexual Harassment), 7:10 (Equal Educational Opportunities), 7:190 (Student Discipline)

Students

Preventing Bullying, Intimidation, and Harassment ¹

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors is an important District goal. The Superintendent or designee shall develop and maintain a program that:

1. Fully implements and enforces each of the following Board policies: ²
 - a. *7:20, Harassment of Students Prohibited.* This policy prohibits any person from harassing or intimidating a student based upon a student's sex, ~~race, color, race, religion, creed, ancestry, national origin, nationality, sex, sexual orientation, ancestry, age, religion, creed, physical or mental disability, sexual orientation, gender identity, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, or other protected group status.~~
 - b. *7:190, Student Discipline.* This policy prohibits students from engaging in hazing or any kind of aggressive behavior that does physical or psychological harm to another or any urging of other students to engage in such conduct; prohibited conduct includes any use of violence, force, noise, coercion, threats, intimidation, fear, harassment, bullying, hazing, or other comparable conduct.
 - c. *7:310, Restrictions on Publications and Written or Electronic Material.* This policy prohibits students from: (i) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (ii) creating and/or distributing written, printed, or electronic material,

*Change
to include*

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 bullying (105 ILCS 5/27-23.7). The policy must be filed with ISBE; it must be updated every 2 years and again filed with ISBE. State law does not specify the content of the bullying policy's content.

This sample policy's first paragraph and the numbered paragraphs allow a school board to consider its goals for eliminating and preventing bullying; a board should amend the sample policy accordingly.

State law requires that boards ~~Boards must~~ annually communicate their bullying policy to students and their parents/guardians (see item 8 in the policy). This may be accomplished, in part, by including ~~excerpts from this policy as~~ statements, such as the following, in the student handbook and school website:

~~Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. These behaviors will be taken seriously and are not acceptable in any form. Preventing students from engaging in these disruptive behaviors is achieved by fully enforcing these Board policies. (Insert titles and summaries of applicable policies as appropriate to the sample policy.)~~

Full implementation of these policies includes providing each student who violates one and will not be tolerated in school or more of them with appropriate consequences and remedial action as well as protecting any school-related activity. The School District will protect students against retaliation for reporting incidents of bullying, intimidation, or harassment, and will take disciplinary action against any student who participates in such conduct.

² The list of protected statuses is found in 23 Ill. Admin. Code §1-240, amended Sept. 2009, and 775 ILCS 5-1-103(Q), amended by P.A. 96-447, eff. 1-1-10. Be sure the referenced board policies, as adopted locally, contain the language paraphrased in this policy. If not, either substitute similar language from the locally adopted board policies on the same topics, or just insert the titles from relevant locally adopted policies.

including photographs and Internet material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members. ³

Full implementation of the above policies includes: (a) conducting a prompt and thorough investigation of alleged incidents of bullying, intimidation, ~~or~~ harassing behavior, or similar conduct, (b) providing each student who violates one or more of these policies with appropriate consequences and remedial action, and (c) protecting students against retaliation for reporting such conduct.

2. Examines the appropriate steps to understand and rectify conditions that foster bullying, intimidation, and harassment; this contemplates taking action to eliminate or prevent these disruptive behaviors beyond traditional punitive disciplinary actions.
3. Includes bullying prevention and character instruction in all grades in accordance with State law and Board policy 6:60, *Curriculum Content*. ⁴ This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*. ⁵
4. Fully informs staff members of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes: (a) communicating the District's expectation – and the State law requirement – that teachers and other certificated employees maintain discipline, ⁶ and (b) establishing a process for staff members to fulfill their obligation to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence.
5. Encourages all members of the school community, including students, parents, volunteers, and visitors, to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence.
6. Actively involves students' parents/guardians in the remediation of the behavior(s) of concern. This includes ensuring that all parents/guardians are notified, as required by State law, whenever their child engages in aggressive behavior. ⁷
7. Communicates the District's expectation that all students conduct themselves with a proper regard for the rights and welfare of other students. This includes a process for commending or acknowledging students for demonstrating appropriate behavior.
8. Annually communicates this policy to students and their parents/guardians. ⁸ This includes annually disseminating information to all students and parents/guardians explaining the serious disruption caused by bullying, intimidation, or harassment and that these behaviors will be taken seriously and are not acceptable in any form.

