

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

**Board of Education Agenda
Monday, March 14, 2011
Lincoln Middle School - Gym
200 South Lincoln 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, March 14, 2011

TIME		APPENDIX
6:00 p.m.	<ul style="list-style-type: none"> Meeting of the Board Convenes • 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 Closed Meeting 	
6:30 p.m.	<ul style="list-style-type: none"> • Board Resumes Regular Meeting - Tour of Lincoln School Facility 	
7:30-7:35 p.m.	<ul style="list-style-type: none"> • Public Comments 	
7:35-7:40 p.m.	<ul style="list-style-type: none"> • Appointment of Field Elementary School Principal -- Superintendent Action Item 11-03-1 	A-1
7:40-7:45 p.m.	<ul style="list-style-type: none"> • Appointment of Emerson Middle School Principal -- Superintendent Action Item 11-03-2 	A-2
7:45-7:55 p.m.	<ul style="list-style-type: none"> • Presentation of Channels of Challenge Identification Process Criteria -- Assistant Superintendent for Student Learning 	A-3
7:55-8:05 p.m.	<ul style="list-style-type: none"> • First Reading of Press Policy Issue 74, October 2010 -- Superintendent 	A-4
8:05-8:15 p.m.	<ul style="list-style-type: none"> • Approval of 2011-12 Student Fees -- Business Manager Action Item 11-03-3 	A-5
8:15-8:20 p.m.	<ul style="list-style-type: none"> • Approval of Food Service Contract Renewal -- Business Manager Action Item 11-03-4 	A-6
8:20-8:25 p.m.	<ul style="list-style-type: none"> • Consent Agenda Action Item 11-03-5 -- Board President <li style="padding-left: 20px;">• Personnel Report <li style="padding-left: 20px;">• Payroll & Bills <li style="padding-left: 20px;">• Approval of Financial Update for the Period Ending February 28, 2011 	A-7

- A Resolution #1069 Recommending the Board Adopt a Copy Fee Schedule for FOIA Requests
- Acceptance of Donation of Statue
- Destruction of Audio Closed Minutes (none)

8:25-8:30 p.m. • **Approval of Minutes** **Action Item 11-03-6** **A-8**
 -- Board President

- Open and Closed Minutes of February 28, 2011
- Special Meeting Minutes of March 7, 2011

8:30-8:35 p.m. • **Other Items of Information** **A-9**
 -- Superintendent

- Upcoming Agenda
- Memorandum of Information
- Facility Update
- School Search™ 2011 Bright Red Apple™ Award
- Minutes of Board Committees
- Community Finance Committee Minutes of February 24, 2011
- Traffic Safety Minutes of March 8, 2011
- Other
- Healthy Living Month

8:35 p.m. • **Adjournment**

Next Regular Meeting: Monday, April 4, 2011
 7:30 p.m. – Regular Board Meeting
 Hendee Educational Service Center
 164 S. Prospect Avenue
 Park Ridge, IL 60068

April 4, 2011

- Strategic Plan Progress Report • Recommendation of District Architect of Record
- Approval of PRESS Policy Issue 74, October 2010
- Approval of Channels of Challenge Identification Process & Criteria

April 25, 2011

- Strategic Plan Report on 2011-12 Action Plans and Budget
- Presentation of Board Meetings 2011-12
- Approval of March Financials • Appointment of Director of Pupil Services
- Approval of RFP Copier Bid • Recommendation of Foreign Language Instructional Materials

May 2, 2011

- Organizational Meeting

May 9, 2011

- Committee of the Whole: Finance (Board Reviews Draft of the 2011-12 Budget)
- Strategic Plan Adoption 2011-12 Actions Plans and Budget
- Adoption of Foreign Language Instructional Materials
- Tour of Roosevelt School Facility

May 23, 2011

- Tour of Emerson Middle School Facility
- ELF Grant Awards
- Recognition of Student Awards

- Approval of April Financials
- Recognition of Tenured Teachers

June 13, 2011

- Approval of Final Calendar for 2010-11
- Committee of the Whole: Finance (Second Draft of the 2011-12 Budget
- Strategic Plan Progress Report • Bid for Copy Paper
- Judith L. Snow Awards • Bid for Physical Education Supplies

June 27, 2011

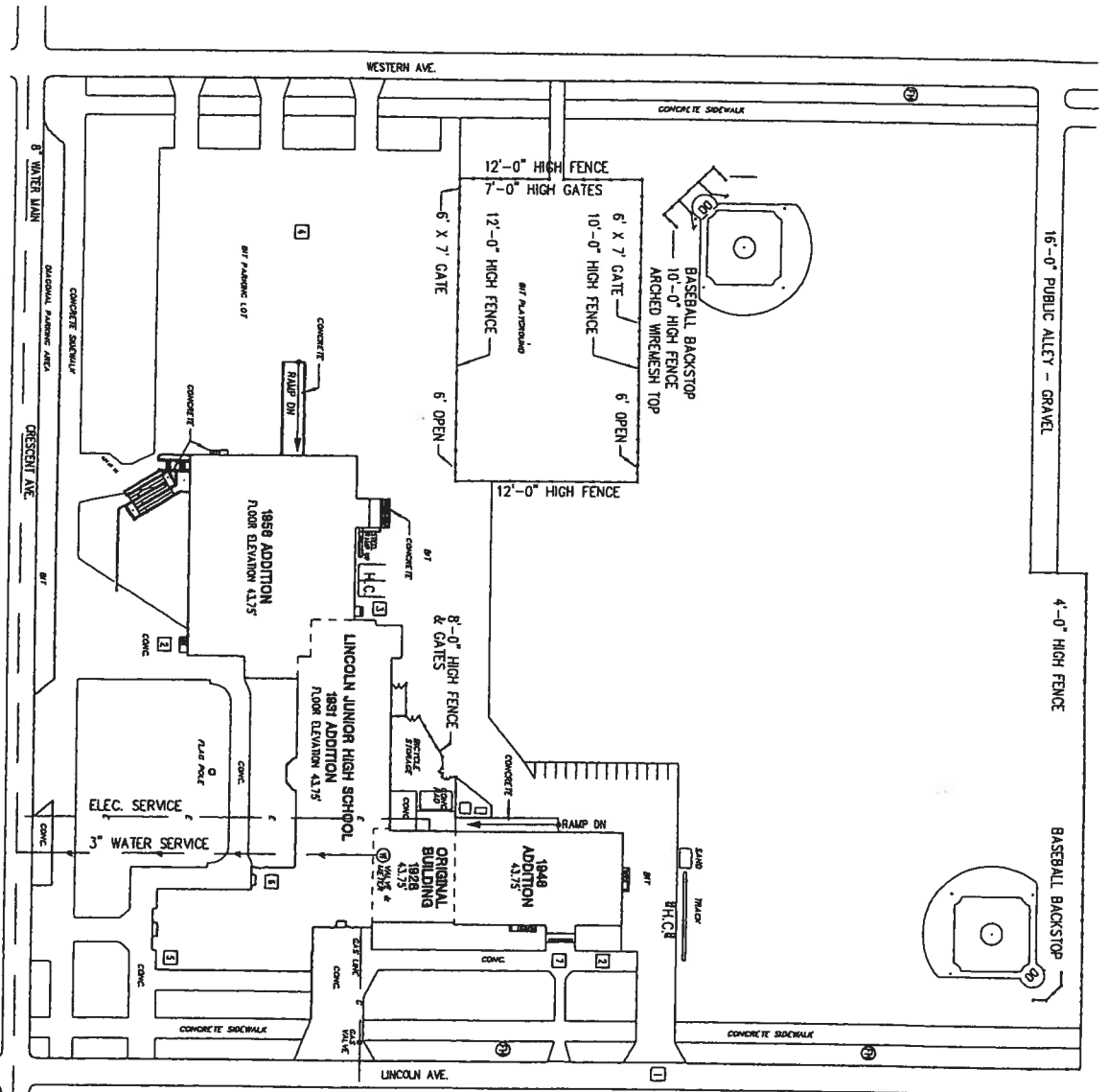
- Custodial Supplies Bid
- Board Adopts 2011-12 Tentative Budget & Establishment of Public Hearing Date
- Approval of May Financials
- Resolution for Prevailing Wage
- Resolution for Transfer of Interest Funds from Working Cash to Educational Fund
- Resolution for Transfer of Interest Funds from Debt Service to Educational Fund
- Approval of Maine Township School Treasurer Depositories

TBD

- Adopt Tentative Calendars for 2012-13 & 2013-14 • Audit - Township Treasurer
- Approval of Contract for District Architect of Record

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.

TOUR OF LINCOLN FACILITY



SITE PLAN
1"=90'

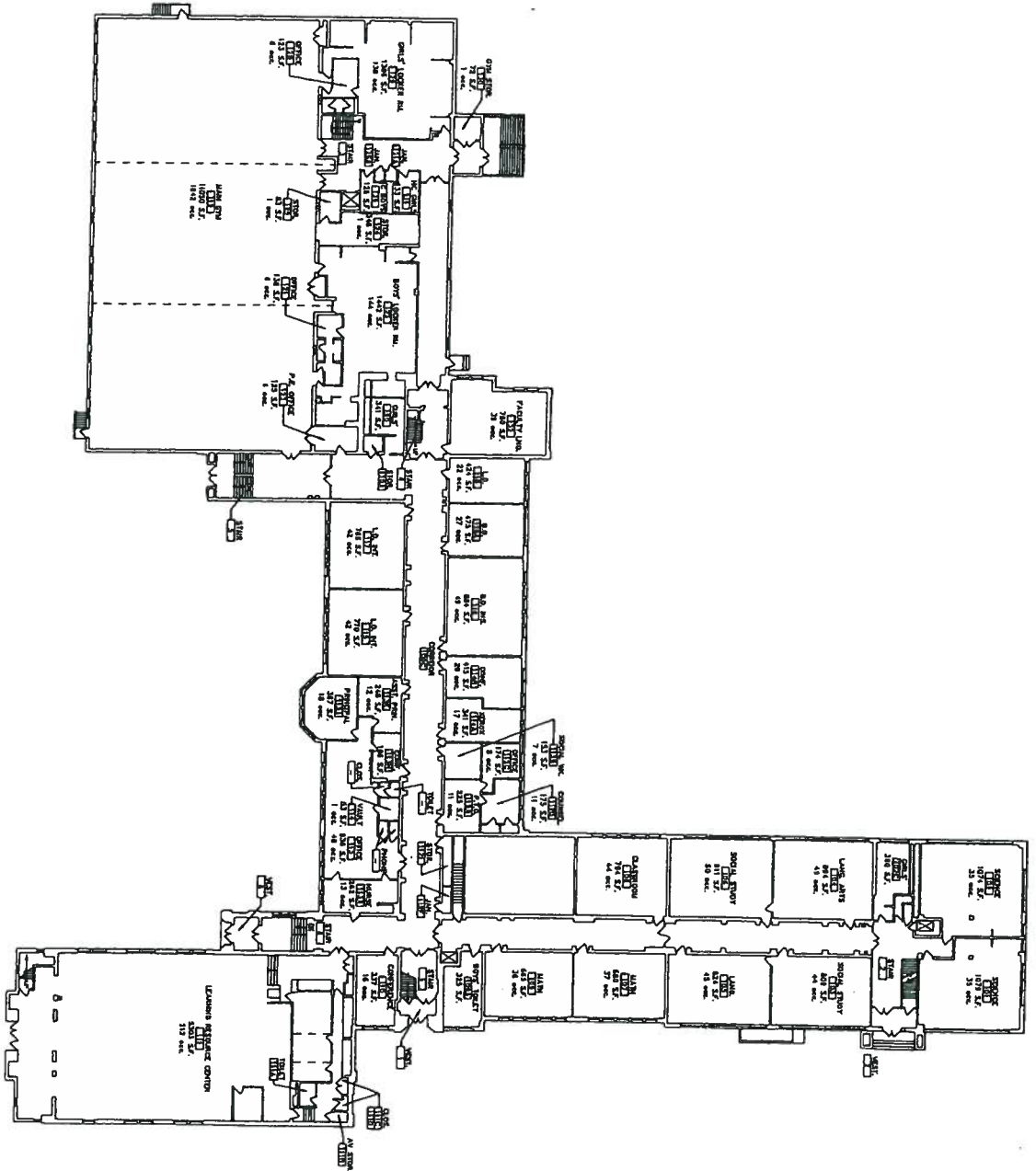
- LEGEND:
- ⊕ DIRT HORIZONTAL
 - ⊖ RAINSPROUTER
 - ⊙ GAS METER
 - ⊗ WATER METER

GREEN ASSOCIATES
Green Associates Architects, Inc.
832 Euler Ave.
Evanston, IL 60202
Telephone 847-328-0852
Facsimile 847-328-0961

LINCOLN MIDDLE SCHOOL

SITE PLAN
C.C.S.D. 64
PARK RIDGE, ILLINOIS

DATE	08-21-00
DRAWN BY	L
CHECKED BY	1



FIRST FLOOR PLAN

1"=40'

GREENASSOCIATES
 2000 Green Associates Architects, Inc.
 Green Associates Architects, Inc.
 832 Custer Ave.
 Evanston, IL 60202
 Telephone 847-328-0852
 Facsimile 847-328-0981

LINCOLN MIDDLE SCHOOL

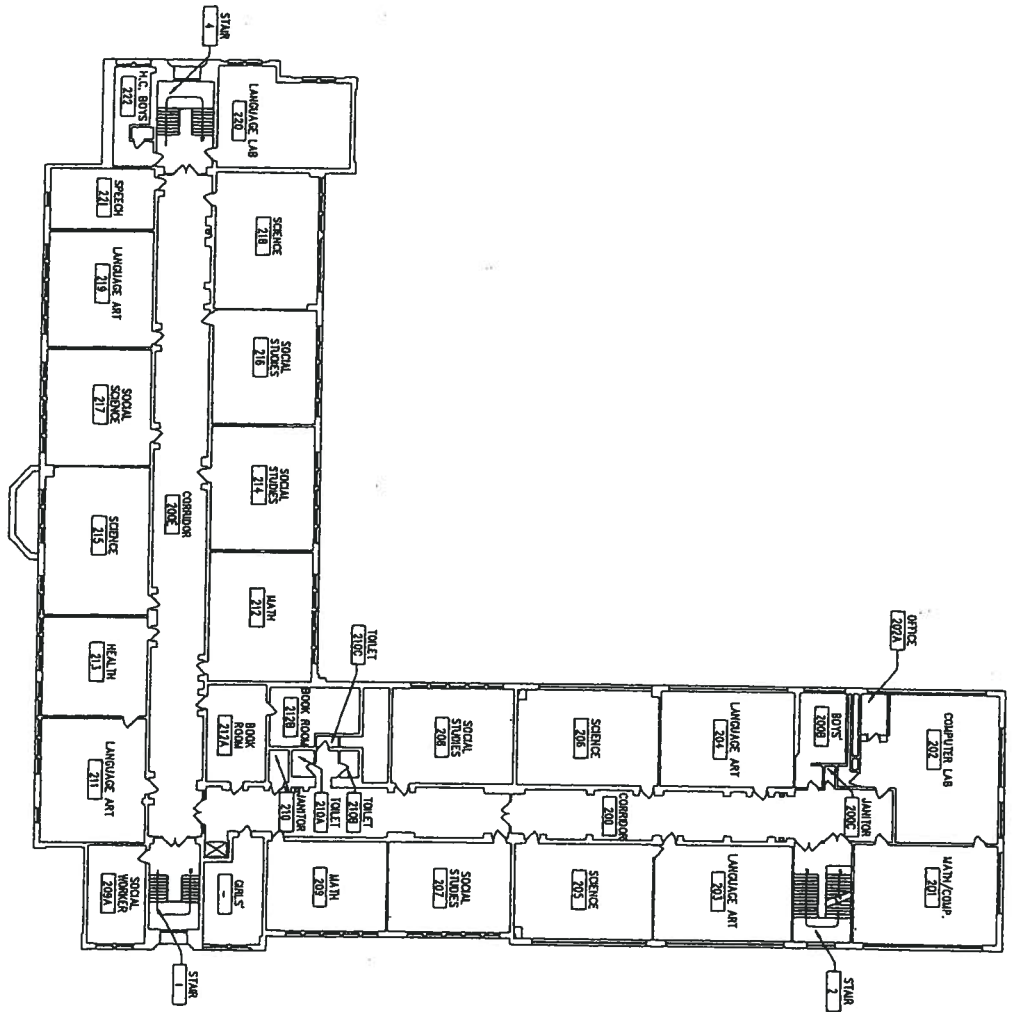
FLOOR PLAN
 C.C.S.D. 64
 PARK RIDGE, ILLINOIS

DATE BY	06-21-00
SCALE	1/4"=1'-0"
DATE	1/31/00
PROJECT	1341-MISC
NO.	L 3



SECOND FLOOR PLAN

1/32"=1'-0"



GREENASSOCIATES
 Green Associates Architects, Inc.
 832 Custer Ave.
 Evanston, IL 60202
 Telephone 847-328-0852
 Facsimile 847-328-0861

LINCOLN MIDDLE SCHOOL
 FLOOR PLAN
 C.C.S.D. 64
 PARK RIDGE, ILLINOIS

DATE BY	DRAWN BY
DATE DATE	08-21-00
DRAWN BY	1341-MSC
L	4

Appointment of Principal at Field Elementary School

ACTION ITEM 11-03-1

I move that the Board of Education of Community Consolidated School District 64, Park Ridge-Niles, Illinois approve the appointment of _____ as the Principal at Field Elementary School beginning July 1, 2011 through June 30, 2012.

Moved by _____ Seconded by _____

AYES:

NAYS:

PRESENT:

ABSENT:

Appointment of Principal at Emerson Middle School

ACTION ITEM 11-03-2

I move that the Board of Education of Community Consolidated School District 64, Park Ridge-Niles, Illinois approve the appointment of _____ as the Principal at Emerson Middle School beginning July 1, 2011 through June 30, 2012.

Moved by _____ Seconded by _____

AYES:

NAYS:

PRESENT:

ABSENT:

To: Board of Education
Dr. Philip Bender

From: Ms. Diane Betts, Assistant Superintendent for Student Learning
Dr. Lynne Farmer, Director of EIS/RtI
Ms. Kathleen Ross, Curriculum Specialist for Channels of Challenge

Date: March 14, 2011

Re: Channels of Challenge Identification Process Review

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:	None

BACKGROUND

During the 2010-11 school year, the Board discussed the need for a review of gifted programs and services offered in District 64. After several meetings on this topic, the Board did not support the need to conduct a complete program review of the District's Channels of Challenge program. The Board instead agreed to separate out the issues that seem most important for the District at this time and develop specific plans that can be accomplished in the next few years.

The three questions that were identified to be addressed in the short term (next 1-2 years) are:

1. How can we better identify and address the needs of high achieving students who score above local averages and benchmarks but do not currently qualify for Channels of Challenge services?
2. How do we update the current Channels of Challenge identification process to reflect information available in currently used assessment tools and make improvements to the selection process?
3. How do we develop general knowledge regarding the purposes, principles and practices related to meeting the needs of gifted students and better communicate District 64's current practices available for meeting these needs?

This report will discuss the work of the Gifted Identification Process Review Committee that was formed this year to address the first two questions.

COMMITTEE MEMBERSHIP

The Gifted Identification Process Review Committee included:

Facilitators:	Lynne Farmer, Director of EIS/RtI Kathy Ross, Curriculum Specialist for Gifted
Administrators:	Kathy Creely, Field Principal Joel Martin, Lincoln Principal
Psychologist:	Kristin May, Washington and Franklin
Classroom Teachers:	Sara Born, 3 rd grade Washington Teri Durkin, 5 th grade Field Abby Sloan, 6 th grade LA Emerson Christine Thielen, 7 th /8 th Math & LA Lincoln
Channels of Challenge Teachers:	Patty Mayer, Primary Challenge Roosevelt Shirlee Pater, 3 rd -5 th grades Franklin Melissa Walters, 6 th -8 th Lincoln
Parents:	Tina Bridich, Carpenter Leah Cannon, Lincoln

PROPOSED PLANS

- 1. Identify and address the needs of high achieving students who achieve above local averages and benchmarks but do not currently qualify for Channels of Challenge services?**

Last year, we developed a process entitled the Individual Problem Solving for High Achieving Students, to use the data analysis and problem solving processes embedded in the RtI initiative to systematically identify the needs of high achieving students who are not currently serviced in the Channels of Challenge program. This fall, the process was systematically used across the District and approximately 30 students were identified for problem solving.