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

³ 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. 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.

⁴ 105 ILCS 5/27-23.7.

⁵ 405 ILS 49/1 et seq.

⁶ Required by 105 ILCS 5/24-24.

⁷ 105 ILCS 5/10-20.14; see 7:190-E, *Aggressive Behavior Reporting Letter and Form*.

⁸ Required by 105 ILCS 5/27-23.7(d).

9. Engages in ongoing monitoring that includes collecting and analyzing appropriate data on the nature and extent of bullying in the District's schools and, after identifying appropriate indicators, assesses the effectiveness of the various strategies, programs, and procedures and reports the results of this assessment to the Board along with recommendations to enhance effectiveness.
10. Complies with State and federal law and is in alignment with Board policies. This includes prompting the Board to update the policy beginning every 2 years after its initial adoption and filing this policy with the Illinois State Board of Education after the Board adopts or updates it. ⁹

LEGAL REF.: 405 ILS 49/, Children's Mental Health Act,
105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.
23 Ill.Admin.Code §§1.240 and §1.280.

CROSS REF.: 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:190 (Student Discipline), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:310 (Restrictions on Publications and Written or Electronic Material)

The information is not intended to be part of the adopted policy. It should be removed before the policy is adopted.
⁹ Id.

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

Board of Education Agenda

DRAFT

**Monday, February 22, 2010
Carpenter Elementary School – North Gym
300 N. Hamlin Avenue**

Please note that the starting times after the first session are estimates. If a session ends earlier than expected, the next session scheduled may convene immediately. In addition, on some occasions the order of business may be adjusted as the meeting progresses to accommodate Board members' schedules, the length of session, breaks and other needs.

Monday, February 22, 2010

TIME

APPENDIX

6:00 p.m.	Meeting of the Board Convenes <ul style="list-style-type: none"> • Roll Call • Introductions • Opening Remarks from President of the Board 	
6:00 p.m.	<ul style="list-style-type: none"> • Board Recesses and Adjourns to Committee of the Whole: Present Strategic Plan Team Report 	
7:30 p.m.	<ul style="list-style-type: none"> • Board Adjourns from Committee of the Whole: Presentation of Strategic Plan Team Report and Resumes Regular Meeting 	
7:30-7:35 p.m.	<ul style="list-style-type: none"> • Public Comments 	
7:35-7:50 p.m.	<ul style="list-style-type: none"> • Recognition of Strategic Planning Participants -- Superintendent 	A-1
7:50-8:10 p.m.	<ul style="list-style-type: none"> • Update on Implementation of District Goals at Carpenter -- Principal 	A-2
8:10-8:15 p.m.	<ul style="list-style-type: none"> • Board Authorizes 2010-11 Staffing Plan -- Business Manager 	A-3
8:15-8:20 p.m.	<ul style="list-style-type: none"> • First Reading of Policy 8:25 -- Superintendent 	A-4
8:20-8:25 p.m.	<ul style="list-style-type: none"> • Consent Agenda -- Board President <ul style="list-style-type: none"> • Personnel Report • Bills • Approval of Policy Issue 69, November 2009 and Policy Issue 70, December 2009 	A-5

- Destruction of Audio Closed Minutes

8:25-8:30 p.m. • **Approval of Minutes** **Action Item 10-02-5** **A-5**

-- Board President

- Open Minutes of February 5 and 6, 2010 on Strategic Planning
- Open Minutes of February 8, 2010
- Open Minutes of Committee of the Whole on Finance Minutes of February 8, 2010

8:30-8:35 p.m. • **Other Items of Information** **A-6**

-- Superintendent

- Upcoming Agenda
- Memorandums of Information
 - Direct Purchase of Natural Gas Update
 - Recap on Quotes for Art, Paper & General Supplies
- Minutes of Board Committees
 - Traffic Safety Committee Meeting Minutes of February 9, 2010
 - Green Team Committee Meeting Minutes of February 16, 2010

8:35 p.m. • **Adjournment**

Next Regular Meeting: **Monday, March 8, 2010 – 7:30 p.m.**
 Raymond Hendee Educational Service Center
 164 S. Prospect Avenue

March 8

- Dismissal of Staff
- Recommendation on FLES Materials
- Approval of Student Fees

April 5

- Approval on FLES Recommendation
- Recommendation on Language Arts Instruction Materials