The Gifted Identification Process Review Committee reviewed this process and recommended that we improve Individual Problem Solving for High Achieving Students by establishing a timeline for the implementation of individual problem solving so that students can be identified early enough in the school year to move into C of C with the least amount of stress. It was also recommended that in addition to Fall IPST identification, students could be reviewed in the spring using Spring MAP scores to identify students for the problem solving process for possible entrance into C of C in the fall. This is particularly important for Grade 5 students so middle school team assignments and schedules can be set for Grade 6. It was also recommended that we develop a common form for grade level teams to use to indicate problem solving by the Individual Problem Solving Team when needed.

The revised IPST for High Achieving Students process, timeline and flowchart are included as Attachments A, B and C. The common form to be used by teachers will be developed by Ms. Ross and a group of teachers before the end of the school year.

As indicated in the attachments, all grade level problem solving teams are expected to analyze MAP scores and other sources of data to look for students whose learning needs require instruction beyond the scope of a differentiated grade level curriculum. Grade level teams are instructed to look for students whose MAP RIT score is at or above the 93rd percentile locally (1.5 or more standard deviations above the District grade level mean). Students whose scores fall at or above these RIT levels who are not already placed in the Channels of Challenge program will have their academic needs analyzed through the Individual Problem Solving Team process and a plan developed for meeting their unique needs.

The Individual Problem Solving Team includes: the classroom teacher, the principal, the Channels of Challenge teacher, the parent, and other staff as determined appropriate to the discussion and development of a plan for services. Guiding principles for the plan include a focus on providing the best match between a student's needs and the instruction they receive and an attempt to provide instruction at an appropriate level with a peer group of learners if at all possible.

Service options the Individual Problem Solving Team can consider include instruction outside of the grade level classroom:

- with other building support staff
- with District support staff (i.e., curriculum specialists)
- online programming, such as Study Island, Gifted Learning Links, etc.
- in a classroom at a different grade level for a portion of the day
- in the Channels of Challenge program

The criteria for IPST placement in Channels of Challenge (last bullet point above) are as follows:

1. the student has an ability score at or above the 93rd percentile nationally
2. the student's MAP RIT score is at or above the 93rd percentile locally.

2. Review the current identification and decision-making process for placement in the Channels of Challenge program.

The Gifted Identification Process Review Committee examined the current identification process for Channels of Challenge. Current guiding principles and the instruments and procedures used in the process of identifying students for placement in Channels of Challenge were reviewed. The committee focused on areas of difficulty in the current identification process and discussed methods to address issues of concern.

A number of changes to the identification process were developed in order to make the best possible use of the assessment and data tools currently available, and to develop fair and appropriate criteria for selection. The committee members and the administration will communicate these revised procedures and practices to all stakeholders upon Board approval.

The committee recommends the following changes in the identification process:

1. Assign points for the Ability, Achievement and Teacher Rating Scales using Z scores for all students participating in the process. Z scores have been recommended because they provide a way to incorporate different assessments in a common way. Z scores quantify the difference between a mean and individual student performance of an assessment.

For the Channels of Challenge evaluations, Z scores will be calculated for all students and points assigned using the following weighting factors:

- Ability points will be assigned using a weighting factor of 3 times the Z score.
 - Achievement points will be assigned using a weighting factor of 2 times the Z score.
 - Teacher Rating Scale points will be assigned using a weighting factor of 2 times the Z score.
2. The committee recommends setting the total points required for entry into the C of C program at 10 for all grade levels. The points from the combination of Ability, Achievement, and Teacher Rating measures will be calculated for all students participating in the process.
 3. Use MAP Reading and Math as the achievement measures for all grade levels. Use Winter MAP testing for the grade 2 achievement measure and most current MAP testing scores as the achievement measure for all other grades.
 4. Use the Cognitive Abilities Test (Verbal and Quantitative batteries) and the WISC IV as the ability measures. All recommended students in grade 2 will take the Cognitive Abilities test as an initial ability measure. A Z score of 1 or better will be used to identify grade 2 students for administration of the WISC as a second measure of ability.
 5. The committee recommends replacement of the district-developed teacher checklist with the Gifted Rating Scale (GRS) published by Pearson. The GRS is a research based, standardized rating scale that provides multiple measures of gifted characteristics. The committee recommends the use of the Intellectual Ability, Academic Ability, Motivation, and Creativity domains of this rating scale. Research will be conducted by District staff to identify a process for assigning a single score using the four domains. A cover letter will be developed and provided to teachers giving clear instructions on completing the rating scale and stressing the importance of the rating to a student's evaluation.

In addition, the committee recommends maintaining the following procedures from current identification process:

1. Continue to use the Cognitive Abilities Test (CogAT) for all students as the initial ability test in all grades.
2. Continue to use the WISC IV with grade 2 students who meet the set criteria on the Cognitive Abilities Test.

3. Continue to use the highest ability score from either Cognitive Abilities or WISC to determine a student's ability z score. For Reading: CogAT Verbal, WISC Verbal Comprehension or WISC Full Scale, Math: CogAT Quantitative, WISC Perceptual Reasoning, or WISC Full Scale.
4. Use Spring MAP scores for students who do not qualify with Fall MAP testing and re-evaluate with most current ability score.
5. Maintain the current appeals process: Use the WIAT and standard age score for a Z score instead of a national percentile. Use the WIAT subtests for Reading Comprehension and Math Concepts and Application for student evaluations in Reading and Math respectively.
6. Maintain the current reconsideration process for students who are struggling in the C of C program.
7. In order to assure the most accurate student evaluations, the program should use the most recently normed version of all assessments.

Side-by-side comparisons of the current identification process and the revised recommended process have been developed (Attachment D). Implementation of these recommendations will result in a fair and more streamlined process that will allow the program to provide important information to classroom teachers, building principals, and parents earlier than our current process allows.

BUDGET

These recommendations are not anticipated to increase costs of the identification process from current levels. The recommendations were designed to maintain a similar proportion (approximately 10%) of students identified under the new procedures as have historically been identified under our current process. Therefore, significant changes in the funding of the Channels of Challenge program are not expected as we implement the recommended changes to the identification process.

NEXT STEPS

We ask the Board to approve the proposed plans as outlined in this report at the first Board meeting in April 2011. Board approval would allow us to implement the proposed improvements in the identification process this spring.

DB:LF:KR:km

List of Attachments

- A – IPST Approach to Meeting Needs of High Achieving Students
- B – IPST for High Achieving Students Timelines
- C – IPST for High Achieving Flow Chart
- D – Comparison Chart of Current Process and Recommended Changes

Individual Problem Solving Team Approach to Meeting Needs of High Achieving Students

Purpose: The Individual Problem Solving process provides a method for building teams to review the needs of students who are identified by the Grade Level Problem Solving Team as outliers whose learning needs require instruction beyond the scope of a differentiated grade level curriculum.

Process: When a Grade Level Team determines, through a review of various data sources, that an individual student has needs beyond the scope of a differentiated grade level curriculum and grade level classroom instruction, they can refer the student for an Individual Problem Solving Team review.

The Individual Problem Solving Team will include: the classroom teacher, the principal, the Channels of Challenge teacher, the parent, and other staff as determined appropriate to the discussion and development of a plan for services.

Service options:

Placement for instruction outside of the grade level classroom:

1. with other building support staff
2. with District support staff
3. online programming, such as Study Island, Gifted Learning Links, etc.
4. in classroom at a different grade level
5. in other District programs, such as Channels of Challenge

Guiding principles:

1. Focus is on providing the best match between a student's needs and the instruction they receive.
2. A key goal is to provide the student with instruction and a peer group of learners if at all possible.
3. Placement is considered an "intervention" and student progress will be monitored on an agreed upon schedule with the expectations for success set at the beginning of the placement. If the intervention is not successful, the IPST will reconvene to design a different intervention for the student.
4. To consider placement in Channels of Challenge instruction, the student must have an ability score of at least +1.5 standard deviations above national mean on a recently administered (less than 12 months), well recognized cognitive ability test (either group or individual) and a achievement score on a recent District achievement assessment that is at least +1.5 standard deviations above the district mean for that assessment.

IPST for High Achieving Students Process Timeline

FALL REVIEW

September – Fall MAP testing according to building schedules:

As soon as all classes in grade levels (3, 4, or 5) or core teams (6, 7, or 8) have completed testing, Grade Level Teams print and review Math and Reading reports by RIT score to identify students with scores at or above the 93rd percentile locally using the District norm chart.

September/October - Grade level Problem Solving Meeting

Grade Level Teams:

- ✓ Identify students at or above 93rd percentile locally who are not in Channels of Challenge.
- ✓ Identify learning peers for non-Channels of Challenge students.
- ✓ Evaluate sufficiency of differentiated grade level curriculum for meeting the needs of the student.
- ✓ Refer students to IPST who have been identified with learning needs beyond the scope of the differentiated grade level curriculum.

Mid-October

IPST review of testing and achievement data results on referred students; determination of needs for additional or alternative testing. Testing requested by the C of C Curriculum Specialist (Cognitive Abilities Test) or Building Psychologist (WISC IV).

End of October

IPST meetings held with parents to determine appropriate placement and/or alternative programming.

SPRING REVIEW

April – Spring MAP testing according to building schedules:

As soon as all classes in grade levels (3, 4, or 5) or core teams (6, 7, or 8) have completed testing, Grade level teams prints and reviews Math and Reading reports by RIT score to identify students with scores at or above the 93rd percentile locally using the District norm chart.

April/May - Grade level Problem Solving Meeting:

Grade Level Teams:

- ✓ Identify students at or above 93rd percentile locally who are not in Channels of Challenge.
- ✓ Identify learning peers for non-Channels of Challenge students.
- ✓ Evaluate sufficiency of differentiated grade level curriculum for meeting the needs of the student.
- ✓ Refer students to IPST who have been identified with learning needs beyond the scope of the differentiated grade level curriculum.

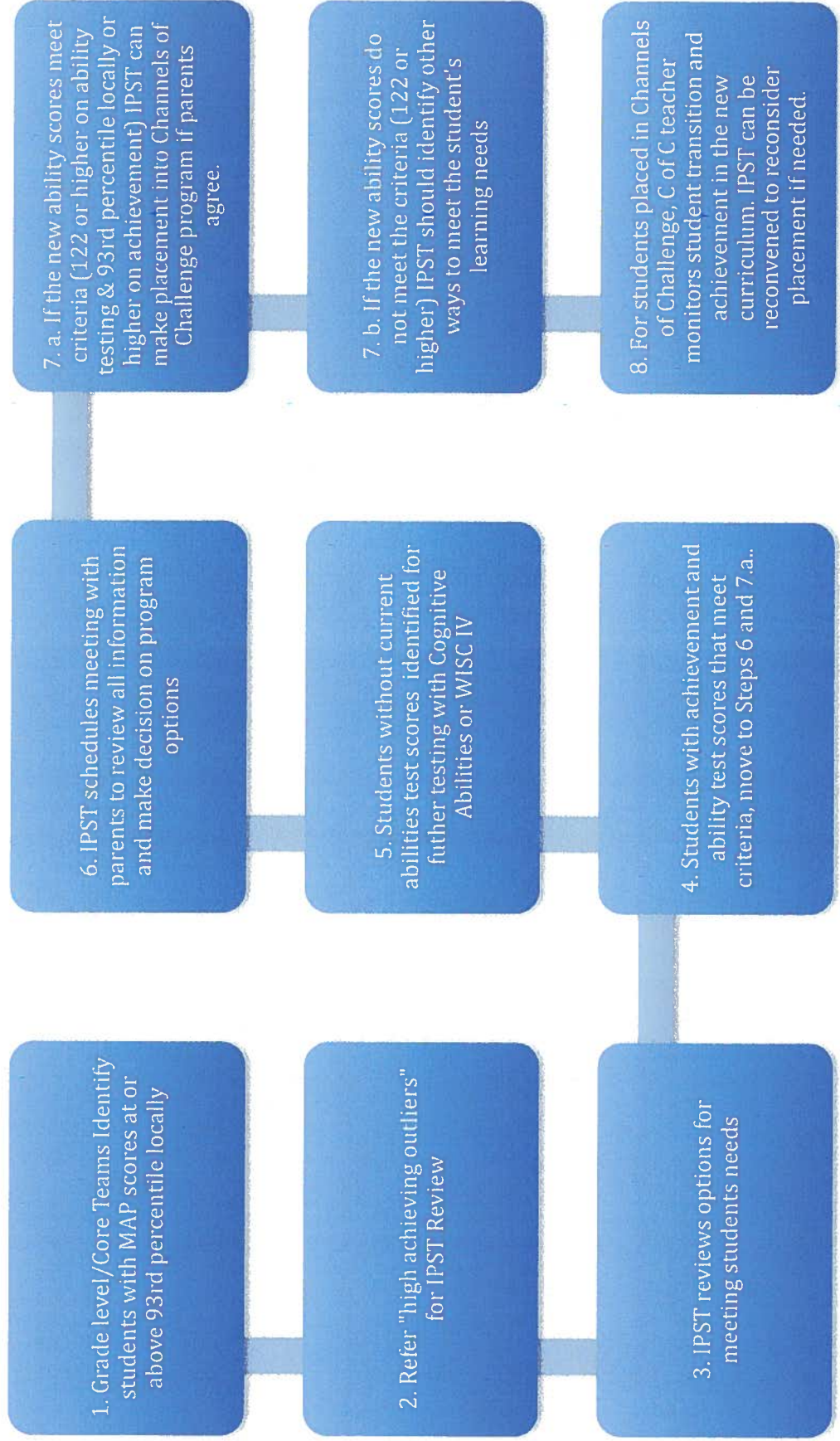
Mid-May

IPST review of testing and achievement data on referred students; determination of needs for additional or alternative testing. Testing requested by the C of C Curriculum Specialist (Cognitive Abilities Test) or Building Psychologist (WISC IV).

End of June

IPST meetings held with parents to determine appropriate placement and/or alternative programming for beginning of next school year.

Flowchart of IPST for High Achieving Students in Grades 3 through 8



Current vs. Revised Channels of Challenge Identification Process

Current Channels of Challenge Identification Process	Revised Channels of Challenge Identification Process
<p>Guiding Principles: Use a criteria-based process rather than identify a fixed percentage by ranking students.</p> <ul style="list-style-type: none"> •Process should identify approximately 10% of the district enrollment in a grade level. •Process should make it possible for a student with above average ability and very high achievement to qualify. •Process should make it possible for underachieving gifted students to qualify. •Process will be applied consistently across buildings. 	<p>No Recommended Changes</p>
<p>Key components:</p> <ul style="list-style-type: none"> •Opportunities for testing over multiple years •Teacher and parent recommendations for testing •Multiple measures of ability and achievement •Matrix used for assigning points to ability, achievement, and teacher checklist •Appeals process 	<p>Key components:</p> <ul style="list-style-type: none"> •Opportunities for testing over multiple years •Teacher and parent recommendations for testing •Multiple measures of ability and achievement •Points assigned to ability, achievement, and teacher rating scale using Z scores •Appeals process
<p>Guiding Principles for current timeline:</p> <ul style="list-style-type: none"> •Students make the best transition into the program when they can start at the beginning of the school year •Ability testing in second trimester allows for student growth 	<p>No Recommended Changes</p>
<p>Current Process-Timeline:</p> <ul style="list-style-type: none"> •Fall MAP testing (Gr. 3-6), Winter MAP testing (Gr. 2) used only to identify students for recommendation to the testing pool •Teacher/Parent Recommendations Dec./Jan. •Ability Testing for recommended students: Feb. for Gr. 2, a Saturday in March for Gr. 3-6 •WISC testing for identified Gr. 2 students, March/ April •Achievement testing for identified Gr. 2 students in April •Full evaluations conducted April/May •Parent and teacher notification of results by mid-May 	<p>Current Process-Timeline:</p> <ul style="list-style-type: none"> •Fall MAP testing (Gr. 3-6), Winter MAP testing (Gr. 2) used for achievement measures •Teacher/Parent Recommendations Dec./Jan. •Ability Testing for recommended students: Feb. for Gr. 2, March for Gr. 3-6 •WISC testing for identified Gr. 2 students, March/ April •Full evaluations conducted beginning to middle of April •Parent and teacher notification of results end of April

Current vs. Revised Channels of Challenge Identification Process

<ul style="list-style-type: none"> • Appeals heard in June, approved alternative testing in June/July • June ability testing for students who have not tested in the previous 12 months, Spring MAP testing used for Gr. 3-6 students, Gr. 2 achievement testing used for Gr. 2 students if needed • Students begin in program at the start of the new school year, students new to district are tested in fall 	<ul style="list-style-type: none"> • Appeals heard in June, approved alternative testing in June/July • June ability testing for students who have not tested in the previous 12 months, Spring MAP testing used for Gr. 3-6 students, Gr. 2 MAP testing used for Gr. 2 students if needed • Students begin in program at the start of the new school year, students new to district are tested in fall
<p>Measurement of Ability</p>	
<p>Current Ability Measures:</p> <ol style="list-style-type: none"> 1. Cognitive Abilities Test (CogAT) for Grades 2-6, Standard Age Scores, National Norms, administered through District 64 only, a paper/pencil, timed test, typically administered in small groups 2. WISC IV for identified Grade 2 students and Appeals cases in Grades 2-6, Standard Age Scores, National Norms, typically done by district psychologists but testing from outside psychologists is accepted if there is no current district testing, an individually administered, mostly untimed test. 	<p>No Recommended Changes</p>
<p>Measurement of Achievement</p>	
<p>Current Assessments- Achievement Measures</p> <ul style="list-style-type: none"> • MAP Reading and Math testing for Grades 3-6, Fall or Spring RIT scores, Local Percentile Norms • District developed At Grade and Above Grade Level Achievement tests in Reading and Math for Grade 2, Percent Correct • WIAT Reading Comprehension and Math Concepts for Grade 2 Achievement Appeals cases, National Percentiles adjusted to local norms. 	<p>Current Assessments- Achievement Measures</p> <ul style="list-style-type: none"> • MAP Reading and Math testing for Grades 3-6, Fall or Spring RIT scores, Local Percentile Norms • Grade 2 Winter administration of the MAP Reading and Math assessments, Local percentile Norms • WIAT Reading Comprehension and Math Concepts for Appeals cases, National Percentiles adjusted to local norms.

Current vs. Revised Channels of Challenge Identification Process

Teacher Rating	Teacher Rating
<p>Current Instrument: District written checklist completed by classroom teacher, raw score range 0 – 30, matrix points assigned based on brackets of raw scores, possible points 0 – 3</p>	<p>Proposed Instrument: Gifted Rating Scale, published by Pearson, a research-based instrument with national norms, points established using Z score</p>
<p>Requirements to Qualify for Placement</p>	<p>Requirements to Qualify for Placement</p>
<p>Current Process:</p> <ul style="list-style-type: none"> • Different matrix for Gr. 2 and Gr. 3-6 • Ability score of 125 (95th Percentile Nationally) on either ability test from CogAT Verbal or Quantitative Battery or Verbal Comp, Perceptual Reasoning, or Full Scale Score from WISC IV- points assigned based on brackets of points from 125 – 150 • Achievement points assigned based on .5 standard deviation brackets above mean • Teacher checklist points assigned based on brackets of raw score 0-30 from district developed teacher checklist 	<p>Recommended Revision: Fully evaluate all students who participate in the ability testing, no specific ability score required. Calculate Z score for ability measure using Student SAS minus the National Mean (100) divided by the Standard Deviation (15). Points weighted by a factor of 3, Z score of 1.5 = 4.5 points Achievement points assigned using Z score for MAP testing, Student RIT score minus the District Norm Mean for grade and testing season divided by the district normed standard deviation. Teacher checklist: Use the Gifted Rating Scale, score calculated by setting T scores for each of four domains, averaging the T scores across the four domains, calculated Z score by Student Average T score minus the Mean T score (50) divided by the T score standard deviation (10)</p>
<p>Points required for placement</p>	<p>Points required for placement</p>
<p>Total Points from ability, achievement, and teacher checklist for current grade level: –Gr. 2 & 3 = 10 –Gr. 4 = 12 –Gr. 5 = 14 –Gr. 6 = 15</p>	<p>Total Points from ability, achievement, and rating scale: 10 points required at all grade levels</p>

First Reading of: Policy Issue 74, October 2010

Policy 2:60	School Boards – Board Member Removal From Office
Policy 2:70	School Boards – Vacancies on the School Board
Policy 2:110	School Boards – Qualifications, Term and Duties of Board Officers
Policy 2:125	School Boards – Board Member Expenses
Policy 2:150	School Boards - Committees
Policy 2:220	School Boards – School Board Meeting Procedure
Policy 2:230	School Boards – Public Participation at School Board Meetings and Petitions to the Board
Policy 2:260	School Boards – Uniform Grievance Procedure
Policy 4:10	Operations – Fiscal and Business Management
Policy 4:80	Operations – Accounting and Audits
Policy 4:150	Operations – Facility Management and Building Programs
Policy 4:170	Operations - Safety
Policy 4:180	Operations – Pandemic Preparedness
Policy 5:10	Personnel - Equal Employment Opportunity and Minority Recruitment
Policy 5:30	Personnel – Hiring Process and Criteria
Policy 5:90	Personnel – Abused and Neglected Child Reporting
Policy 5:120	Personnel – Ethics and Conduct
Policy 5:185	Personnel – Family and Medical Leave
Policy 5:220	Personnel – Substitute Teachers
Policy 5:260	Personnel – Student Teachers
Policy 6:110	Instruction – Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program
Policy 6:140	Instruction – Education of Homeless Children
Policy 6:210	Instruction – Instructional Materials
Policy 6:300	Instruction – Graduation Requirements
Policy 7:10	Students – Equal Educational Opportunities
Policy 7:50	Students – School Admissions and Student Transfers To and From Non-District Schools
Policy 7:60	Students - Residence
Policy 7:70	Students – Attendance and Truancy
Policy 7:100	Students – Health, Eye and Dental Examinations; Immunizations; and Exclusion of Students
Policy 7:270	Students – Administering Medicines to Students
Policy 7:290	Students – Adolescent Suicide Awareness and Prevention Programs
Policy 7:310	Students – Restrictions on Publications

School Board

Board Member Removal from Office 1

If a majority of the School Board determines that a Board member has willfully failed to perform his or her official duties, it may request the Regional Superintendent to remove such member from office. 2

LEGAL REF.: 105 ILCS 5/3-15.5.

CROSS REF.: 2:70 (Vacancies on the School Board - Filling Vacancies)

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 Neither the voters nor the board has the authority to recall or remove a board member from office. The Regional Superintendent has the power to remove any board member from office for willful failure to perform official duties (105 ILCS 5/3-15.5). The "majority of the board" requirement in this policy has no legal significance other than being standard operating procedure. The Regional Superintendent may act on his or her initiative.

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

School Board

Vacancies on the School Board - Filling Vacancies ¹

Vacancy

Elective office of a School Board member becomes vacant before the term's expiration when any of the following occurs: ²

1. Death of the incumbent,
2. Resignation in writing filed with the Secretary of the Board,
3. Legal disability of the incumbent, ³
4. Conviction of a felony, bribery, perjury, or other infamous crime or of any offense involving a violation of official oath or of a violent crime against a child, ⁴
5. Removal from office,
6. The decision of a competent tribunal declaring his or her election void, ⁵
7. Ceasing to be an inhabitant of the District or a particular area from which he or she was elected, if the residential requirements contained in The School Code are violated,
8. An illegal conflict of interest, ⁶ or
9. Acceptance of a second public office that is incompatible with Board membership. ⁷

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

¹ State law controls this policy's content.

² 105 ILCS 5/10-11. See also 10 ILCS 5/25-2.

³ *Id.* "Legal disability" is not defined, but must be interpreted consistently with other laws, e.g., laws prohibiting discrimination on the basis of a disability. A similar statute regarding the occurrence of vacancies on the State Board of Education provides guidance. It states that a vacancy occurs when: "a member is adjudicated to be a person under legal disability under the Probate Act of 1975, as amended, or a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code."

⁴ *Supra* note 2. See also Ill. Constitution, Art. XIII, and 5 ILCS 280/1. An "infamous crime" is one that is inconsistent with commonly accepted principles of honesty and decency. *People ex rel. City of Kankakee v. Morris*, 467 N.E.2d 589 (Ill.App.3, 1984). An admission of guilt, pursuant to a plea agreement, to an otherwise office disqualifying offense, constitutes a resignation (10 ILCS 5/25-2).

A board member commits official misconduct if he/she intentionally or recklessly fails to perform any mandatory duty required by law, knowingly performs an act forbidden by law, intends to obtain personal advantage for oneself or another, or solicits or knowingly accepts a bribe (720 ILCS 5/33-3).

⁵ See *Miceli v. Lavelle*, 448 N.E.2d 989 (Ill.App.3, 1983).

⁶ *Supra* note 2 and 50 ILCS 105/4. 105 ILCS 5/10-9 contains limited exceptions to the laws prohibiting board member interest in contracts (explained in footnotes to 2:100, *Board Member Conflict of Interest*). Virtually the same exceptions are stated in 50 ILCS 105/3.

⁷ An individual may not hold simultaneously two offices that are incompatible; acceptance of the second office is a constructive resignation of the first office (Ill. Constitution, Art. IV, ¶ 2(e), and Art. VI, ¶ 13(b). See *People v. Wilson*, 828 N.E.2d 1214 (Ill.App.3, 2005)(simultaneously holding offices as a county board member and a board member violates the Public Officer Prohibited Activities Act; this legislation prohibits a county board member from holding a second office).

A board member may participate in a group health insurance program provided to an employee of the district that the board member serves if the board member is a dependent of that employee (105 ILCS 5/10-22.3a).

Filling Vacancies ⁸

Whenever a vacancy occurs, the remaining members shall notify the Regional Superintendent of Schools of that vacancy within 5 days after its occurrence and shall fill the vacancy until the next regular board election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term, the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. Members appointed by the remaining members of the Board to fill vacancies shall meet any residential requirements as specified in The School Code. The Board shall fill the vacancy within 45 days after it occurred by a public vote at a meeting of the Board.

Immediately following a vacancy on the Board, the Board will publicize it and accept ^{application} ~~requests~~ from District residents who are interested in filling the vacancy. ⁹ After reviewing the applications, the Board may invite the prospective candidates for personal interviews to be conducted during duly scheduled closed meetings. ¹⁰

LEGAL REF.: 105 ILCS 5/10-10 and 5/10-11.

CROSS REF.: 2:40 (Board Member Qualifications), 2:60 (Board Member Removal from Office), 2:120 (Board Member Development)

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

⁸ This paragraph restates the requirements in 105 ILCS 5/10-10. If the board fails to act within 45 days after the vacancy occurs, the regional superintendent, under whose supervision and control the district is operating, must fill the vacancy within 30 days (Id.). 105 ILCS 5/9-11.2 provides that in any school district that elects its board member according to area of residence and that has one or more unexpired term(s) to be filled at an election, the winner(s) of the unexpired term(s) shall be determined first and independently of those running for full terms.

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

⁹ The process for filling a vacancy is at the board's discretion.

¹⁰ The Open Meetings Act allows a board to consider in closed session the appointment of someone to fill a vacancy (5 ILCS 120/2(c)(3)).

School Board

Qualifications, Term, and Duties of Board Officers 1

The School Board officers are: President, Vice President, Secretary, and Treasurer. 2 These officers are elected or appointed by the Board at its organizational meeting.

President 3

The Board elects a President from its members for a 2-year term. The duties of the President are to:

1. Focus the Board meeting agendas on appropriate content and preside at all meetings;
2. Make all Board committee appointments, unless specifically stated otherwise; 4
3. Attend and observe any Board committee meeting at his or her discretion; 5
4. Represent the Board on other boards or agencies;
5. Serve as chairperson of the Education Officers Electoral Board which hears challenges to Board candidate nominating petitions;
6. Sign official District documents requiring the President's signature, including Board minutes and Certificate of Tax Levy;
7. Call special meetings of the Board;
8. Serve as the *head of the public body* for purposes of the Open Meetings Act and Freedom of Information Act; 6
9. Ensure that a quorum of the Board is physically present at all Board meetings; 7
10. Administer the oath of office to new Board members; and 8

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

1 State law controls this policy's content. Selection of officers must be in open session (5 ILCS 120/2). Board officer vacancies are discussed in *Answers to FAQs: Vacancies on the Board of Education*, Ill. Council of School Attorneys, www.iasb.com/law/vacancies.cfm.

2 Districts governed by a board of directors have 3 officers: a president, clerk, and treasurer. The president and clerk must be board members (105 ILCS 5/10-5).

3 105 ILCS 5/10-13. The board by resolution may decrease to one year the term of office for the president.

Of the listed duties, only the following are imposed by law: #1, preside at meetings (*Id.*); #5, chair Education Officers Electoral Board (10 ILCS 5/10-8); #6, sign minutes (105 ILCS 5/10-7) and sign certificate of tax levy (105 ILCS 5/17-11); #7, call special meetings (105 ILCS 5/10-16); and #8, serve as *head of the public body* for OMA and FOIA purposes (5 ILCS 140/2(e), 140/7(f), and 140/9.5, amended by P.A. 96-542).

4 Alternatively, strike the "unless" clause and substitute: "subject to Board approval." Be sure this treatment is consistent with policy 2:150, *Committees*.

5 Optional. A board that wants the president to participate in committee meetings may use the following alternative: "Be a member of all Board committees." Using this alternative, the president would be counted to determine the number of members that constitutes a quorum for each board committee meeting. If a board would like the superintendent to attend any or all meetings of a board committee, it should consider asking the superintendent to be a committee resource person (or other such title) rather than an ex-officio member of the board committee itself. That way, the superintendent will not count to determine the number of committee members that constitutes a quorum.

6 The *head of the public body* or its attorney may request an advisory opinion from the Attorney General concerning compliance with the Open Meetings Act or the Freedom of Information Act (5 ILCS 120/3.5(h) and 5 ILCS 140/9.5(h), amended by P.A. 96-542). The Freedom of Information Act defines *head of the public body* to mean *president* or "such person's duly authorized designee" (5 ILCS 140/2(e), amended by P.A. 96-542). Preliminary drafts, recommendations, and other records in which opinions are expressed, or policies are formulated, lose this exemption from disclosure if a relevant portion of a requested record is publicly cited and identified by the *head of the public body* (5 ILCS 140/7(f)).

7 Optional. Requiring the president to monitor the presence of a quorum assists compliance with the Open Meetings Act's mandate that a quorum be physically present at all board meetings (5 ILCS 120/7).

8 Optional. Omit this duty if policy 2:80, *Board Member Oath and Conduct* provides that the board member oath is given by other means.

11. Serve as the Board's official spokesperson to the media.

The President is permitted to participate in all Board meetings in a manner equal to all other Board members, including the ability to make and second motions.

The Vice President fills a vacancy in the Presidency.

Vice President 9

The Board elects a Vice President from its members for a 2-year term. The Vice President performs the duties of the President if:

1. The office of President is vacant;
2. The President is absent; or
3. The President is unable to perform the office's duties.

A vacancy in the Vice Presidency is filled by a special Board election.

Secretary 10

The Board elects a Secretary for a 2-year term. The secretary may be, but is not required to be, a Board member. The Secretary may receive reasonable compensation as determined by the Board before appointment. However, if the secretary is a Board member, the compensation shall not exceed \$500 per year, as fixed by the Board at least 180 days before the beginning of the term. The duties of the Secretary are to:

1. Keep minutes for all Board meetings and keep the verbatim record for all closed Board meetings;
2. Mail meeting notification and agenda to news media who have officially requested copies;
3. Keep records of the Board's official acts, and sign them, along with the President, before submitting them to the Treasurer at such times as the Treasurer may require;
4. Report to the Treasurer on or before July 7, annually, such information as the Treasurer is required to include in the Treasurer's report to the Regional Superintendent; 11
5. Act as the local election authority for all Board elections;
6. Arrange public inspection of the budget before adoption;
7. Publish required notices;
8. Sign official District documents requiring the Secretary's signature; and
9. Maintain Board policy, financial reports, publicity, and correspondence.

The Secretary may delegate some or all of these duties, except when State law prohibits the delegation. The Board appoints a secretary pro tempore, who may or may not be a Board member, if

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⁹ 105 ILCS 5/10-13.1. The board by resolution may decrease to one year the term of office for the vice president.

¹⁰ 105 ILCS 5/10-14. The board by resolution may decrease to one year the term of office for the secretary. In districts governed by a board of directors, a clerk who is a board member performs these duties (105 ILCS 5/10-5). The policy's provisions regarding compensation are required by 105 ILCS 5/10-14 (governs secretaries who are board members and non-board members) and by 50 ILCS 145/2 (governs secretaries who are board members).

Of the listed duties, only the following are imposed by law: #1, board meeting minutes (105 ILCS 5/10-7; see policy 2:220, *School Board Meeting Procedure*, for the requirements for minutes); #3, records board's official acts and submits them to the treasurer (105 ILCS 5/10-7, amended by P.A. 96-998); #4, treasurer's report (105 ILCS 5/10-8); #5, local election authority (10 ILCS 5/10-1 et seq. and 5/17-22; 105 ILCS 5/9-10); #6, public inspection of the budget (105 ILCS 5/17-1).

11 Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" in item #4 with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

the Secretary is absent from any meeting or refuses to perform the duties of the office. A permanent vacancy in the office of Secretary is filled by special Board election.

Recording Secretary 12

The Board may appoint a Recording Secretary who is a staff member. The Recording Secretary shall:

1. Assist the Secretary by taking the minutes for all open Board meetings;
2. Assemble Board meeting material and provide it, along with prior meeting minutes, to Board members before the next meeting; and
3. Perform the Secretary's duties, as assigned, except when State law prohibits the delegation.

In addition, the Recording Secretary or Superintendent receives notification from Board members who desire to attend a Board meeting by video or audio means.

Treasurer 13

The Treasurer of the Board shall be either a member of the Board who serves a 1-year term or a non-Board member who serves at the Board's pleasure. 14 A Treasurer who is a Board member may not be compensated. 15 A Treasurer who is not a Board member may be compensated provided it is established before the appointment. 16 The Treasurer must: 17

1. Be at least 21 years old;
2. Not be a member of the County Board of School Trustees; and
3. Have a financial background or related experience, or 12 credit hours of college-level accounting.

The Treasurer shall: 18

1. Furnish a bond, which shall be approved by a majority of the full Board;
2. Maintain custody of school funds;

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

12 This section is optional.

13 This section is for: (1) districts in a Class I, or (2) a Class II county (Cook Co.) district that has withdrawn from the authority of the township treasurer or is located in a township in which the office of township treasurer was abolished. 105 ILCS 5/5-1 defines Class I county school units as districts in counties with less than 2,000,000 inhabitants. Those districts in Cook County (Class II county) under the authority of the trustees of schools of the township and the township treasurers should use this alternative: "Qualifications, appointment, and duties of the Treasurer for the School District shall be as provided in The School Code." See 105 ILCS 5/8-1(a) for how the township treasurer is appointed and the term of office; duties are found in 105 ILCS 5/8-2, 5/8-6, 5/8-16, and 5/8-17.

14 105 ILCS 5/8-1(b), amended by P.A. 96-538. The treasurer's term of office is 2 years if the district is located in a Class II county (Cook Co.) that was under the jurisdiction and authority of the township treasurer and township trustees of schools at the time those offices were abolished (105 ILCS 5/8-1(c)).

15 105 ILCS 5/8-1(b) and (c), amended by P.A. 96-538.

16 105 ILCS 5/8-3.

17 Qualification #1 is required for treasurers in a Class I county or Class II county (Cook) that withdrew from the authority of the township treasurer and township trustees of schools (105 ILCS 5/8-1(b)). This sample policy makes it applicable to Class II county (Cook Co.) districts that were under the authority of the township treasurer and township trustees of schools at the time those offices were abolished.

Qualification #2 is required for treasurers in a Class I county or Class II county (Cook Co.) that withdrew from the authority of the township treasurer and township trustees of schools (105 ILCS 5/8-1(b)). Districts in Class II county (Cook Co.) that were under the authority of the township treasurer and township trustees of schools at the time those offices were abolished should replace this qualification as follows: "2. Not be the District Superintendent." See 105 ILCS 5/8-1(c).

Qualification #3 is required for treasurers in a Class I county. This qualification should be replaced by the following for districts in a Class II county (Cook Co.): "Upon being appointed for his or her first term, be a certified public accountant or a certified chief school business official as defined in The School Code; experience as a township treasurer in a Class II county school before July 1, 1989 is deemed equivalent." See 105 ILCS 5/8-1(e).

18 105 ILCS 5/8-2, 5/8-6, and 5/8-16.

3. Maintain records of school funds and balances;
4. Prepare a monthly reconciliation report for the Superintendent and Board; and
5. Receive, hold, and expend District funds only upon the order of the Board.

A vacancy in the Treasurer's office is filled by Board appointment.

LEGAL REF.: 5 ILCS 120/7 and 420/4A-106.
105 ILCS 5/8-1, 5/8-2, 5/8-3, 5/8-6, 5/8-16, 5/8-17, 5/10-1, 5/10-5, 5/10-7, 5/10-8,
5/10-13, 5/10-13.1, 5/10-14, 5/10-16.5, and 5/17-1.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:210 (Organizational School Board Meeting)

School Board

Board Member Expenses 1

No School Board member may receive compensation for services, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides. 2

The Board may advance or reimburse members the actual and necessary expenses incurred while attending: 3

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

Expense reimbursement is not guaranteed and Board members should seek pre-approval of expenses, except in situations when the expense is diminutive. 4 A Board member must return to the District any portion of an expense advance not used. Members must submit an itemized, signed voucher to support any expense advanced or to seek expense reimbursement. The voucher must show the amount of actual expense, attaching receipts if possible. A Board member submitting a bill for a group function should record participating members' names on the receipt. Money shall not be advanced or reimbursed for: (1) the expenses of any person except the Board member, or (2) anyone's personal expenses.

The Superintendent ^{or Designee} shall review the submitted vouchers for compliance with this policy. 5 If any voucher's compliance appears uncertain, the Superintendent shall notify the Board President or Vice President if the voucher in question is from the President, as well as the Board member who submitted the voucher. The Superintendent shall include the voucher in the monthly list of bills that is presented to the Board for approval or rejection.

Registration

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

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

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

2 105 ILCS 5/10-9, 5/10-10, and 5/22-1. The legal limit for board secretary compensation is \$500 (105 ILCS 5/10-14).

3 Board members may not receive compensation for their services (Id.). The board, however, has the power to advance its members anticipated "actual and necessary expenses" incurred in attending only those meetings listed (105 ILCS 5/10-22.32). "Actual and necessary expenses" are those reasonably anticipated to be incurred on necessary travel and attendance days (105 ILCS 5/10-22.32).

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

4 This paragraph's provisions are required by 105 ILCS 5/10-22.32, except the provisions requiring: (1) pre-approval, and (2) that participating members' names be included in a group bill.

5 Nothing in this paragraph is required by law. However, the paragraph is consistent with the "IASB Principles of Effective Governance," i.e., that the board is responsible for itself.

Transportation

The least expensive transportation will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for:

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

Hotel/Motel Charges

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

Meal Charges

Meal charges to the School District should represent "mid-fare" selections for the hotel/meeting facility or general area. 6 Tips are included with the meal charges. Expense vouchers must explain the meal charges incurred.

Miscellaneous Expenses

Board members may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense voucher, attaching receipts if possible.

LEGAL REF.: 105 ILCS 5/10-22.32.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:120 (Board Member Development), 4:50 (Payment Procedures)

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

⁶ Alternatively, a board could set a daily limit on meal costs, such as:

Board members will be reimbursed for meal costs and tips up to \$_____ per day.

School Board

Committees 1

The School Board may establish committees to assist with the Board's governance function and, in some situations, to comply with State law requirements. These committees are known as Board committees and report directly to the Board. Committee members may include both Board members and non-Board members depending on the committee's purpose. The Board President makes all Board committee appointments unless specifically stated otherwise. 2 Board committee meetings shall comply with the Open Meetings Act. 3 A Board committee may not take final action on behalf of the Board – it may only make recommendations to the Board. 4

Special Board Committees 5

A special committee may be created for specific purposes or to investigate special issues. A special committee is automatically dissolved after presenting its final report to the Board or at the Board's discretion.