April 26

- Present Recommendation on Strategic Plan
- Update on Green Initiatives

May 10

- Approve Strategic Plan and Implementation for 2010-11

May 24

- Committee of the Whole: Board Reviews Draft of the 2010-11 Tentative Budget

June 14, 2010

- Committee of the Whole: Board Reviews Draft of the 2010-11 Tentative Budget

June 28, 2010

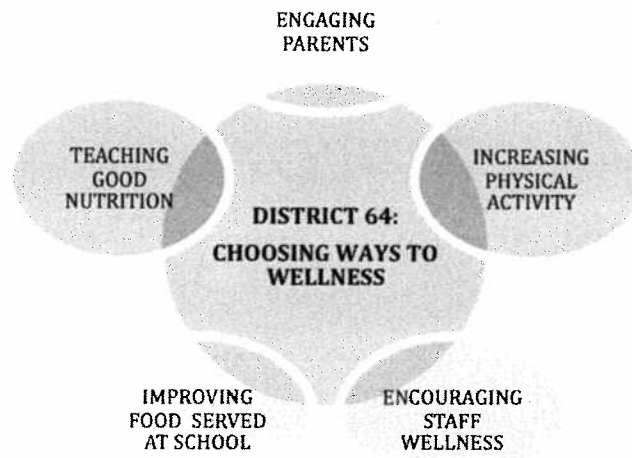
- Board Adopts 2010-11 Tentative Budget

- Board Sets Date of Public Hearing for Final Budget Adoption
- Board Places Tentative Budget on Public Display for 30 days Prior to Public Hearing and Final Budget Adoption

TBD

- Update on Wellness
- Update on MTSEP
- Recommendation on Financial and Human Resources Software Package
- Approval of Superintendent
- Review of Early Entrance Criteria
- Food Service Contract (April)
- Custodial Supply Bid & Copier Paper Bid (May or June)
- Bid for Printer Ink Cartridges (May)
- P.E. Uniforms (Memo of Information) (March)

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 Buildings and Grounds 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



DISTRICT 64 WELLNESS COUNCIL 01/19/10

Present: S. Pryor, S. Stringer, N. Norris, M. Borowski, P. Risk, B. Parypinski, E. Lawson, D. Walsh, M. Petkofski

•School Team Reports

Jefferson: monthly healthy snacks for staff; Wellness Bulletin board for staff/parents

Field: various “walks” for students and staff, benefitting various causes; bulletin board for students/staff capturing physical activity; building has many enthusiastic participants for healthy activities

Franklin: staff treats appear to be healthier

Carpenter: interested in planning 5K run for students/staff, and yoga classes for staff; pot luck salad bar being planned for staff

Emerson: expanded activities (intramural) for students after school; very positive changes noted in cafeteria food

Lincoln: women’s exercise class begun; also noted positive changes in foods offered in the cafeteria

•Staff Lunch Walk

Appeared to be well received by school staff. Council members expressed interest in organizing another walk, and to continue on a regular basis. Next walk scheduled for Staff Development Day, 2/16/10. Message will appear in the Staff Bulletin.

•Middle School Cafeteria Changes

New food service has made very positive changes in types of foods offered.

•Possible Yoga Classes at Carpenter

P. Risk discussed idea of having yoga classes at Carpenter, run by Carpenter parent, who would donate \$5.00 class fee to ELF or charity. S. Pryor reviewed guidelines for proposed activities/classes held in district buildings. A Facilities Use form must be filled out, and activity must comply with district guidelines. For form, contact Marianne Venetucci, Buildings and Grounds, at ESC.

•District Medical Screening

S. Stringer shared that the district is arranging for a Wellness Screening Day through Wellness Inc. Free of cost to BC/BS members, this on-site screening includes comprehensive blood test, blood pressure screening, etc, as well as follow up information for individuals regarding their results.

•Stress Management: Health Wellness Foundation

HFA is an organization that arranges for local physicians to come to facilities to run classes on stress management, nutrition, etc, free of charge. S. Pryor requested more background information on this organization, including its funding sources.

•Web Page

C. Meredith has been working on a page, and will share with Dr. Pryor for approval. Carey is asking for pictures of staff and students who are participating in "wellness" activities. The preliminary plan is also to link reputable web sites for wellness information, and to share healthy food suggestions/recipes. Dr. Pryor suggested that for the time being, the web page to be available to view by staff only.