Standing Board Committees 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 in that some committees are required by State law. ~~In addition, i.e., Parent-Teacher Advisory Committee and Behavioral Interventions Committee. Also,~~ board committees are "public bodies" for purposes of the Open Meetings Act ~~and must abide by it.~~ (5 ILCS 120/1.02) and the Freedom of Information Act (5 ILCS 140/2).

2 Alternatively, strike the "unless" clause and substitute: "subject to Board approval." Be sure this treatment is consistent with policy 2:110, *Qualifications, Term, and Duties of Board Officers*.

3 The Open Meetings Act (5 ILCS 120/1.02) includes committees and subcommittees in its definition of "public body." Committees accountable to, supervised by, or whose members are appointed by the board are governed by the notice and conduct of meetings provisions of the Open Meetings Act, even if the committee has no board members or if some committee members are appointed by the superintendent. The only exception is a committee engaged in collective bargaining negotiations or grievance arbitration. District officials should consult the board's attorney for advice on whether a particular committee must comply with the Open Meetings Act.

Board committees seldom meet regularly. Thus, the steps committees take to comply with the Open Meetings Act need careful planning. For example, a board committee must plan for an efficient way to "approve the minutes of its open meeting within 30 days after that meeting or at [its] second subsequent regular meeting, whichever is later." (5 ILCS 120/2.06, amended by P.A. 96-1472, eff. 1-1-11).

Sample policy 2:200, *Types of School Board Meetings*, designates the superintendent, on behalf of each board committee, to receive the mandatory training on compliance with the Open Meetings Act that is administered by the Ill. Attorney General's Public Access Counselor. See policies 2:200, *Types of School Board Meetings*, and 2:220, *School Board Meeting Procedure, for meeting requirements and protocol*.

4 Additional committee guidelines may be added, such as:

Committees shall operate under the following guidelines:

- The Board President shall appoint no more than 2 Board members to serve on a committee.
- The President and the committee members shall establish the committee's meeting dates, time, and place.
- The Superintendent may attend all committee meetings.

5 The creation of special board committees is optional. However, a board may list examples as in the following option: Examples of special committees include the following: (1) Committee to Evaluate Procurement of Architectural, Engineering, and Land Surveying Services (See ~~administrative procedure~~ 2:170-AP, *Administrative Procedure - Qualification Based Selection*), and (2) Facility Naming Committee (See ~~policy~~ 4:150, *Facility Management and Building Programs*).

6 The board may create and list other standing committees, e.g., an audit committee as authorized by 105 ILCS 5.10-22.45. Be sure that the creation of a committee in this policy aligns with the policy concerning the applicable topic. If an audit committee is included here, a board may want to reference it in policy 4:80, *Accounting and Audits*, and vice-versa.

A standing committee is created for an indefinite term although its members will fluctuate. Standing committees ~~are:~~ ^{include}

1. Board Policy Committee. 7 This committee researches policy issues, and provides information and recommendations to the Board.
2. Parent-Teacher Advisory Committee. 8 This committee assists in the development of student discipline policy and procedure. -Its members are parents/guardians and teachers, and may include persons whose expertise or experience is needed. -The committee reviews such issues as administering medication in the schools, reciprocal reporting between the School District and local law enforcement agencies regarding criminal offenses committed by students, student discipline, disruptive classroom behavior, school bus safety procedures, and the dissemination of student conduct information.
3. Behavioral Interventions Committee. 9 This committee develops and monitors procedures for using behavioral interventions in accordance with Board policy 7:230, *Misconduct by Students with Disabilities*. -At the Board President's discretion, the Parent-Teacher Advisory Committee shall perform the duties assigned to the Behavioral Interventions Committee.

Nothing in this policy limits the authority of the Superintendent or designee to create and use committees that report to him or her or to other staff members. 10

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

7 A board policy committee is optional; its creation is consistent with policy 2:240, *Board Policy Development*.

8 105 ILCS 5/10-20.14 requires all districts to establish and maintain a parent-teacher advisory committee to develop, with the board, policy guidelines on student discipline. The parents on this committee, as well as other non-staff members, may not have access to student records unless the student cannot be identified or prior consent is obtained (105 ILCS 10/6). The district's parent-teacher advisory committee must also: (1) in cooperation with local law enforcement agencies, develop guidelines for reciprocal reporting of criminal offenses committed by students (105 ILCS 5/10-20.14), and (2) in cooperation with school bus personnel, develop school bus safety procedures (105 ILCS 5/10-20.14). Completion of the statutory requirements imposed on the Parent-Teacher Advisory Committee, as well as the Behavioral Intervention Committee, should be documented.

9 Boards must establish and maintain a behavioral intervention committee to develop procedures that reflect consideration of ISBE's guidelines on the use of behavioral interventions with students with disabilities (105 ILCS 5/14-8.05). An alternative follows:

The Behavioral Interventions Committee, coordinated by the Executive Director of the Special Education Cooperative, develops and monitors procedures for using behavioral interventions in accordance with Board policy 7:230, *Misconduct by Students with Disabilities*. Committee reports and recommendations are made to the Board upon its request.

10 The Open Meetings Act generally does not apply to superintendent committees. See University Professionals v. Stukel, 801 N.E.2d 1054 (Ill.App.1. 2003) (staff committees are not subject to OMA). Unusual circumstances, however, may make the Act applicable; therefore, a board should consult its attorney. ~~Any~~ For example, a staff committee containing 3 or more board members will be subject to the Open Meetings Act (5 ILCS 120/1.02). The following are examples of superintendent committees: Communicable and Chronic Infectious Disease Program Task Force, Communicable and Chronic Infectious Disease Review Team, Employee Drug Abuse Committee, Title I Advisory Committee, Student Support Committee, Food Allergy Management Committee, and Sex Equity Committee.

LEGAL REF.: 5 ILCS 120/1 ~~et seq.~~
105 ILCS 5/10-20.14 and 5/14-8.05. ~~10/1 et seq.~~
~~23 Ill. Admin. Code Part 226~~

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of School Board Meetings), 2:240 (Board Policy Development), 7:190 (Student Discipline), 7:230 (Misconduct by Students with Disabilities)

School Board

School Board Meeting Procedure 1

Agenda

The School Board President is responsible for focusing the Board meeting agendas on appropriate content. 2 The Superintendent shall prepare agendas in consultation with the Board President. The President shall designate a portion of the agenda as a consent agenda for those items that usually do not require discussion or explanation before Board action. Upon the request of any Board member, an item will be withdrawn from the consent agenda and placed on the regular agenda for independent consideration. 3

Items submitted by Board members to the Superintendent or the President shall be placed on the agenda for an upcoming meeting. 4 District residents may suggest inclusions for the agenda. 5 Items not specifically on the agenda may still be discussed during the meeting; no action will be taken on such items. 6

The Superintendent shall provide a copy of the agenda, with adequate data and background information, to each Board member at least 48 hours before each meeting, except a meeting held in the event of an emergency. 7 The meeting agenda shall be posted in accordance with Board policy 2:200, *Types of School Board Meetings*.

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

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1 State law requires boards to have a policy concerning: (1) the public's right to record meetings (5 ILCS 120/2.05), and (2) if applicable, attendance by video or audio means (5 ILCS 120/7). Boards are not mandated to have a policy on the remaining topics covered in this policy. The following items are matters of local discretion: agenda preparation and contents, process for board members to have items placed on agenda, receipt and handling of residents' requests for agenda inclusions, and order of business.

2 Appropriate agenda content includes: establishing board processes, clarifying the district's purpose, delegating authority, defining operating limits, monitoring district progress, and taking legally required board action. See *IASB Foundational Principles of Effective Governance*.

3 To comply with the Open Meetings Act's mandate that minutes contain a "summary of discussion on all matters proposed, deliberated, or decided," a board should include a list of consent items in the agenda.

4 An alternative follows:

Any Board member may submit suggested agenda items to the Board President for his or her consideration.

5 See policy 2:230, *Public Participation at School Board Meetings and Petitions to the Board*. In districts governed by a board of school directors, an appointed board official must give a person requesting consideration of a matter by the board a formal written response no later than 60 days after receiving the request. The response must establish a meeting before the board or list the reasons for denying the request (105 ILCS 5/10-6).

6 Note, however, that the Ill. Appellate Court held that the Open Meetings Act prohibits a board from voting on a matter at a regular meeting that is not on the pre-meeting published agenda (Rice v. Board of Trustees of Adams County, 762 N.E.2d 1205 (Ill.App.4, 2002)). Alternatives follow to restrict the addition of new agenda items; the phrases between [] may be used together, separately, or eliminated.

Items may be added to the agenda [at the beginning of a regular meeting] [upon unanimous approval of those Board members present]; ~~no action will be taken on such items.~~

7 State law does not require this, except that 105 ILCS 5/10-16 requires members to receive a written notice of a special meeting that includes the meeting's purpose.

Voting Method

Unless otherwise provided by law, when a vote is taken upon any measure before the Board, with a quorum being present, a majority of the votes cast shall determine its outcome. ⁸ A vote of "abstain" or "present," or a vote other than "yea" or "nay," or a failure to vote, is counted for the purposes of determining whether a quorum is present. A vote of "abstain" or "present," or a vote other than "yea" or "nay," or a failure to vote, however, is not counted in determining whether a measure has been passed by the Board, unless otherwise stated in law. The sequence for casting votes is rotated. ⁹

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board's minutes. An individual Board member may request that a roll call vote be taken on any other matter; the President or other presiding officer may approve or deny the request but a denial is subject to being overturned by a majority vote of the members present. ¹⁰

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⁸ In most situations, the failure of a member to vote has the effect of acquiescence or concurrence with the majority of votes cast. Prosser v. Village of Fox Lake, 438 N.E.2d 134 (1982). For example, a motion passes with a vote of 2 yeas, 1 nay, and 4 abstentions. A motion fails with a vote of 2 yeas, 3 nays, and 2 abstentions. A motion fails with a vote of 3 yeas, 3 nays, and one abstain because there is no majority. Exceptions include when a statute requires the affirmative vote of a majority or extra. Statutory exceptions include the following board actions:

1. To dismiss a teacher for any reason other than reduction of staff or elimination of that position must be approved by the majority of all members (105 ILCS 5/24-12).
2. To direct the sale of district real property or buildings thereon must be approved by at least 2/3 of the board members (105 ILCS 5/5-22).
3. To make or renew a lease of school property to another school district or municipality or body politic and corporate for a term longer than 10 years, or to alter the terms of such a lease whose unexpired term exceeds 10 years, must be approved by at least 2/3 of the board's full membership (105 ILCS 5/10-22.11).
4. To lease any building, rooms, grounds, and appurtenances to be used by the district for school or administration purposes for a term longer than 10 years, or to alter the terms of such a lease whose unexpired term exceeds 10 years, must be approved by at least 2/3 of the board's full membership (105 ILCS 5/10-22.12).
5. To obtain personal property by lease or installment contract must be approved by an affirmative vote of at least 2/3 of the board members. *Personal property* includes computer hardware and software and all equipment, fixtures, and improvements to existing district facilities to accommodate computers (105 ILCS 5/10-22.25a).
6. To adopt a supplemental budget after a successful referendum must be approved by a majority of the full board (105 ILCS 5/17-3.2).
7. To petition the circuit court for an emergency election must be approved by a majority of the members (10 ILCS 5/2A-1.4).
8. To expend funds in emergency situation in the absence of bidding when such emergency expenditure is approved by at least 3/4 of the board (105 ILCS 5/10-20.21).
9. To exchange school building sites must be approved by at least a 2/3 majority of the board (105 ILCS 5/5-23).
10. To waive the administrative cost cap must be approved by an affirmative vote of at least 2/3 of the board (105 ILCS 5/17-1.5).

⁹ Voting sequence is at the board's discretion. A board may indicate how frequently it changes the voting sequence by adding *after each vote, monthly, or annually* to the end of the sentence. All board members, including officers, may make motions and vote.

¹⁰ This paragraph's first sentence contains the requirements in 105 ILCS 5/10-7. The second sentence is optional and may be deleted or amended. Other optional provisions include:

- Option 1: Any Board member may include a written explanation of his or her vote in the District file containing individual Board member statements; the explanation will not be part of the minutes.
- Option 2: Any Board member may request that his or her vote be changed before the President announces the result.

Minutes

The Board Secretary shall keep written minutes of all Board meetings (whether open or closed), which shall be signed by the President and the Secretary. 11 The minutes include: 12

1. The meeting's date, time, and place;
2. Board members recorded as either present or absent;
3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
4. On all matters requiring a roll call vote, a record of who voted "yea" and "nay";
5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting, and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act authorizing the closed meeting;
7. A record of all motions, including individuals making and seconding motions;
8. Upon request by a Board member, a record of how he or she voted on a particular motion; 13 and
9. The type of meeting, including any notices and, if a reconvened meeting, the original meeting's date.

The minutes shall be submitted to the Board for approval or modification at its next regularly scheduled open meeting. Minutes for open meetings must be approved within 30 days after the meeting or at the second subsequent regular meeting, whichever is later. 14

At least semi-annually in an open meeting, the Board: (1) reviews minutes from all closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require confidential treatment and are available for public inspection. 15 The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release. 16

~~The Board's meeting minutes must be submitted to the Board Treasurer on the first Monday of April and October, and at other such times as the Treasurer may require. 17~~

The official minutes are in the custody of the Board Secretary. 18 Open meeting minutes are available for inspection during regular office hours within 7 10 days after the Board's approval; 19 they may be

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11 105 ILCS 5/10-7 and 5 ILCS 120/2.06. The minutes are the only record showing that the board took official action, including necessary prerequisites to make such action legally sufficient. A non-member recording secretary or clerk may be given these responsibilities (105 ILCS 5/10-14).

12 All items listed are required to be recorded in minutes except items 7-9; other items may be included at the board's discretion (5 ILCS 120/2.06 and 120/2a; 105 ILCS 5/10-7).

13 The intent behind this optional item is to give an individual member a means of recording his or her support or opposition to a motion that was taken by oral vote; it will record that the individual took an alternative position to that of the majority without having the minutes recite unnecessary detail.

14 Required by 5 ILCS 120/2.06(b), amended by P.A. 96-1473, eff. 1-1-2011.

15 Required by 5 ILCS 120/2.06(c). While board notes from closed sessions may be confidential under the Freedom of Information Act, they may be discoverable by the opposing party in a lawsuit. Bobkoski v. Cary School Dist. 26, 141 F.R.D. 88 (N.D. Ill., 1992).

The failure to strictly comply with the semi-annual review does not cause the written minutes or related verbatim record to become public, provided that the board, within 60 days of discovering its failure to strictly comply, reviews the closed session minutes and reports the result of that review in open session (5 ILCS 120/2.06).

16 5 ILCS 120/2 allows boards to discuss the confidentiality needs of closed meeting minutes in closed meetings.

17 Required by 105 ILCS 5/10-7, amended by P.A. 96-998.

18 Optional provision: "A copy of the minutes is kept in a secure location appropriate for valuables."

19 Required by 5 ILCS 120/2.06, amended by P.A. 96-1473, eff. 1-1-2011.

inspected in the District's main office, in the presence of the Secretary, the Superintendent or designee, or any Board member. Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection. The minutes shall not be removed from the Superintendent's office except by vote of the Board or by court order.

The Board's open meeting minutes shall be posted on the District website within 7 10 days after the Board approves them; the minutes will remain posted for at least 60 days. 20

Verbatim Record of Closed Meetings

The Superintendent, or the Board Secretary when the Superintendent is absent, shall audio record all closed meetings. 21 If neither is present, the Board President or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location. The Superintendent shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board's regular meeting location. 22

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: (1) its destruction, and (2) minutes of the particular closed meeting. 23

Individual Board members may listen to verbatim recordings when that action is germane to their responsibilities. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections. 24

Quorum and Participation by Audio or Video Means 25

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

Provided a quorum is physically present, a Board member may attend a meeting by video or audio conference if he or she is prevented from physically attending because of: (1) personal illness or disability, (2) employment or District business, or (3) a family or other emergency. If a member wishes to attend a meeting by video or audio means, he or she must notify the recording secretary or

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20 Required Posting on the website is required only if the district has a website that is maintained by a full-time staff member; if not, this sentence may be omitted (5 ILCS 120/2.06(b), amended by P.A. 96-1473 (eff. 1-1-2011)).

21 Boards must keep a verbatim record of their closed meetings in the form of an audio or video recording (5 ILCS 120/2.06). This sample policy uses audio recording only; a board that uses a video recording should amend this policy.

The interests of continuity, efficiency, and ease of holding someone accountable suggest that the superintendent be made responsible for making and storing the verbatim recordings. If the superintendent is not present, e.g., during discussions concerning the superintendent's contract, the tasks should be given to a board member.

22 Alternatively, use: "is maintained within the District's main office."

23 This paragraph paraphrases 5 ILCS 120/2.06(c). No notification to, or the approval of, a records commission or the State Archivist is needed if a recording is destroyed under the conditions listed.

24 This sentence is optional. Intra-board conflicts may escalate if the recording is used to confirm or dispute who-said-what.

25 5 ILCS 120/2.01 and 120/7. See also 105 ILCS 5/10-6 and 5/10-12. In order to allow attendance by video or audio means, a board must adopt a policy conforming to the restrictions in the Open Meetings Act. The statute requires the board member who wishes to attend remotely to notify the "recording secretary or clerk of the public body." The policy includes the superintendent as a possible person to receive the notice. Everything in this section is required aside from provisions on the length of notification that is given the secretary and the process for accommodating the request. Alternatively, a board may: (1) prohibit members from participating by video or audio means by omitting this section, (2) add other requirements, or (3) alter the 24 hour notification. Note that the statute does not contemplate someone either *approving* or *denying* a request, only that the request be accommodated if the notification is provided.

Superintendent at least 24 hours before the meeting unless advance notice is impractical. The recording secretary or Superintendent will inform the Board President and make appropriate arrangements. A Board member who attends a meeting by audio or video means, as provided in this policy, may participate in all aspects of the Board meeting including voting on any item.

Rules of Order

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use Robert's Rules of Order, Newly Revised (10th Edition), as a guide when a question arises concerning procedure. ²⁶

Broadcasting and Recording Board Meetings

Any person may record or broadcast an open Board meeting. ²⁷ Special requests to facilitate recording or broadcasting an open Board meeting, such as seating, writing surfaces, lighting, and access to electrical power, should be directed to the Superintendent at least 24 hours before the meeting.

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

LEGAL REF.: 5 ILCS 120/2a, 120/2.02, 120/2.05, and 120/2.06.
105 ILCS 5/10-6, 5/10-7, 5/10-12, and 5/10-16.
Prosser v. Village of Fox Lake, 438 N.E.2d 134 (1982).

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

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²⁶ Boards are not required to follow any particular rules of order. Rules, however, must be in writing and available for public inspection, in order to have any legal effect (105 ILCS 5/10-20.5).

²⁷ The public's right to record meetings must be addressed in board policy (5 ILCS 120/2.05).

School Board

Public Participation at School Board Meetings and Petitions to the Board ¹

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

The individuals appearing before the Board are expected to follow these guidelines: ²

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

Petitions or written correspondence to the Board shall be presented to the Board in the next regular Board packet. ⁴

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¹ The Open Meetings Act and The School Code grant any person the right to address a school board during any open meeting (5 ILCS 120/2.06, amended by P.A. 96-1473, eff. 1-1-2011; 105 ILCS 5/10-6 (board of directors) and 5/10-16 (board of education)). The Open Meetings Act requires public bodies to have rules (a policy) on public comment (Id.).

² State law does not provide specific rules and these guidelines and the 5 minute limitation may be changed or deleted amended. The guidelines for public comment should be reviewed with the board attorney. Restrictions on public comment during board meetings must respect free speech rights guaranteed by the First Amendment. Do not use viewpoint-based restrictions on public comment time unless approved by the board attorney. Many decisions address the tension between free speech and rules for public comment during meetings. See, for example:

Lowery v. Jefferson Co. Bd of Educ., 586 F.3d 427 (6th Cir., 2009)(upheld a rule prohibiting speakers from being frivolous, repetitive, or harassing).

Steinburg v. Chesterfield County Planning Commission, 527 F.3d 377 (4th Cir., 2008), cert. denied (upheld removal of a man from a public meeting for behaving in a hostile manner).