•Healthy Heart Month

February is Healthy Heart Month. Council members agreed that we should organize a few simple activities to promote cardiac wellness. Since February 5th is National Wear Red Day, staff will be encouraged to wear red. In addition, district nurses have agreed to do blood pressure screenings the last week of February, for district staff. M. Petkofski will send out messages via Staff Bulletin regarding details.

•Next Meeting

Tuesday, February 23rd, 4:00-5:00 pm, at ESC. Submitted by M. Petkofski.

**BOARD OF EDUCATION
COMMUNITY CONSOLIDATED SCHOOL DISTRICT 64**

Minutes of the Planning Committee for Community Finance Committee
held at 7 p.m. on January 19, 2010
Raymond E. Hendee Educational Service Center
164 S. Prospect Ave., Park Ridge, IL 60068

Superintendent Sally Pryor called the meeting to order at 7:07 p.m. Also present were: Board of Education Members Eric Uhlig and Sharon Lawson (arrived in progress); Community Finance Committee (CFC) Study Group Chairs Craig Elderkin, Kent Bergren and Mike Calahan (arrived in progress); Business Manager Becky Allard; and, Public Information Coordinator Bernadette Tramm.

Upon motion of Mr. Elderkin and second of Mr. Bergren, the minutes of the planning committee meetings of August 12 and November 30 were approved.

Dr. Pryor stated the purpose of the meeting was to review a draft memo to the Board of Education prepared by CFC on recommendations from the CFC 10-year fund balance outlook. The Financial Structure Study Group presented the outlook to the Board at a Committee-of-the-Whole on Finance meeting on November 9, 2009.

Mr. Elderkin pointed out the recommendations were ranked in importance by dollars. Dr. Pryor suggested that discussion be deferred on the first of the six recommendations contained in the report until the other items had been addressed. Discussion proceeded as follows:

#2 – Health Benefit Costs

Both short and long term projects are suggested. Regarding the short-term project, Ms. Allard noted that there are two insurance pools available to District 64 that could be explored to determine whether our benefits could be improved. This would be a relatively straightforward project. If it looked interesting, the District's Insurance Committee could then be involved. The longer term idea of accelerating the employee cost-sharing would require Board involvement and discussion since it is a negotiated item with the Park Ridge Education Association (PREA); the current PREA contract runs through August 2012. The other long term idea of providing incentives for employees to use high deductible plans would also require Board involvement; the Insurance Committee could be asked to explore whether additional employee education would be beneficial. The long-term projects would require several years to study and explore.

#3 – Special Education Tuition

Mr. Elderkin noted the goal would be to explore the potential for reduction in the rate of special education tuition expenditures growth, but that it is unclear how CFC could contribute since it is such a highly specialized discipline. Perhaps families of students could be included. Dr. Pryor noted a major concern is the ability to find a consultant to have knowledge about disability laws and the educational setting and the cost of hiring a consultant. She strongly cautioned that there are sure to be legal challenges to any proposed changes, as special education is an area that parents are quick to bring in attorneys when they are not in agreement with proposed services. She stated that any change in the District's current model would certainly result in increased legal fees to the District. Ms. Allard also pointed out that CFC might not understand the level of reimbursement that District 64 receives from federal and state sources to provide special

education services. Regarding parent involvement, Dr. Pryor noted that after a period of turmoil, a parent group for special needs had disbanded about five years ago as issues were resolved and the need for a special advocacy group no longer existed. Dr. Pryor noted that from the administration's perspective, this proposed topic is important, but needs further discussion. Specifically, CFC would benefit from a clearer picture of how reimbursements are received and an understanding of the legal implications and obstacles. The committee agreed that the Maine Township Special Education Cooperative (MTSEP) study currently underway would be very important to review and analyze.

#4 – Other Expense Growth

The committee agreed that the District continue its focus on maintaining its "culture of savings." This is an area where CFC can readily lend assistance. Dr. Pryor suggested it would be a good time to do a status report updating where the District is, what is effective and already in place, and what comes next. She expressed concern about how the potential economic benefits are worded to reduce the rate of expense growth. She noted the District has tried to maintain 0% increases in any of the purchased services areas. Based on past experience, Board direction would be needed to reduce growth, in other words to cut the current level of expenditures. Ms. Allard stated that the District is always trying to save money on our purchasing.

Ms. Allard introduced the idea of replacing the aging fluorescent ceiling light fixtures throughout the District as an opportunity to save energy costs. It would require capital outlay up front, and could be amortized over 10 years. She noted that funding might be available through the American Recovery and Reinvestment Act (ARRA). There were a number of ideas contributed about ways to explore this idea further. It was agreed that this was a good suggestion meriting further study.

#5 – Alternative Income Stream

Mr. Elderkin pointed out the intent of these topics is to evaluate ideas that have been raised at different times in recent years as well as looking at any specific projects that arise from the District's new strategic plan that might be suitable to explore for grant funding. Dr. Pryor commended the CFC for these trend-setting ideas that may eventually yield additional revenues to the District. A number of suggestions were shared on where further information could be obtained on these studies.

#6 – Property Tax Environment

The committee was in agreement that the financial model and projections would continue to be a high priority for the District. Ms. Allard said she expects to review the model with the Board annually. She pointed out that the Illinois State Board of Education already requires districts to submit a deficit reduction plan if they file a budget that calls for deficit spending.

#1 – Staffing Model/Staffing Approach

Dr. Pryor noted that this recommendation was the most problematic. She stated her deep concern that utilizing a consultant from the private sector would be a waste of resources and time needed to acquaint him or her to the specific requirements of the educational setting. To be useful, a consultant must have deep knowledge of public education administration, preferably in Illinois, otherwise recommendations will not meet legal requirements. She gave as an example the rigid procedures for principals to evaluate teachers, noting the recent legislation passed by the Illinois General Assembly making changes to the evaluation process. A consultant must understand the responsibilities of the principal position in order to begin evaluating the job requirements and functions.

Mr. Elderkin commented that CFC was trying to design a holistic framework to assist the Board and administration when evaluating proposed staff additions. Mr. Elderkin noted that the private sector is quite familiar with this model, but that it has not been done in a school district as far as CFC was able to identify. Dr. Pryor stated the administration's concern that this recommendation is not reflective of the public education environment and that it would be difficult to apply a strictly business model into a public education setting with its very different legal requirements and highly regulated environment when working with children. Mr. Elderkin noted that many private sector businesses operate in heavily unionized environments or with environmental restrictions. Consultants would have some capabilities in working around those constraints.

Dr. Pryor suggested that this recommendation must be blended with the realities of public education requirements. She suggested that more time be spent talking about what the goal is and then a study could be designed to achieve that goal. A consultant could then be identified to work with it. Ms. Allard pointed out that educational consultants like Jim Warren or Sam Mikaelian, whom the Board has employed, would be a good place to start. A general discussion ensued about critical differences between the education and business environment including the heavy evening demands on school administrators.

Report Introduction

There was additional discussion about the wording of the conclusions in the introduction to the report regarding the expectation for annual operating deficits to occur in future years, and that this spending down of the fund balance was projected as part of the District's financial model at the time of the referendum when the 10-year target of maintaining the fund balance policy was developed. A wording change was recommended to reflect this discussion.

It was agreed that CFC would present the memo to the Board at the January 25 meeting. Mr. Elderkin said he would note that the CFC and administration are substantially in agreement on five of the six recommendations and will try to note the comments received in this discussion. He will make a wording change and forward to Dr. Pryor's office. Dr. Pryor stated that administration might develop a further report separately from CFC's at a later time.

The committee then discussed the timing of Ms. Allard's presentation to the Board of an updated financial model. This base case for the model differs from the CFC projections presented in December as it reflects the 2.7% CPI for 2009 in revenues. She noted the model forecasts that the District will be able to maintain the fund balance policy through 2017. It also shows how \$500,000 can be added for strategic planning initiatives over the next five years. The CFC will be very interested in reviewing the analysis. Ms. Allard said it is tentatively on the agenda for the January 25 meeting, pending timely receipt and review of the materials from the consultant.

The next meeting of the full CFC was scheduled for Thursday, February 18 at 7 p.m. at the ESC. Dr. Pryor will coordinate with Mr. Elderkin on the agenda and distribute to the members.

The meeting was adjourned at 8:32 p.m.

Minutes submitted by Bernadette Tramm