Norse v. City of Santa Cruz, 586 F.3d 697 (9th Cir., 2009)(upheld community member's removal from city council meeting after community member gave Nazi salute in presiding officer's direction).

Fairchild v. Liberty Indep. School Dist., 597 F.3d 747 (5th Cir., 2010)(upheld a policy banning discussion of personnel matters during public comment; the rationale turned, at least in part, on the Texas open meetings law).

Bach v. School Board of the City of Virginia Beach, 139 F.Supp.2d 738 (E.D.Va., 2001)(struck down a rule that prohibited personal attacks during public comments at meetings).

Mnyofu v. Rich Tp. High School Dist., 2007 WL 1308523 (N.D.Ill., 2007)(school boards may impose guidelines for running meetings to maintain effectiveness).

³ See Nuding v. Cerro Gordo Community Unit School Dist., 730 N.E.2d 96 (Ill.App. 4, 2000)-(board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting).

LEGAL REF.: 5 ILCS 120/2.06.
105 ILCS 5/10-6 and 5/10-16.

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

4 A board of directors must reply to a written request for consideration of a matter within 60 days from the board's receipt of the request (105 ILCS 5/10-6). Boards of education may treat petitions or correspondence according to a uniform, locally developed process.

2:230

School Board

Uniform Grievance Procedure 1

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

1. Title II of the Americans with Disabilities Act²
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. ~~Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.~~
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)
7. Bullying, 105 ILCS 5/27-23.7³
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children⁴

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

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

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

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

² The Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325, made significant changes to the Americans with Disabilities Act's definition of disability by broadening the scope of coverage. ADAAA also overturned a series of U.S. Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that impairments were a disability. EEOC's regulations, 29 C.F.R. Part 1603, can be found at: www.eeoc.gov/laws/types/disability_regulations.cfm. The EEOC has stated that it may immediately begin using the positions set forth in its proposed regulations for its litigation and enforcement proceedings because it views ADAAA as restorative to ADA.

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

³ All districts must have a policy on bullying (105 ILCS 5/27-23.7, amended by P.A. 96-952). See policy 7:180, *Preventing Bullying, Intimidation, and Harassment*. The inclusion of *bullying* in the list of topics that may serve as the basis of a grievance furthers the obligation to communicate this policy to students and their parents/guardians.

9. Curriculum, instructional materials, and/or programs
10. Victims' Economic Security and Safety Act, 820 ILCS 180
11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students
13. Illinois Whistleblower Act, 740 ILCS 174/1-et seq. 5
14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.) 6
15. Employee Credit Privacy Act, 820 ILCS 70/, 7

The Complaint Manager will attempt to resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the

⁴ Parents/guardians of educationally disadvantaged children may sue a district for misuse of funds allocated by State law for the benefit of such children. Novola v. Board of Education, 688 N.E.2d 81 (1997), (affirming the appellate court's conclusion in Novola v. Board of Education, 671 N.E.2d 802 (Ill.App.1, 1996) that parents/guardians may pursue a claim to enforce the requirements of The School Code but holding that the proper action for enforcement is by means of mandamus not an implied right of action).

⁵ The Illinois Whistleblower Act, 740 ILCS 174/, includes school districts in the definition of employer. It protects employees from employer retaliation for disclosing information to a government or law enforcement agency. Section 15 also contains language prohibiting employers from retaliating against employees who disclose information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation. The Public Act also amends the Illinois Whistleblower Reward and Protection Act (740 ILCS 175/). Its definition of "State" includes school districts. A strict interpretation of this language appears to allow school boards to collect civil penalties and costs against someone making a false claim. Before disciplining any employee, Boards should thoroughly investigate the ramifications of this Public Act in consultation with their attorney and liability insurance carriers.

⁶ The Genetic Information Nondiscrimination Act (GINA) is a federal law. Title I, eff. 5-2-08, addresses the use of genetic information pertaining to health insurance. Title II, eff. 11-21-09, protects job applicants, current and former employees, labor union members, and apprentices and trainees from discrimination based on their genetic information. GINA covers employers with 15 or more employees.

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

The Ill. Genetic Information Protection Act (GIPA), 410 ILCS 513/, as amended by P.A. 95-927, also prohibits employers from making employment decisions on the basis of any employee's genetic testing information. P.A. 95-927 amended GIPA to include the federal GINA's definition of genetic information and created more stringent obligations on Ill. employers. While the federal GINA exempts small employers (those with less than 15 employees), Illinois' GIPA covers all employers, even those with one employee. P.A. 95-297 also increased GIPA's penalties for negligent and intentional mishandling of genetic information. Note that Title II of GINA does not preempt GIPA's greater protections to Illinois employees.

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

7 820 ILCS 70/, added by P.A. 96-1426. Unless a satisfactory credit history is an established bona fide occupational requirement of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report. (2) inquire about an applicant's or employee's credit history, or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as when the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. A person who is injured by a violation of this Act may bring a civil action to obtain injunctive relief and/or damages (820 ILCS 70/25, added by P.A. 96-1426). The court must award costs and reasonable attorney's fees to a prevailing plaintiff.

person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. All deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

Filing a Complaint

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

Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. ⁸ If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law, this policy, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

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

Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with the following section of this policy. The Superintendent will keep the Board informed of all complaints.

Decision and Appeal

Within 5 school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant by U.S. mail, first class, as well as to the Complaint Manager.

Within 10 school business days after receiving the Superintendent's decision, the Complainant may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board. Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within 5

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⁸ The Ill. sex equity regulations require districts to have "specific timelines for completion of each step and rendering of a written decision, and shall provide for final appeal of grievance decisions made at the system level to the system's governing board" (23 Ill.Admin.Code §200.40). To avoid arguments over these timelines, this sample policy provides that the failure to strictly follow the timelines does not prejudice any party. The grievance procedure is worthless if complaints are not thoroughly and promptly investigated.

school business days of the Board's decision, the Superintendent shall inform the Complainant of the Board's action. ⁹

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

Appointing Nondiscrimination Coordinator and Complaint Managers ¹⁰

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others.

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint 2 Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

SANDRA STRINGER
Name

Address

Telephone

Complaint Managers:

Giane Betts
Name

Address

Telephone

Daniel Walsh
Name

Address

Telephone

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
Equal Pay Act, 29 U.S.C. §206(d).
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.

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

⁹ Note: ISBE is authorized "[t]o hear and determine all controversies arising under the school laws of the State, coming to it by appeal from a regional superintendent of schools," (105 ILCS 5/2-3.8, 5/3-10).

¹⁰ 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.

Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
~~Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.~~
McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.
Illinois Genetic Information Privacy Act, 410 ILCS 513/.
Illinois Whistleblower Act, 740 ILCS 174/1-~~et seq.~~
Illinois Human Rights Act, 775 ILCS 5/.
Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280.
Equal Pay Act of 2003, 820 ILCS 112.
Employee Credit Privacy Act, 820 ILCS 70/.
23 Ill.Admin.Code §§1.240 and 200-40.

CROSS REF.:

5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public Suggestions and Complaints)

Operational Services

Fiscal and Business Management 1

The Superintendent is responsible for the School District's fiscal and business management. 2 This responsibility includes annually preparing and presenting the District's statement of affairs to the School Board and publishing it before December 1 as required by State law. 3

The Superintendent shall ensure the efficient and cost-effective operation of the District's business management using computers, computer software, data management, communication systems, and electronic networks, including electronic mail, the Internet, and security systems. Each person using the District's electronic network shall complete an "Authorization for Electronic Network Access." 4

Budget Planning 5

The District's fiscal year is from July 1 until June 30. 6 The Superintendent shall present to the Board, no later than the first regular meeting in August, a tentative budget with appropriate explanation. 7 This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District's educational program. The District's budget shall be entered upon the Illinois State Board of Education's "School District Budget Form." 8 To the extent possible, the tentative budget shall be balanced as defined by the State Board of Education guidelines. The Superintendent shall complete a tentative deficit reduction plan if one is required by the State Board of Education guidelines. 9

Preliminary Adoption Procedures

After receiving the Superintendent's proposed budget, the Board sets the date, place, and time for:

1. A public hearing on the proposed budget, 10 and
2. The proposed budget to be available to the public for inspection. 11

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 Boards are authorized to hire a chief school business official (105 ILCS 5/10-22.23a). Districts having a chief school business official may want to replace "superintendent" with "chief school business official" throughout this policy.

3 105 ILCS 5/10-17.

4 See exhibit 6:235-E2, *Authorization for Electronic Network Access*. Use of electronic networks in the curriculum is covered in policy 6:235, *Access to Electronic Networks*.

5 This optional paragraph addresses a budget calendar:

Each January the Board adopts a proposed budget calendar indicating dates for presentation by the Superintendent of receipts, estimates, preliminary expenditure recommendations by funds, and major Board actions affecting the budget.

6 The board sets the fiscal year (105 ILCS 5/17-1) and this sentence should reflect that local decision.

7 The board must designate a person(s) to prepare a tentative budget (105 ILCS 5/17-1). The purpose of this policy's directive for the superintendent to present a tentative budget "no later than the first regular meeting in August" is to ensure that the budget can be adopted by September 30 (see footnote 14). A board may amend this directive to give the superintendent additional flexibility by requiring him or her to present a tentative budget "during a regular Board meeting in August."

8 Required by 105 ILCS 5/17-1. The budget instructions from ISBE detail when a deficit reduction plan must be completed.

9 State law requires the budget to be balanced and, if not, a 3-year deficit reduction plan must be developed (105 ILCS 5/17-1).

10 At least one public hearing must be held before final action on the budget (105 ILCS 5/17-1).

The Board Secretary shall arrange to publish a notice in a local newspaper stating the date, place, and time of the proposed budget's availability for public inspection and the public hearing. ¹² The proposed budget shall be available for public inspection at least 30 days before the time of the budget hearing.

At the public hearing, the proposed budget shall be reviewed, and the public shall be invited to comment, question, or advise the Board. ¹³

Final Adoption Procedures

The Board adopts a budget before the end of the first quarter of each fiscal year, September 30, or by such alternative procedure as State law may define. ¹⁴ To the extent possible, the budget shall be balanced as defined by the State Board of Education; if not balanced, the Board will adopt a deficit reduction plan to balance the District's budget within 3 years according to State Board of Education requirements. ¹⁵

The Board adopts the budget by roll call vote. The budget resolution shall be incorporated into the meeting's official minutes. Board members' names voting *yea* and *nay* shall be recorded in the minutes. ¹⁶

The Superintendent or designee shall perform each of the following:

1. Post the District's final annual budget, itemized by receipts and expenditures, on the District's Internet website; notify parents/guardians that it is posted and provide the website's address. ¹⁷
2. File a certified copy of the budget resolution and an estimate of revenues by source anticipated to be received in the following fiscal year, certified by the District's Chief Fiscal Officer, with the County Clerk within 30 days of the budget's adoption. ¹⁸
3. Make all preparations necessary for the Board to timely file its Certificate of Tax Levy, including preparations to comply with the Truth in Taxation Act; file the Certificate of Tax Levy with the County Clerk on or before the last Tuesday in December. The Certificate lists the amount of property tax money to be provided for the various funds in the budget.
4. Submit the annual budget, a deficit reduction plan if one is required by State Board of Education guidelines, and other financial information to the State Board of Education according to its requirements. ¹⁹

Any amendments to the budget or Certificate of Tax Levy shall be made as provided in The School Code and Truth in Taxation Act. ²⁰

¹¹ The tentative budget must be conveniently available for public inspection for at least 30 days before final action on the budget (105 ILCS 5/17-1).

¹² 105 ILCS 5/17-1 makes the board secretary responsible for this public notice at least 30 days before the hearing. If there is no newspaper published in the district, notice must be given by posting notices in 5 public places (105 ILCS 5/17-1).

¹³ State law does not address what transpires during the budget hearing.

¹⁴ Required by 105 ILCS 5/17-1 and 5/17-3.2.

¹⁵ Required by 105 ILCS 5/17-1. See footnote 8.

¹⁶ Required by 105 ILCS 5/10-7.

¹⁷ Required by 105 ILCS 5/17-1.2, *only if* the district has a website. Do not add this sentence unless the district has a website.

¹⁸ Required by 35 ILCS 200/18-50, which refers to "appropriation and budget ordinances or resolutions." School districts adopt budgets by board resolution. The budget serves as the district's appropriation.

¹⁹ Required by 105 ILCS 5/17-1.

²⁰ 105 ILCS 5/17-11 and 35 ILCS 200/18-55.

Budget Amendments

The Board may amend the budget by the same procedure as provided for in the original adoption. 21

Implementation

The Superintendent or designee shall implement the District's budget and provide the Board with a monthly financial report that includes all deficit fund balances. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Board.

The Board shall act on all interfund loans²², interfund transfers²³, transfers within funds²⁴, and transfers from the working cash fund or abatements of it, if one exists. ²⁵

LEGAL REF.: 35 ILCS 200/18-55 et seq.
105 ILCS 5/10-17, 5/10-22.33, 5/17-1, 5/17-1.2, 5/17-2A, 5/17-3.2, 5/17-11, 5/20-5, 5/20-8, and 5/20-8 10.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:40 (Incurring Debt), 6:235 (Access to Electronic Networks)

ADMIN. PROC.: 6:235-E2 (Exhibit - Authorization for Electronic Network Access)

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

²¹ 105 ILCS 5/17-1, 23 Ill.Admin.Code Part 100.

²² 105 ILCS 5/10-22.33, 5/20-4, 5/20-5, 5/20-8, and 5/20-8 10 (amended by P.A. 96-1277) and 23 Ill.Admin.Code §100.50. If the district loans money from the working cash fund to another fund, Section 5/20-10, amended by P.A. 96-1277, requires the district to maintain a credit to the working cash fund (meaning that borrowing fund must repay the working cash fund).

²³ 105 ILCS 5/17-2A contains the requirements for a permanent transfer. P.A. ~~95-53~~ 96-1201 extended the time period during which a district may transfer money from specified funds for any purpose to June 30, ~~2010~~ 2013.

²⁴ Transfers between the various items in any fund may not exceed in the aggregate 10 percent of the total of such fund as set forth in the budget. If the aggregate exceeds 10 percent, the board must amend the budget (105 ILCS 5/17-1).

²⁵ The purpose of the working cash fund is to enable the school district "to have in its treasury at all times sufficient money to meet demands for ~~ordinary and necessary~~ expenses," (105 ILCS 5/20-1, amended by P.A. 96-1277). School officials, including board members, are liable "for any sum that may be unlawfully diverted from the working cash fund ... ,"

105 ILCS 5/20-6, 105 ILCS 5/20-10, amended by P.A. 96-1277, now codifies a long-held practice and understanding of Illinois school districts. A district may abate (reduce the funds) money from the working cash fund at any time and transfer it to any district fund or funds most in need of the money, provided that the district maintains an amount to the credit of the working cash fund. P.A. 96-1277 legislatively overturned caselaw concluding that any permanent transfer, including abatements, of the working cash fund should be transferred only to the education fund (G.I.S. Ventures v. Novak, 902 N.E.2d 744 (Ill.App. 2nd Dist., 02/06/09). Abolishments (deplete all funds) of the working cash fund must still be transferred to the education fund only.

Operational Services

Accounting and Audits 1

The School District's accounting and audit services shall comply with the Illinois Program Accounting Manual, as adopted by the Illinois State Board of Education, and State law. The Superintendent, in addition to other assigned financial responsibilities, shall report monthly on the District's financial performance, both income and expense, in relation to the financial plan represented in the budget.

Annual Audit 2

At the close of each fiscal year, the Superintendent shall arrange an audit of the District funds, accounts, statements, and other financial matters. The audit shall be performed by an independent certified public accountant designated by the Board and be conducted in conformance with prescribed standards and legal requirements. A complete and detailed written audit report shall be provided to each Board member and to the Superintendent. The Superintendent shall annually, on or before October 15, submit an original and one copy of the audit to the Regional Superintendent of Schools.

Annual Financial Report 3

The Superintendent or designee shall annually prepare and submit the Annual Financial Report on a timely basis using the form adopted by the Illinois State Board of Education. The Superintendent shall review and discuss the Annual Financial Report with the Board before it is submitted.

Inventories 4

The Superintendent or designee is responsible for establishing and maintaining accurate inventory records that, at a minimum, comply with the Illinois Program Accounting Manual. The inventory record of supplies and equipment shall include a description of each item, quantity, location, purchase date, and cost or estimated replacement cost.

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 board policy or resolution is required concerning revolving funds and petty cash (23 Ill.Admin.Code §100.70). This policy is intended to facilitate the board's fiscal oversight role. The last sentence of the first paragraph should be modified to align with local conditions. The Illinois Program Accounting Manual is found at <http://www.isbe.state.il.us/sfms/pdf/ipam.pdf>.

² Audit requirements are found in 105 ILCS 5/3-7 and 5/3-15.1, and 23 Ill.Admin.Code §100.110. The federal Single Audit Act adds audit requirements for federal programs (31 U.S.C. §7501 et seq.).

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

The following optional sentence establishes an audit committee: "The Board will annually establish an audit committee to help the Board select an external auditor, confer with the auditor regarding the audit's scope, and oversee the audit process." Note: all board committees are subject to the Open Meetings Act.

The following optional sentence establishes a competitive process for selecting the external auditor; it prevents a long-term relationship with an auditor and reduces the possibility of audits being too routine or friendly: "The Board will annually advertise a request for proposals to perform the external audit." Substitute "periodically" for "annually" if desired.

³ Requirements for the annual financial report are found in 105 ILCS 5/2-3.27 and 5/3-15.1; 23 Ill.Admin.Code §100.100. The last sentence of this section should be modified to align with local conditions.

⁴ Illinois Program Accounting Manual is found at <http://www.isbe.state.il.us/sfms/pdf/ipam.pdf>. The last sentence of this section should be modified to align with local conditions.

Disposition of District Property 5

The Superintendent or designee shall notify the Board, as necessary, of the following so that the Board may consider its disposition: (1) District personal property (property other than buildings and land) that is no longer needed for school purposes, and (2) school site, building, or other real estate that is unnecessary, unsuitable, or inconvenient. Notwithstanding the above, the Superintendent or designee may unilaterally dispose of personal property of a diminutive value.

Taxable Fringe Benefits 6

The Superintendent or designee shall: (1) require that all use of District property or equipment by employees is for the District's convenience and best interests unless it is a Board-approved fringe benefit, and (2) ensure compliance with the Internal Revenue Service regulations regarding when to report an employee's personal use of District property or equipment as taxable compensation.

Controls for Revolving Funds and Petty Cash 7

Revolving funds and the petty cash system are established in Board policy 4:50, *Payment Procedures*. The Superintendent shall: (1) designate a custodian for each revolving fund and petty cash fund, (2) obtain a bond for each fund custodian, and (3) maintain the funds in compliance with this policy, State law, and Illinois State Board of Education rules. A check for the petty cash fund may be drawn payable to the designated petty cash custodian. Bank accounts for revolving funds are limited to a maximum balance of \$500.00. All expenditures from these bank accounts must be directly related to the purpose for which the account was established and supported with documentation, including signed invoices or receipts. All deposits into these bank accounts must be accompanied with a clear description of their intended purpose. The Superintendent or designee shall include checks written to reimburse revolving funds on the Board's monthly listing of bills indicating the recipient and including an explanation.

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

5 The requirements in this section are specified in 105 ILCS 5/5-22 and 5/10-22.8. A board that desires to act on the disposition of property having *any* value should use the following alternative to this section's the last sentence: "Notwithstanding the above, the Superintendent or designee may unilaterally dispose of worthless personal property."

6 The intent of this optional section is twofold: (1) to control personal use of district property and equipment, and (2) to ensure compliance with IRS rules. As to the first point, allowing personal use of district property or equipment is arguably prohibited by the Ill. Constitution, Art. VIII, Sec 1 which states: "Public funds, property or credit shall be used only for public purposes." As to the second point, any fringe benefit an employer provides is taxable and must be included in the recipient's pay unless the law specifically excludes it. See Publication 15-B (2008), *Employer's Tax Guide to Fringe Benefits*, <http://www.irs.gov/publications/p15b/index.html>.

7 105 ILCS 5/10-20.19; 23 Ill.Admin.Code §100.70. This paragraph's contents are mandatory, except for the \$500 cap on the maximum balance of revolving funds. The cap amount may be changed or the following alternative used: "Each revolving fund shall be maintained in a bank that has been approved by the Board and established in an amount approved by the Superintendent consistent with the annual budget."

Control Requirements for Checks 8

The Board must approve all bank accounts opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number. All checks issued by the School District must be signed by either the Treasurer or Board President, except that checks from an account containing student activity funds and revolving accounts may be signed by the respective account custodian.

Internal Controls 9

The Superintendent is primarily responsible for establishing and implementing a system of internal controls for safeguarding the District's financial condition; the Board, however, will oversee these safeguards. The control objectives are to ensure efficient business and financial practices, reliable financial reporting, and compliance with State law and Board policies, and to prevent losses from fraud, employee error, misrepresentation by third parties, or imprudent employee action.

The Superintendent or designee shall annually audit the District's financial and business operations for compliance with established internal controls and provide the results to the Board. The Board may from time-to-time engage a third-party to audit internal controls in addition to the annual audit.

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

8 This section is largely up to the local board's discretion; additional controls may be added. The following alternative to the second sentence will mandate two signatories for checks:

Two of the following individuals, the Treasurer, Board President, and/or Board Vice-President, shall sign all checks issued by the School District, except that checks from an account containing student activity funds and revolving accounts may be signed by the respective account custodian.

A board must comply with State law requirements concerning the use of facsimile or electronic signatures on checks. The Secretary of State, Index Department, maintains certified manual signatures of officers authorized to sign checks (Uniform Facsimile Signature of Public Officials Act, 30 ILCS 320/). Electronic records and signatures are governed by the Electronic Commerce Security Act (5 ILCS 175/5). Attorneys disagree about the applicability of these laws to school districts.

9 This section is largely up to the local board's discretion. The annual audit must include a "review and testing of the internal control structure" (23 Ill. Admin. Code §100.110). This review's limited scope means that boards should not rely on it to reveal uncontrolled financial risks. The board's responsibility is to establish policy to safeguard the district's financial condition. Indeed, the oath of office includes this promise: "I shall respect taxpayer interests by serving as a faithful protector of the school district's assets." In this sample policy, the board sets the control objectives and the superintendent is responsible for developing an internal controls system.

Boards that wish to take a larger oversight role regarding internal controls may list the numbered sentences in the IASB sample administrative procedure 4:80-AP, *Checklist for Internal Controls*, as required inclusions in the superintendent's program for internal controls. This alternative, for insertion at the end of this section's first paragraph, follows:

The District's system of internal controls shall include the following:

1. All financial transactions must be properly authorized and documented.
2. Financial records and data must be accurate and complete.
3. Accounts payable must be accurate and punctual.
4. District assets must be protected from loss or misuse.
5. Incompatible duties should be segregated, if possible.
6. Accounting records must be periodically reconciled.
7. Equipment and supplies must be safeguarded.
8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.
9. Any unnecessary weaknesses or financial risks must be promptly corrected.

LEGAL REF.: 105 ILCS 5/2-3.27, 5/2-3.28, 5/3-7, 5/3-15.1, 5/5-22, 5/10-21.4, 5/10-20.19, 5/10-22.8, and 5/17-1 et seq.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:10 (Fiscal and Business Management), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 4:90 (Activity Funds)

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 ³

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 \$12,500, including the cost equivalent of staff time. ⁴ 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.

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/). IASB sample policy 4:160, *Environmental Quality of Buildings and Grounds*, fulfills the requirement to have a procedure on compliance with the Chemical Safety Act (105 ILCS 5/10-20.49). Many other State and federal laws control facility management and building programs. Good subjects for administrative procedures include management of custodial services, security, green cleaning, among others.

The Prevailing Wage Act is generally applicable to all construction projects (820 ILCS 130/). 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.

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

³ An appropriate and safe physical environment is impacted by 28 C.F.R. Parts 35 and 36. They contain the updated rules implementing the American with Disabilities Act (ADA) prohibiting discrimination on the basis of disability in services and facilities; 28 C.F.R. Part 36, App. B contains the 2010 ADA Standards for Accessible Design. This, along with numerous publications, is available on the ADA homepage, www.ada.gov. Consult the board attorney about how these standards will apply for alterations and new construction between Sept. 15, 2010 and March 15, 2012 and whether or not renovations, permanent alterations, and/or new construction are subject to any *safe harbor* provisions.

⁴ 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 currently reflecting amendments by P.A. 95-990 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.

Standards for Green Cleaning 5

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.

Standards for Facility Construction and Building Programs 6

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, energy efficiency, and minimal environmental impact.

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

5 Required by the Green Cleaning School Act (105 ILCS 140/) and Green Cleaning for Elementary and Secondary Schools (23 Ill.Admin.Code Part 2800). The *Guidelines and Specifications*, established by the Ill. Green Government Coordinating Council, state: "[a]ll schools may continue to use their current cleaning supplies, equipment and policies until ... such time as the supplies and equipment on hand as of May 9, 2008 are exhausted." See:

www.standingupforillinois.org/green/school_cleaning.php

www.standingupforillinois.org/uploads/20080122GCSAGuidelines.pdf.

6 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 5/10-20.46, 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. 96-252). A board may, subject to certain notice requirements, transfer surplus life safety taxes and interest earnings on them to the Operations and Maintenance fund for building repair work until June 30, 2013 (Id., added by P.A. 96-1474).

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, *Environmental Quality of Buildings and Grounds*.

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

Naming Buildings and Facilities ⁷

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. ⁸ 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 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 3130/, Green Buildings Act.
 105 ILCS 5/10-20.46 49, 5/10-22.36, 5/17-2.11, 140/, and 230/.
 410 ILCS 25/, Environmental Barriers Act.
 820 ILCS 130/, 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, Ill. 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)

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

⁷ This section is optional and its contents are at the board's discretion.

⁸ 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.

Operational Services

Safety 1

Safety Program

All District operations, including the education program, shall be conducted in a manner that will promote the safety of everyone on District property or at a District event. ²

The Superintendent or designee shall develop and implement a comprehensive safety and crisis plan incorporating both avoidance and management guidelines. ³ The comprehensive safety and crisis plan shall specifically include provisions for: injury prevention; bomb threats, weapons, and explosives on campus; school safety drill program; ⁴ tornado protection; instruction in safe bus riding practices; ⁵ emergency aid; post-crisis management; and, responding to medical emergencies at an indoor and outdoor physical fitness facility. ⁶ During each academic year, each school building that houses school children must conduct a minimum of: ⁷

1. Three school evacuation drills,
2. One bus evacuation drill, and
3. ~~One~~ severe weather and shelter-in-place drill.

~~4. One law enforcement drill~~ 4. one law enforcement drill

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¹ State or federal law requires a policy on some aspects of this policy and 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 This simple end statement should be discussed (what effect or impact will this district statement have on the students and the community?) and altered accordingly before board adoption.

³ See administrative procedure 4:170-AP1, *Comprehensive Safety and Crisis Program*.

⁴ See the School Safety Drill Act, 105 ILCS 128/.

⁵ Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14 for all students.

⁶ The Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/, amended by P.A. 95-712, broadened the definition of physical fitness facility to include outdoor facilities. Entities operating a "physical fitness facility must adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." Administrative procedures, consistent with the Ill. Dept. of Public Health rules (77 Ill. Admin. Code Part 527), must support this policy in order to comply with the law.

A school with a physical fitness facility must ensure that there is a trained AED user on staff during staffed business hours (210 ILCS 74/15 (b), amended by P.A. 96-748). "During staffed business hours" is not well defined and may change based upon the school's various circumstances. "Physical fitness facility" excludes any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the school (210 ILCS 74/5.25, amended by P.A. 96-873). Schools with an outdoor physical fitness facility must have an AED on site and a trained AED user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the school (210 ILCS 74/15(b-15), amended by P.A. 96-873). There is no longer a requirement for a person supervising an activity at an outdoor physical fitness facility to bring an AED along if there is no building within 300 feet of the outdoor physical fitness facility (Id. at (b-10), amended by P.A. 96-1268). However, when there is a building within 300 feet of the outdoor facility where an event or activity is being conducted, an AED must still be housed within that building and the building must provide unimpeded and open access to the housed AED along with marked directions to it (Id.). Consult the board attorney about AED issues and how to manage compliance with the Act and its implementing rules.

Insert the following language if a board wants to define "physical fitness facility" in the policy:

The term "physical fitness facility" excludes any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the school.

⁷ Required by the School Safety Drill Act, 105 ILCS 128/. 105 ILCS 5/2-3.12 authorizes fire officials to conduct routine fire safety checks, provided written notice is given to the principal requesting to schedule a mutually agreed upon time. No more than 2 routine inspections may be made in a calendar year.

~~When contacted by the appropriate local law enforcement agency with a request to conduct and participate in a law enforcement drill, the~~ The Superintendent or appropriate designee must conduct a law enforcement drill in one of the District's school buildings during the academic year. Any appropriate local law enforcement agency may conduct and participate in this law enforcement drill. ⁸ The law enforcement drill must be conducted according to the District's comprehensive safety and crisis plan and it may be conducted on days and times that students are not present in the building. ⁹

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to use any available cellular telephone. ¹⁰

Convicted Child Sex Offender and Notification Laws ¹¹

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

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

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⁸ A law enforcement drill is not mandatory for every school building that houses school children; 105 ILCS 128/20(c), amended by P.A. 95-1015, does not contain the same language in 105 ILCS 128/20 (a), (b), and (d) that requires during each academic year, school evacuation, bus evacuation, and severe weather and shelter-in-place drills shall be conducted at *each school building that houses school children*. 105 ILCS 128/20(c) requires the appropriate local law enforcement agency to contact the appropriate school administrator during each calendar year; ~~however, schools and the school district must conduct the~~ have at least one law enforcement drill in one of its buildings during each academic year.

⁹ 105 ILCS 128/20 (c); footnote 3 *supra*.

¹⁰ Cell phone use is addressed in 105 ILCS 5/10-20.28 (allows boards to regulate student use of cell phones; also see 7:190, *Student Discipline*) and 625 ILCS 5/12-610.1(e), amended by P.A. 96-131 (prohibits wireless telephone use at any time while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes). 625 ILCS 5/12-813.1, amended by P.A. 96-1066 ~~8+8~~, provides four exceptions that 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) to communicate with school authorities about bus operation or the safety of a passenger on the bus; and (4) when the bus is parked. However, under no circumstances may the cell phone be used for anything else including personal use (625 ILCS 5/12-813.1, amended by P.A. 96-1066). See ~~fn 15 of~~ policy 4:110, *Transportation*, for a more detailed discussion of two-way radios and cellular telephone use.

¹¹ Four laws are relevant to this section:

Paragraphs 1-3 contain the requirements in the Criminal Code, 720 ILCS 5/11-9.3, regulating a child sex offender's presence on school property;

Paragraph 4 concerns the Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.*, and Child Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105;

Paragraph 5 contains the requirements in The School Code concerning mandatory criminal history records check on those contractors' employees who have a "direct, daily contact with students," (105 ILCS 5/10-21.9(f). Sample policy 5:30, *Hiring Process and Criteria*, and administrative procedure 5:30-AP2, *Investigations*, address the criminal offenses listed at 105 ILCS 5/21-23a. Being convicted of one will disqualify an individual from school district employment (105 ILCS 5/10-21.9, amended by P.A. 96-431).

An Illinois federal court denied a father's request to enjoin a school's policy that prohibited him, as a child sex offender, from attending his children's school activities in Doe v. Paris Union School Dist., No. 05-2249, 2006 WL 44304 (C.D.Ill., 2006).

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

In all cases, the Superintendent, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity. 12

If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school. 13

The Superintendent shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Child Murderer and Violent Offender Against Youth Community Notification Law. The Superintendent or designee shall serve as the District contact person for purposes of these laws. 14 The Superintendent and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. 15 This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.

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12 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also policy 8:30, *Visitors to and Conduct on School Property*.

13 Aside from rumor and notoriety, there are 3 ways that school officials may learn that an enrolled student is a sex offender or a violent offender against youth, that is:

1. By being informed by the student or the student's parent/guardian.
2. Through the Illinois State Police Sex Offender Database, www.isp.state.il.us/sor. A juvenile sex offender is listed there after the juvenile becomes 17 years old and will be listed for the remaining registration period (730 ILCS 150/2). The database is updated daily and allows searching by name, city, county, zip code, compliance status, or any combination thereof.
3. ~~From~~ By receiving a notification from a law enforcement agency that a juvenile sex offender or juvenile violent offender against youth is enrolled in a school. The law enforcement agency having jurisdiction to register the juvenile must provide a copy of the offender registration form to the building principal and guidance counselor designated by the principal; the school must keep the registration form separately from the student's school records (730 ILCS 152/121).

If a sex offender is enrolled in a school, guidelines for managing the sex offender's presence in school should be prepared. The components will depend on the situation but generally should include asking the parent/guardian of a sex offender below the age of 17 years for permission to share the information with certain staff for the protection of both the student and other students. In addition, the guidelines should include a supervision plan providing supervision for the student during all aspects of his or her school day. Finally, the guidelines must respect the privacy of juvenile records and comply with the Ill. School Student Records Act, 105 ILCS 10/. The board attorney should be consulted.

14 Law enforcement officials must notify school districts of the names, addresses, and offenses of registered offenders residing in their respective jurisdictions who have committed sex offenses and violent offenses against youth (see footnote 9). These laws are silent with regard to what, if anything, districts do with the information. The Sex Offender Community Notification Law, however, provides immunity for "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law," (730 ILCS 152/130).

Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and boards may wish to have a contact person from each building. See administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*, for sample implementing procedures.

15 State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.* In an effort to keep this policy aligned with good governance practices, the responsibility is given to the superintendent and building principal to manage. While State law allows the notification to be made during registration or parent-teacher conferences, the sample policy makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

All contracts with the School District that may involve an employee or agent of the contractor having any contact, direct or indirect, with a student, shall contain the following: 16

The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105 ILCS 5/10-21.9, or who is listed in the Statewide Sex Offender Registry or the Statewide Violent Offender Against Youth Database. The contractor shall obtain a fingerprint-based criminal history records check before sending any employee or agent to any school building or school property. Additionally, at least quarterly, the contractor shall check if an employee or agent is listed on the Statewide Sex Offender Registry or the Statewide Violent Offender Against Youth Database.

Unsafe School Choice Option 17

The unsafe school choice option allows students to transfer to another District school or to a public charter school within the District. The unsafe school choice option is available to:

1. All students attending a persistently dangerous school, as defined by State law and identified by the Illinois State Board of Education.
2. Any student who is a victim of a violent criminal offense, as defined by 725 ILCS 120/3, that occurred on school grounds during regular school hours or during a school-sponsored event.

The Superintendent or designee shall develop procedures to implement the unsafe school choice option.

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16 105 ILCS 5/10-21.9(f) requires a criminal history background investigation to be performed on those contractors' employees who have a "direct, daily contact with students." State law places the same restrictions on contractors' employees that it does on district employees. Board policy should address these issues:

- Who performs the background checks? It is virtually impossible to screen all contractors' employees. Thus, a contractor should warrant that none of its employees who may have contact with a student at school has committed an offense that would prohibit district employment.
- On whom are the checks performed? State law requires the check on those who have a "direct, daily contact with students." The sample policy is more comprehensive by requiring checks for any contractor's employee who may work in any school building or on school property - after all, the burden is on the contractor to do the checking.
- How is compliance assured? This sample policy requires the inclusion of a clause in district contracts prohibiting the use of any sex offender on school property. ~~As an alternative, a board can convert the contract clause to a policy statement, but note that having a clause in the contract more easily enforces compliance. Delete the striked-out portion and add the underscored words to convert the contract clause into a policy statement:~~

All contracts with the School District that may involve an employee or agent of the contractor having any contact, direct or indirect, with a student, shall contain the following:

The District contractors shall not send

See administrative procedure 5:30-AP2, *Investigations*.

17 A policy provision is required on this topic (105 ILCS 5/10-21.3a). See also 20 U.S.C. §7912. ISBE maintains a list of persistently dangerous schools. Districts having only one school or attendance center may substitute the following provision for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the district in certain situations. This transfer option is unavailable in this District because the District has only one school or attendance center. A student who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee."

Student Insurance 18

The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company. Students participating in athletics, cheerleading, or pompons must have school accident insurance unless the parents/guardians state in writing that the student is covered under a family health insurance plan.

Emergency Closing

The Superintendent is authorized to close the schools in the event of hazardous weather or other emergencies that threaten the safety of students, staff members, or school property. 19

LEGAL REF.: 105 ILCS 5/10-20.28, 5/10-21.3a, 5/10-21.9, and 128/
210 ILCS 74/
625 ILCS 5/12-813.1.
720 ILCS 5/11-9.3.
730 ILCS 152/101 et seq.

CROSS REF.: 5:30 (Hiring Process and Criteria), 6:190 (Extracurricular and Co-Curricular Activities), 6:250 (Community Resource Persons and Volunteers), 7:220 (Bus Conduct), 7:300 (Extracurricular Athletics), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

ADMIN. PROC.: 4:170-AP2 (Criminal Offender Notification Laws), 4:170-AP3 (School Bus Safety Rules), 4:170-AP6 (Responding to Medical Emergencies Occurring at Physical Fitness Facilities), 5:30-AP2 (Investigations)

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18 This subhead is optional. 105 ILCS 5/22-15 allows districts to purchase insurance on athletes. A form on which parents/guardians check-off whether they want school accident insurance or already have the student covered by other health insurance will suffice for purposes of this policy. Requiring students participating in athletics to have accident insurance is a best practice because: (1) waivers of liability do not prevent a student from bringing suit, and (2) waivers of liability are not favored by Illinois courts.

19 When adverse weather conditions force a school's closing or a delayed start, the district may count a partial day of attendance as a full day for State aid purposes, provided: (1) at least one hour of instruction was provided, and (2) the superintendent provides the Regional Superintendent or the Suburban Cook County Intermediate Service Center, whichever is appropriate, with a written report in support of the partial day within 30 days (105 ILCS 5/18-12, amended by P.A. 96-734). P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to the Intermediate Service Center for the area.

Operational Services

Pandemic Preparedness 1

The School Board recognizes that the District will play an essential role along with the local health department and emergency management agencies in protecting the public's health and safety if an influenza pandemic occurs. 2 A pandemic influenza is a worldwide outbreak of a virus for which there is little or no natural immunity and no vaccine; it spreads quickly to people who have not been previously exposed to the new virus. 3

To prepare the School District community for a pandemic, the Superintendent or designee shall: 4 (1) learn and understand the roles that the federal, State, and local government would play in an epidemic; (2) form a pandemic planning team consisting of appropriate District personnel and community members to identify priorities and oversee the development and implementation of a comprehensive pandemic influenza school action plan; and (3) build awareness of the final plan among staff, students, and community.

Emergency School Closing

In the case of a pandemic, any decision for an emergency school closing will be made by the Superintendent in consultation with and, if necessary, at the direction of the District's local health department, emergency management agencies, and Regional Office of Education. 5

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1 This policy is optional. A pandemic is a worldwide outbreak of a disease for which there is little or no natural immunity. During an influenza pandemic, a new influenza virus will cause thousands or even millions of people to contract the disease and, in turn, spread the illness to others because people have not been previously exposed to the new virus. Seasonal influenza viruses are similar to those already circulating among people. See, *School Guidance During an Influenza Pandemic, December 2006*; Illinois State Board of Education opening letter to School Officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker. This letter may be found online at:

www.isbe.net/regionaloffices/pdf/sppg_letter.pdf or www.idph.state.il.us/pandemic_flu/school_guide/sppg_letter.pdf.

According to the Centers for Disease Control guidance, schools serve as an "amplification point" of flu epidemics. *School Superintendent's Insider, April 2007*. School officials should be preparing for a flu pandemic as a U.S. Health and Human Services Pandemic Influenza Plan estimates that about 30 percent of the general population would become ill in a pandemic. The agency estimates among school aged children the figure would be higher, about 40 percent. Sources: *NSBA and School Board News 3/14/2006*.

Boards are authorized to adopt a policy on pandemic preparedness even though State and federal law provide little guidance. State law grants boards broad authority to formulate, adopt, and modify school board policies, at the board's sole discretion, subject only to mandatory collective bargaining agreements and State and federal law. 105 ILCS 5/10-20.5 and 115 ILCS 5/1 et seq. See 2:20, *Powers and Duties of the School Board* and also 2:240, *Board Policy Development*.

2 Multiple stakeholders have important roles in pandemic influenza preparedness and response. Stakeholders include federal departments and agencies, public health organizations, State and local health departments and laboratories, private health care organizations, influenza vaccine and antiviral manufacturers, and vaccine distributors and vaccinators. Effective response to an influenza pandemic requires planning, infrastructure, and action at many levels and by many groups. *Illinois Pandemic Influenza Preparedness and Response Plan, Version 2.05, October 10, 2006, page 38*, which is located at: http://www.idph.state.il.us/pandemic_flu/planning.htm.

3 See <http://pandemicflu.gov/plan/individual/familyguide.html>.

4 105 ILCS 5/10-16.7. The school board directs, through policy, the superintendent in his or her charge of the district's administration.

5 Local health departments, emergency medical agencies and the Regional Office of Education may direct a school to close during a pandemic. See, *School Guidance During an Influenza Pandemic, December 2006*; Illinois State Board of Education opening letter to school officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker. This letter is online at:

www.isbe.net/regionaloffices/pdf/sppg_letter.pdf or www.idph.state.il.us/pandemic_flu/school_guide/sppg_letter.pdf.

LEGAL REF.: 105 ILCS 5/10-16.7 and 5/10-20.5.
115 ILCS 5/1 et seq.

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:20 (Powers and Duties of the School Board), 4:170 (Safety), 7:90 (Release During School Hours), 8:100 (Relations with Other Organizations and Agencies)

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

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

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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 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." 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 f/n 2 above). 29 C.F.R. Part 1625, 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(Q), amended by P.A. 96-447. The term *order of protection status* means a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 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).

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, if otherwise able to perform the essential functions of the job with reasonable accommodation,¹⁵ and credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position,¹⁶ or other legally protected categories. 17 18 19 20

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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 Illinois' Genetic Information Protection Act (GIPA) (410 ILCS 513/25) and Title II of Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff et seq.). Both laws protect job applicants and current and former employees 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 affecting the use of genetic information in health insurance. Consult the board attorney for guidance regarding specific application of these laws and how they integrate with other related laws, e.g., the Family Medical Leave Act, the Americans with Disabilities Act, 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 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 Employee Credit Privacy Act, 820 ILCS 70, added by P.A. 96-1426. Unless a satisfactory credit history is an established bona fide occupational requirement of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report. (2) inquire about an applicant's or employee's credit history, or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more.

¹⁷ 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.

¹⁸ 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*.

¹⁹ Districts may not make residency in the district a condition of employment for teachers or educational support personnel (105 ILCS 5/24-4.1 and 10-23.5). This ban on residency requirements for teachers applies only to instructional personnel, and not, for example, to assistant principals. *Owen v. Kankakee School Dist.*, 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).

²⁰ School districts must accommodate mothers who choose to continue breastfeeding after returning to work. See the Right to Breastfeed Act, 740 ILCS 137; Nursing Mothers in the Workplace Act, 820 ILCS 260; and Fair Labor Standards Act, 29 U.S.C. §207(r), added by P.L. 111-148. See sample language for a personnel handbook in 5:10-AP, *Administrative Procedure - Workplace Accommodations for Nursing Mothers*.

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 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. 21

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. 22

Nondiscrimination Coordinator:

SANDRA STRINGER

Name

Address

Telephone

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

21 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, the Ill. Equal Pay Act, and the Ill. Whistleblower Act, 740 ILCS 174/.

The Ill. Whistleblower Act specifically prohibits employers from retaliating against employees for: (1) disclosing information to a government or law enforcement agency (740 ILCS 174/15(a)), (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 (740 ILCS 174/15(b)), (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), 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).

~~The Ill. Whistleblower Reward and Protection False Claims Act, 740 ILCS 175/, amended by P.A. 95-428 96-1304, 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. Thus, boards may seek a penalty from a person for making a false claim for money or property (740 ILCS 175/4). 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.4th Dist., 1995)(finding employee who reported asbestos hazard had a cause of action for tort of retaliatory discharge).~~

22 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 fill in later.

Complaint Managers:

Diane Betts
Name

Daniel Walsh
Name

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. 23

Minority Recruitment 24

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.

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

23 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.

24 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. 706 (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.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
 Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.
 Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq., §2000e et seq., and §12101 et seq.
 Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.
 Equal Pay Act, 29 U.S.C. §206(d).
Employee Credit Privacy Act, 820 ILCS 70/.
 Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
 Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
 Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
 Pregnancy Discrimination Act, 42 U.S.C. §2000e(k).
 Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.
 Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.
Ill. Constitution, 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.
 Ill. Whistleblower Act, 740 ILCS 174/.
 Ill. Human Rights Act, 775 ILCS 5/1-103 and 5/2-102.
 Religious Freedom Restoration Act, 775 ILCS 35/5.
 Ill. Equal Pay Act of 2003, 820 ILCS 112/.
 Victims' Economic Security and Safety Act, 820 ILCS 180/30.
 23 Ill.Admin.Code §1.230.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

General Personnel

Hiring Process and Criteria ¹

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment. ² The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. ³ If the Superintendent's recommendation is rejected, the Superintendent must submit another. ⁴ No individual will be employed who has been convicted of a criminal offense listed in Section 5/21-23a of The School Code. ⁵ No substitute teacher will be employed without first presenting his or her certificate of authorization from the Regional Superintendent. ⁶

All applicants must complete a District application in order to be considered for employment. ⁷

Job Descriptions

The Superintendent shall develop and maintain a current comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict. 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 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 See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Districts may not classify a job as either a "male" or "female" job (29 C.F.R. §1604.5, 34 C.F.R. §106.55).

³ Boards must consider the superintendent's recommendations concerning, among other things, "the selection, retention, and dismissal of employees," 105 ILCS 5/10-16.7. The board may want this alternative sentence:

All personnel decisions are made by the Board, but only on the recommendation of the Superintendent.

⁴ An additional optional sentence follows:

The Superintendent may select personnel on a short-term basis for a specific project or emergency condition before the Board's approval.

⁵ 105 ILCS 5.10-21.9(c), amended by P.A. 96-431.

⁶ 105 ILCS 5/40-21-9(c), amended by HB 5863, eff. 1-1-11. Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-431-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

⁷ Any person who applies for employment as a teacher, principal, superintendent, or other certificated employee who willfully makes a false statement on his or her application for employment, material to his or her qualifications for employment, which he or she does not believe to be true, is guilty of a Class A misdemeanor (105 ILCS 5/22-6.5). District employment applications must contain a statement to this effect (Id.).

Each employment application for a certificated position must state the following (Id.):

Failure to provide requested employment or employer history which is material to the applicant's qualifications for employment or the provision of statements which the applicant does not believe to be true may be a Class A misdemeanor.

⁸ Districts should have job descriptions for each position in order to establish the position's essential functions. The Americans with Disabilities Act protects individuals who have a disability and are qualified, with reasonable accommodation, to perform the *essential functions* of the job (42 U.S.C. §12101, amended by the ADA Amendments Act (ADAAA), Pub. L. 110-325). Determining which functions are essential may be critical to determining if an individual with a disability is qualified. An individual is qualified to perform a job even though he or she is unable, due to a disability, to perform tasks which are incidental to the job. Only when an individual is unable to perform the *essential functions* of a job may a district deny the individual employment opportunities (29 C.F.R. §1630.2(m)).

Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database (~~when available~~) is performed on each applicant as required by State law. ⁹ The Superintendent or designee shall notify an applicant if the applicant is identified in either database. ¹⁰ The School Code requires the Board President will to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Teacher Certification Board, or any other person necessary to the hiring decision, or for purposes of clarifying the information, the Department of State Police and/or Statewide Sex Offender Database. ¹¹

The Superintendent or designee shall ensure that an applicant's credit history or report from a consumer reporting agency is used only when a satisfactory credit history is an established bona fide occupational requirement of a particular position. ¹²

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law. ¹³

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section

A job description is evidence of a position's *essential functions* (29 C.F.R. §1630.2(n)). In order for a particular function to be essential: (1) the employer must actually require employees in the position to perform it, and (2) the position would be *fundamentally altered* if the function were removed (*Id.*). Whether a particular function is essential is a factual determination.

Important: The ADAAA makes significant changes to the ADA's definition of disability that broadens the scope of coverage and overturns a series of U.S. Supreme Court decisions that made it difficult to prove that an impairment was a disability. On June 17, 2009, the Equal Employment Opportunity Commission (EEOC) voted to approve a proposed Notice of Proposed Rulemaking (NPRM) to conform its current ADA regulations to the ADAAA. The EEOC has stated that it may immediately begin using the positions set forth in its proposed regulations for its litigation and enforcement proceedings because it views ADAAA as restorative to ADA. The latest information about the NPRM to the ADA regulations is available at: www.eeoc.gov/ada/amendments_notice.html. Consult the board attorney regarding these amendment's impact on the district's hiring processes.

⁹ The policy's requirements on criminal records checks are mandated by 105 ILCS 5/10-21.9, amended by P.A. 96-1452 and HB 5863, eff. 1-1-11. See administrative procedure 5:30-AP2, *Investigations*, for the process and positions requiring criminal background investigation. The Statewide Sex Offender Database (a/k/a Sex Offender Registry) is available at: www.isp.state.il.us/sor. The Statewide Child Murderer and Violent Offender Against Youth Database is available at: www.isp/state.il.us/cmvo/.

¹⁰ *Id.*

¹¹ 105 ILCS 5/10-21.9(b), amended by P.A. 96-1452. The School Code continues to define the board president's role in conducting criminal background investigations. Many districts delegate this task in the hiring process to a human resources department.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." The Regional Office of Education for Suburban Cook County was abolished and its duties and powers transpired to the intermediate service center for the area by P.A. 96-893.

¹² Employee Credit Privacy Act, 820 ILCS 70: added by P.A. 96-1426, eff. 1-1-11. This Act allows inquires into an applicant's credit history or credit report or ordering or obtaining an applicant's credit report from a consumer reporting agency when a satisfactory credit history is an established bona fide occupational requirement of a particular position. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more.

¹³ Immigration Reform and Control Act, 8 U.S.C. §1324a *et seq.* Consult with the board attorney regarding the district's rights and responsibilities under all Illinois laws if the district uses any electronic employment verification system, including *E-Verify* and/or the Basic Pilot Program (820 ILCS 55/, amended by P.A. 96-623). P.A. 96-623 urges employers who voluntarily use *E-Verify* (formerly known as the Basic Pilot/Employment Eligibility Verification Program) to consult the Ill. Dept. of Labor's website for current information on the accuracy of *E-Verify* and to review and understand their legal responsibilities relating to the use of any electronic employment verification systems. See footnote 2 in 5:150-AP, *Personnel Records*, for a more detailed discussion of *E-Verify* issues.

5/21-23a of The School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

Physical Examinations

New employees must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis. ¹⁴ All physical fitness examinations and tests for tuberculosis must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination and tuberculin test performed no more than 90 days before submitting evidence of it to the Board.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. ¹⁵ The Board will pay the expenses of any such examination.

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

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¹⁴ Pre-employment medical inquiries must be limited to whether the applicant is able to perform job-related functions; required medical examinations of applicants is forbidden (American with Disabilities Act [ADA], 42 U.S.C. §12112(d)(2), as amended by the ADAAA, Pub. L. 110-325); see also footnote 7 for an explanation regarding the ADAAA. Districts may condition an employment offer on taking and passing medical inquiries or physical exams, provided that all entering employees in the same classification receive the same conditional offer. Boards must require new employees to furnish evidence of a physical examination and a tuberculin skin test and, if appropriate, an X-ray (105 ILCS 5/24-5).

Note that while examination by a spiritual leader/practitioner is sufficient for purposes of leaves, the statute does not permit an examination by a spiritual leader/practitioner for initial employment exams. This difference may present a constitutional issue; contact the board attorney for an opinion if an applicant wants to use an examination by a spiritual leader/practitioner.

¹⁵ The State law (105 ILCS 5/24-5) allowing boards to require physicals of current employees "from time to time," has been superseded by federal law (ADA, 42 U.S.C. §12112(d)(4), as amended by the ADAAA, Pub. L. 110-325). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program (Id.). Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level (42 U.S.C. §12113; 29 C.F.R. Part 1630.2(r)). See footnote 7 for an explanation regarding the ADAAA.

See the above footnote for a discussion of examinations by spiritual leaders/practitioners.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630.
Immigration Reform and Control Act, 8 U.S.C. §1324a *et seq.*
105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21-23a, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 *et seq.*
820 ILCS 55/ and 70/.
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (Ill.App.1, 1985), *aff'd in part and remanded* 505 N.E.2d 314 (Ill., 1987).
Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2, 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (Ill.App.1, 1945).

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:280 (Educational Support Personnel - Duties and Qualifications)

General Personnel

Abused and Neglected Child Reporting ¹

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability², shall immediately: (1) report such a case to the Illinois Department of Children and Family Services on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606, and (2) follow any additional directions given by the Illinois Department of Children and Family Services to complete a report. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made. All District employees shall sign the *Acknowledgement of Mandated Reporter Status* form provided by the Illinois Department of Child and Family Services (DCFS) and the Superintendent or designee shall ensure that the signed forms are retained. ³

Any District employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 800/843-5678, or online at www.cybertipline.com. The

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 P.A. 96-1446 amended two statutes and defines the same class of individuals differently throughout, but with the same goal: to protect disabled adult students who are still in school with Individual Education Plans (IEPs) that do not live in DCFS licensed facilities. The Ill. Dept. of Human Services Act, 20 ILCS 1305.1-17(b), amended by P.A. 96-1446 defines "adult student with a disability" as an adult student, age 18 through 21, inclusive (through the day before the student's 22nd birthday), with an IEP other than a resident of a facility licensed by DCFS. This statutory definition is the basis for this sample policy's language. For purposes of the following discussions in f/ns 3 & 5 below, the term "adult student with a disability" is shortened to *disabled adult student*.

For elementary districts, delete the first sentence and insert the following sentence:

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child shall immediately report such a case to the Illinois Department of Children and Family Services on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606.

³ The Abused and Neglected Child Reporting Act requires school personnel to make an immediate report to DCFS; it states that they "may also notify the person in charge of [the] school," (325 ILCS 5/4). If the report involves a *disabled adult student*, employees should expect DCFS to instruct them to call the Ill. Dept. of Human Services Office (DHS) of the Inspector General's statewide 24 hour toll-free telephone number at 1-800-843-6154 (325 ILCS 5/4.4a and 20 ILCS 1305.1-17(b), both amended by P.A. 96-1446). Reports involving a disabled adult student may be made directly to DHS; however, for simplicity, and to preserve a superintendent's duty to disclose certain reports involving an employee or former district employee (see discussion in f/n 5 below) and the immunity for such disclosures, the sample policy directs the initial phone call involving a *disabled adult student* to DCFS. The sample policy makes the report to the superintendent or building principal mandatory in order to keep the administration informed. Of course, the administration may not force the staff member to change or modify his or her report (325 ILCS 5/4).

Abuse and neglect are defined in 325 ILCS 5/3 and, for disabled adult students in 20 ILCS 1305.1-17(b), amended by P.A. 96-1446 and 20 ILCS 2435.15. Abuse may be generally understood as any physical or mental injury or sexual abuse inflicted on a child or disabled adult student other than by accidental means or creation of a risk of such injury or abuse by a person who is responsible for the child's or disabled adult student's welfare. Neglect may be generally understood as abandoning a child or disabled adult student or failing to provide the proper support, education, medical, or remedial care required by law by one who is responsible for the child's or disabled adult student's welfare.

Reports should include, when known, the child's or disabled adult student's name and address, parents or other custodian, and condition including any evidence of previous injuries or disabilities, plus any other helpful information. Any person required by law to report child abuse and neglect who willfully fails to report is guilty of a Class A misdemeanor. A teaching certificate may be suspended for willful failure to report suspected child abuse or neglect as required by law (105 ILCS 5/21-23, amended by P.A. 96-431 and 20 ILCS 1305.1-17(k)(1), amended by P.A. 96-1446).

School personnel are granted broad immunities against civil and criminal claims when they file a child report of abuse or neglect report in good faith, even if it proves groundless. Such immunities are not available, however, to the individual who knowingly files a false report.

Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made. 4

The Superintendent shall execute the requirements in Board policy 5:150, *Personnel Records*, whenever another school district requests a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS. 5

The Superintendent shall notify the State Superintendent and the ~~regional superintendent~~ Regional Superintendent in writing when he or she has reasonable cause to believe that a certificate holder was dismissed or resigned from the District as a result of an act that made a child an abused or neglected child. 6 The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the certificate holder. 7

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

4 The Reporting Act requires an electronic and information technology equipment worker or the worker's employer to report a discovery of child pornography depicted on an item of electronic and information technology equipment (325 ILCS 5/4.5, added by P.A. 95-944). Consult the board attorney to determine whether any district employees fit the definition of an *electronic and information technology worker*, i.e., are "persons who in the scope and course of their employment or business install, repair, or otherwise service electronic and information technology equipment for a fee."

The paragraph exceeds the newly added requirements by requiring *all* district employees to report a discovery of child pornography on electronic and information technology equipment. This furthers the National Center for Missing and Exploited Children's public policy goal of "empowering the public to take immediate and direct action to enforce a zero tolerance policy regarding child sexual exploitation."

Similar to school personnel who are mandated reporters, electronic and information technology equipment workers and their employers have broad immunities from criminal, civil, or administrative liabilities when they report a discovery of child pornography as required under 325 ILCS 5/4.5, except for willful or wanton misconduct (e.g. knowingly filing a false report). Failure to report a discovery of child pornography is a business offense subject to a fine of \$1001.

District employees who are not information and technology equipment workers who, in good faith, make a report also receive immunity, except in cases of willful or wanton misconduct. See 325 ILCS 5/4 and 9. Further, for the purpose of any proceedings, civil or criminal, good faith of the person making the report is presumed. *Id.*

5 The Abused and Neglected Child Reporting Act, 325 ILCS 5/4, amended by P.A. 95-908, requires a superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. When a report involves a disabled adult student, DCFS must instruct mandated reporters making these reports to call the Ill. Dept. Human Services' Office of the Inspector General's statewide 24 hour toll-free telephone number: 1-800-368-1463 (325 ILCS 5/4.4a, amended by P.A. 96-1446) to make a report under the Ill. Dept. of Human Services (DHS) Act (20 ILCS 1305).

The DHS Act, 20 ILCS 1305/1-17, amended by P.A. 96-1446, then requires a determination of whether a report involving a disabled adult student should be investigated under it or the Abuse of Adults with Disabilities Intervention Act, 20 ILCS 2435. Neither the DHS Act nor the Abuse of Adults with Disabilities Intervention Act outlines a duty for the superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DHS involving an adult student with a disability.

Given the public policy behind the recent amendments to 325 ILCS 5/4, a reasonable interpretation of P.A. 96-1446 is that the superintendent's duty to disclose now involves DHS reports concerning adult students with disabilities. However, with no mechanism requiring DHS to report back to the superintendent a *non-substantiated report* (DHS version of a DCFS *unfounded report*), a superintendent's duty to disclose cannot end. Consult the board attorney about managing the duty to disclose reports that involve disabled adult students when DCFS redirects the reporter to DHS. For more information, see policy 5:150, *Personnel Records*.

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

7 105 ILCS 5/10-21.9(e-5), amended by P.A. 96-431, requires these notifications and provides superintendents immunity from any liability, whether civil or criminal or that otherwise might result by complying with the statute.

The Superintendent or designee shall provide staff development opportunities for school personnel working with students in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect. ⁸

Each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in the Act, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse. ⁹

LEGAL REF.: 105 ILCS 5/10-21.9.
20 ILCS 1305/1-1 et seq.
20 ILCS 2435/.
325 ILCS 5/.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 5:20 (Workplace Harassment Prohibited), 5:100 (Staff Development Program), 5:150 (Personnel Records), 6:120 (Education of Children with Disabilities), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

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

⁸ While it is unclear whether this is a duty or power, 105 ILCS 5/10-23.12 authorizes boards "[t]o provide staff development for local school site personnel who work with pupils in grades kindergarten through 8, in the detection, reporting and prevention of child abuse and neglect." The drill during such training should be: "If in question, report." Of course, a board could extend the training opportunity or make participation mandatory, depending on any applicable collective bargaining agreement, by replacing this sentence with:

Option 1: The Superintendent or designee shall provide staff development opportunities for all school personnel working with students, in the detection, reporting, and prevention of child abuse and neglect.

Option 2: All District employees working with students shall participate in a meeting that specifically addresses and reviews the reporting requirements of the Abused and Neglected Child Reporting Act.

⁹ ~~325 ILCS 5/4, amended by P.A. 95-461.~~ This statute makes board members mandatory child abuse reporters "to the extent required in accordance with other provisions of this section expressly concerning the duty of school board members to report suspected child abuse." Thus, a board member's duty is "to direct the superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse" whenever an "allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child." Of course, any board member with reason to doubt that a report was or will be made should directly contact DCFS.

General Personnel

Ethics and Conduct 1

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. 2 Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal. ³

The following employees must file a "Statement of Economic Interests" as required by the Illinois Governmental Ethics Act: ⁴

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee responsible for negotiating contracts, including collective bargaining agreement, in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

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

¹ The State Officials and Employees Ethics Act (5 ILCS 430/1-1 *et seq.*), requires a policy on a subject-matter covered in this sample policy; State and federal law controls its content. This policy contains items on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. ~~This policy concerns an area in which the law is unsettled.~~

² 105 ILCS 5/10-22.39, amended by P.A. 96-431, requires each board to conduct in-service training on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel. These expectations will be most effective when the in-service curriculum reflects local conditions and circumstances. While The School Code only requires the in-service, the new requirement presents an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-service that instructs all district staff to maintain boundaries and act appropriately, professionally, and ethically with students. See discussion in third option of footnote 3, 5:100, *Staff Development*. After its discussion of these issues, the board may have further expectations and may choose to reflect those expectations here. Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing procedures containing new conduct rules without first offering to negotiate them with the applicable exclusive bargaining representative.

³ This sentence is optional. The Ill. Human Rights Act makes it a civil rights violation to fail to take remedial action, or to fail to take appropriate disciplinary action, against any employee when the district knows that the employee committed or engaged in sexual harassment of a student (775 ILCS 5:5A-102, amended by P.A. 96-1319). Sexual harassment of a student is also prohibited by 7:20. Harassment of Students Prohibited, and of an employee by 5:20. Workplace Harassment Prohibited.

Use this optional sentence to establish a requirement for the superintendent that the board can monitor: "The Superintendent or designee shall identify appropriate employee conduct standards and provide them to staff members." Sample conduct standards are contained in administrative procedure 5:120-AP2. Employee Conduct Standards.

⁴ 5 ILCS 420/4A-101. Any county clerk may use a mandatory system of Internet-based filing of economic interest statements: if done, the clerk must post the statements, without the addresses, of the filers, on a publicly accessible website (5 ILCS 420.4A-108, added by P.A. 96-1336, eff. 1-1-11).

Ethics and Gift Ban

School Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. 5 Students shall not be used in any manner for promoting a political candidate or issue.

Outside Employment and Conflict of Interest

No District employee shall be directly or indirectly interested in any contract, work, or business of the District, or in the sale of any article by or to the District, except when the employee is the author or developer of instructional materials listed with the State Board of Education and adopted for use by the School Board. 6 An employee having an interest in instructional materials must file an annual statement with the Board Secretary. 7

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

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

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

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

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

5 The State Officials and Employees Ethics Act prohibits State employees from engaging in certain political activities and accepting certain gifts (5 ILCS 430/1-1 *et seq.*). The Act requires all school districts to adopt an "ordinance or resolution" "in a manner no less restrictive" than the Act's provisions. See policy 2:105, *Ethics and Gift Ban*.

Districts may not inhibit or prohibit employees from petitioning, making public speeches, campaigning for or against political candidates, speaking out on public policy questions, distributing political literature, making campaign contributions, and seeking public office (50 ILCS 135/1). An employee may not use his/her position of employment to coerce or inhibit others in the free exercise of their political rights or engage in political activities at work. Id.

6 State law prohibits teachers from having an interest in the sale of any book, apparatus, or furniture used in any school in which the teacher is employed with the limited exception as provided in this policy (105 ILCS 5/22-5 and 5/24-22).

7 Id.

General Personnel

Family and Medical Leave ¹

Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act, for up to a combined total of 12 weeks each year, beginning September 1 and ending August 31 of the next year. ²

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember (defined herein) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered servicemember begins. ³

While FMLA leave is normally unpaid, the District will substitute an employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave. ⁴ All policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been

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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. This policy implements the very complex Family and Medical Leave Act (FMLA) and a school board is urged to have its attorney review it before adoption.

All public (and private) school employers are covered by the FMLA without regard to their number of employees (29 C.F.R. §§825.104 and 825.600). To be eligible for FMLA leave, however, an educational employee must be employed at a worksite where at least 50 employees are employed within 75 miles (29 C.F.R. §825.600).

The FLMA is administered by the U.S. Department of Labor (DOL), Wage and Hour Division. Its website contains compliance guidance, posters, and e-tools (www.dol.gov/csa/whd/fmla). Another excellent website containing these tools is: ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title29/29cfr825_main_02.tpl.

² 29 U.S.C. §2612; 29 C.F.R. §825.200. The FMLA permits employers to choose among 4 methods for determining a 12-month period in which the 12-week entitlement occurs (*Id.*). While using a school year may be the easiest method to administer, another method may be more suitable for the district. If the district fails to select an option, the one that provides the most beneficial outcome for employees will be used (*Id.*).

³ Section 585 of the National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181, amended the FMLA to add two types of family military leave – qualifying exigency leave and military caregiver leave. The latter leave extends the possible FMLA leave to 26 weeks in a *single 12-month period*. For more information, see footnote 6.

⁴ This paragraph presents only one of many possible alternatives. The FMLA permits an employee to choose to substitute paid leave for FMLA leave, and an employer to require an employee to substitute paid leave for FMLA leave (29 U.S.C. §2612(d); 29 C.F.R. §825.207). Substitution of paid leave for FMLA purposes means that the unpaid FMLA leave and the paid leave run concurrently. The sample policy, in the interests of clarity and limiting absences, requires this substitution. Likewise, an employer may require an employee to substitute accrued comp time against the employee's FMLA leave entitlement (29 C.F.R. §825.207(f)). Sample policy 5:310, *Compensatory Time-Off*, addresses the acquisition and use of comp time. The FMLA rules also describe the interaction between FMLA leave and leave taken pursuant to a disability plan and workers' compensation leave (29 C.F.R. §825.207(d) and (e)).

If employees have not previously been required to substitute accrued paid leave, this requirement's implementation may give rise to a duty to bargain because it affects the mandatory bargaining subject of employee paid leave.

required to work, including summer break, winter break and spring break, is not counted against the employee's FMLA leave entitlement. 5

FMLA leave is available in one or more of the following instances: 6

1. The birth and first-year care of a son or daughter.
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child, or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. A "covered military member" must be either a member of a Reserve component or a retired member of the regular Armed Forces or Reserve. "Qualifying exigencies" exist in the following categories: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation, post-deployment activities, and additional activities as provided in the FMLA regulations.
6. To care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness. A "covered servicemember" is a member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

If spouses are employed by the District, they may together take only 12-weeks for FMLA leaves when the reason for the leave is 1 or 2, above, or to care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above. 7

An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with FMLA regulations. 8

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5 29 C.F.R. §825.200. If a holiday occurs within the week taken as FMLA leave, the week is still counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement.

6 29 C.F.R. §§825.112 and 825.200. For rules concerning birth or placement for adoption or foster care, see 29 C.F.R. §§825.120 and 825.121.

Leave for a qualifying exigency (reason number 5) is governed by 29 C.F.R. §§825.122 (definitions) and 825.126.

Leave to care for a covered servicemember (reason number 6) is governed by 29 C.F.R. §825.122 (definitions) and §825.127. An eligible employee may take 26 weeks of leave in different "single 12-month periods" to care for multiple servicemembers or to care for the same servicemember with a subsequent serious injury or illness (29 C.F.R. §825.127).

Attorneys disagree whether the Illinois Family Military Leave Act, 820 ILCS 151/, amended by P.A. 96-1417, eff. 1-1-11, applies to schools because its definition of "employer" does not specify school districts. A covered employer must allow a spouse, parent, child, or grandparent of a person called to military service to take an unpaid leave of 15 or 30 days, depending on the number of individuals employed by the employer. The length of leave provided to an employee under State law because his or her spouse or child is called to military service is reduced by the number of days of leave provided under 29 U.S.C. §2612(a)(1)(E) because of any qualifying exigency arising out of the fact that the employee's spouse or child is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (820 ILCS 151/10(b), amended by P.A. 96-1417, eff. 1-1-11).

7 29 C.F.R. §§825.120 and 825.121.

8 29 C.F.R. §§825.121(b), 825.202 through 825.205, and 825.601.

Eligibility ⁹

To be eligible for FMLA leave, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, one of the following provisions must describe the employee:

1. The employee has been employed by the District for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.
2. The employee is a full-time classroom teacher.

Requesting Leave ¹⁰

If the need for the FMLA leave is foreseeable, an employee must provide the Superintendent or designee with at least 30 days' advance notice before the leave is to begin. If 30 days' advance notice is not practicable, the notice must be given as soon as practicable. The employee shall make a reasonable effort to schedule a planned medical treatment so as not to disrupt the District's operations, subject to the approval of the health care provider administering the treatment. The employee shall provide at least verbal notice sufficient to make the Superintendent or designee aware that he or she needs FMLA leave, and the anticipated timing and duration of the leave. Failure to give the required notice for a foreseeable leave may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Certification ¹¹

Within 15 calendar days after the Superintendent or designee makes a request for certification for a FMLA leave, an employee must provide one of the following:

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⁹ 29 C.F.R. §§825.110, 825.111, and 825.600. An employee's eligibility requires analysis of the information available in each case using the guidance in §825.110. Any week during which an employee is maintained on the payroll, even if the employee does not work that week, is counted toward the 12-months' service requirement.

A board may substitute the following to deny eligibility to classroom teachers who have not worked 12 months for the district but it should first analyze collective bargaining consequences and seek its board attorney's advice:

To be eligible for FMLA leave, both of the following provisions must describe the employee:

1. The employee is employed at a worksite where at least 50 employees are employed within 75 miles; and
2. The employee has been employed by the District for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.

¹⁰ 29 C.F.R. §§825.302 through 825.304 require an employee to notify the employer of the need for leave and to generally schedule leave for planned medical treatments in a way that the absences do not unduly disrupt the employer's operations. The policy's notice provisions are the shortest time frame allowable (29 C.F.R. §825.302). The employee need not expressly request a leave under the FMLA (*Id.*). An employer may require that employees follow its usual and customary notice and procedural requirements for requesting leave (*Id.*).

¹¹ Requests for medical certification, 2nd and 3rd opinions, and recertification are governed by 29 C.F.R. §§825.305 through 825.310. The appropriate certification forms are available at www.dol.gov/esa/WHD/finla/. Districts must inform the employee of the medical certification requirement and of the consequences for failing to provide it (*Id.*).

1. When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a certificate completed by the family member's health care provider.
2. When the leave is due to the employee's own serious health condition, the employee must provide a certificate completed by the employee's health care provider.
3. When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a certificate completed by an authorized health care provider for the covered servicemember.
4. When the leave is because of a qualified exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

The District may require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification.

The District may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) District receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to the District within 15 calendar days after the request. The District may request recertification every 6 months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of 6 months.

Failure to furnish a complete and sufficient certification on forms provided by the District may result in a denial of the leave request.

Continuation of Health Benefits ¹²

During FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. A District's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the District notifies the employee at least 15 days before coverage will cease.

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¹² Required by 29 C.F.R. §825.209. The same health benefits means, for example, that if family member coverage is provided to an employee, family member coverage must be maintained during FMLA leave. If an employer provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan or benefits to the same extent as if the employee were not on leave. *Health benefits* do not include individual policies paid exclusively by the employee. Districts must provide advance written notice of the terms and conditions under which premium payments must be made (29 C.F.R. §825.210).

If coverage lapses because an employee has not made required premium payments, the employer must still restore the employee to coverage and benefits when the employee returns from leave (29 C.F.R. §825.212). Districts may recover: (1) the employee's share of any premium payments paid by the employer after the employee misses a payment, and (2) its share of premiums during an unpaid FMLA leave if the employee fails to return to work after the leave entitlement is exhausted or expires, with a few exceptions (29 C.F.R. §825.213). The board attorney must be consulted for the appropriate premium recovery method.

Changed Circumstances and Intent to Return 13

An employee must provide the Superintendent or designee reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Superintendent or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for 8 consecutive weeks whether he or she intends to return to work.

Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work. 14

An employee returning from FMLA leave will be given an equivalent position to his or her position before the leave, subject to: (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) the District's reassignment policies and practices. 15

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by the FMLA regulations. 16

Implementation

The Superintendent or designee shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA; 17 and (2) this policy is implemented in accordance with the FMLA. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations. 18

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13 This section is optional but allowed by 29 C.F.R. §825.311. Either or both sentences may be changed or omitted, provided the policy is applied uniformly (*Id.*).

14 Requiring *fitness for duty* certification is optional but allowed by 29 C.F.R. §825.312. This sentence may be deleted or changed in accordance with the rule (*Id.*).

15 29 C.F.R. §§825.214 through 825.216 and 852.604. An equivalent position must have the same pay (including any unconditional pay increases), benefits, and working conditions and involve the same or substantially similar duties (29 C.F.R. §825.215). Determining how an employee will be restored to an *equivalent position* is made on the basis of "established policies and practices" and collective bargaining agreements (29 C.F.R. §825.604).

16 Optional but allowed by 29 C.F.R. §825.602.

17 School districts must provide employees a general notice explaining the FMLA and the process for filing complaints (29 C.F.R. §825.300(a)). This notice must also be provided to FMLA-covered employees; distribution may be accomplished electronically. A poster may be obtained from the U.S. Dept of Labor website ([The Family and Medical Leave Act Poster](#)).

When an employee requests FMLA leave or when the employer acquires knowledge that an employee's leave may be for a FMLA-qualifying reason, the employer must provide the employee with a notice of eligibility (within 5 business days absent extenuating circumstances) (29 C.F.R. §825.300(b)). At the same time, the employer must provide the employee with a notice of rights and responsibilities (29 C.F.R. §825.300(c)). Finally, the employer must notify the employee whether it has designated the leave as FMLA-qualifying (29 C.F.R. §825.300(d)). The federal rules contain specific requirements for each of these notices. Fortunately, a prototype for each of these required notices is available at www.dol.gov/esa/WHD/fmla: (*WH-381 Notice of Eligibility and Rights & Responsibilities* and *WH-382 Designation Notice*). Willfully failing to provide the notices can subject an employer to a monetary penalty.

18 29 C.F.R. §825.800.

LEGAL REF.: Family and Medical Leave Act, 29 U.S.C. §2601 et seq., 29 C.F.R. Part 825.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence),
5:310 (Compensatory Time-Off), 5:330 (Sick Days, Vacation, Holidays, and
Leaves)

Professional Personnel

Substitute Teachers ¹

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

A substitute teacher must hold a valid teaching or substitute certificate— and present a certificate of authorization from the Regional Superintendent showing that he or she is approved to substitute teach. ² Substitute teachers with a substitute certificate may teach only when an appropriate, fully-certificated teacher is unavailable. ³

A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists. ⁴

The School Board ~~annually~~ establishes a daily rate of pay for substitute teachers. ~~No fringe benefits are given substitutes.~~ Substitute teachers receive only monetary compensation for time worked and no other benefits. ⁵

LEGAL REF.: 105 ILCS 5/21-9; 24-5.
23 Ill.Admin.Code §1.790.

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. See policy 5:30, *Hiring Process and Criteria*. Each board must require new employees to furnish evidence of a physical examination and tuberculin skin test and, if appropriate, an X-ray (105 ILCS 5/24-5). The physical examination must be performed within 90 days before the time it is presented to the board, and the employee bears the cost of the physical examination.

² 105 ILCS 5/21-9, amended by HB 5863, eff. 1-1-11. Alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Educational Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

³ Required by 105 ILCS 5/21-9.

⁴ The limitations listed in the first clause of this sentence apply to all substitute teachers. See, 105 ILCS 5/21-9 and 40 ILCS 5/16-118(b). 40 ILCS 5/16-150.1, as amended by P.A. 95-910, addresses personnel shortages and extends to 2013 the allowance of some TRS annuitants to return to full-time TRS-covered employment without loss of their pensions where the regional superintendent certifies that a personnel shortage exists in their subject areas. The program, started in 2003, was extended in 2008 and expires on June 30, 2013.

⁵ 105 ILCS 5:10-21.9(b), amended by P.A. 96-1452.

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

⁵ If a board provides substitute teachers other benefits, it may consider listing them here.

Professional Personnel

Student Teachers ¹

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. ~~The Superintendent or designee shall be responsible for screening potential student teachers and for their orientation, assignment, and training program.~~ The Superintendent or designee shall coordinate with each student teacher's higher education institution a fingerprint-based criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database prior to any participation in field experiences in a school. ²

Assignment

The Superintendent or designee shall be responsible for coordinating placements of all student teachers within the District. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities. A teacher may be eligible for Continuing Professional Development Units (CPDU) for supervising a student teacher or teacher education candidate in clinical supervision. ³

LEGAL REF.: 105 ILCS 5/10-22.34.
105 ILCS 5/21-14(e)(3)(E)(viii).
23 Ill.Admin.Code § 25.875.

CROSS REF.: 5:190 (Teacher Qualifications)

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

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

This sample policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions which exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the school board policy may state, "Please refer to the current Professional Agreement between the Classroom Teachers' Association and the Board of Education."

² 105 ILCS 5/10-21.9, amended by P.A. 96-1452, requires a person to authorize a fingerprint-based criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database prior to participating in any field experiences in the school.

~~The law requiring criminal background records checks for school district applicants for employment is silent regarding student teachers. As student teachers are not employees, this legislation does not apply to them. At a minimum, districts should ask relevant teacher preparation institutions what type of background checks they performed on their students.~~

³ 105 ILCS 5/21-14(e)(3)(E)(viii); 23 Ill.Admin.Code § 25.875.

DVA

Instruction

Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program ¹

The Superintendent or designee shall develop, maintain, and supervise a program for students at risk of academic failure or dropping out of school. The program shall include education and support services addressing individual learning styles, career development, and social needs, and may include:

- Parent-teacher conferences
- Counseling services by social workers and/or guidance counselors
- Counseling services by psychologists
- Psychological testing
- Truants' alternative and optional education program ²
- Alternative school placement
- Community agency services
- Alternative learning opportunities program, in conformity with the Alternative Learning Opportunities Law, as it may be amended from time to time ³
- Graduation incentives program ⁴
- Illinois Hope and Opportunity Pathways through Education (IHOPE) Program

Any student who is below the age of 20 years is eligible to enroll in a graduation incentives program if he or she: ⁵

1. Is considered a dropout according to State law;
2. Has been suspended or expelled;
3. Is pregnant or is a parent;
4. Has been assessed as chemically dependent; or
5. Is enrolled in a bilingual education or LEP program.

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

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

² 105 ILCS 5/2-3.66 authorizes the ISBE to award grants to school districts, ROEs, and community college districts.

³ 105 ILCS 5/13B-1 et seq. Districts are not required to establish an alternative learning opportunities program. However, if they do, State law requires that the program "provide a flexible standards-based learning environment, innovative and varied instructional strategies, a student-centered curriculum, social programs, and supplemental social, health, and support services to improve the educational achievement of students at risk of academic failure" (105 ILCS 5/13B-20). The program must also meet the requirements in 105 ILCS 5/13B-45. Alternative learning opportunities programs "may include without limitation evening high school, in-school tutoring, and mentoring programs, in-school suspension programs, high school completion programs to assist high school dropouts in completing their education, support services, parental involvement programs, and programs to develop, enhance, or extend the transition for students transferring back into the regular school program, an adult education program, or a post-secondary education program" (105 ILCS 5/13B-20.5). See 105 ILCS 5/13B-25.10, as well as other requirements for general State aid, for additional requirements to receive State funds for creating this program.

⁴ Required by 105 ILCS 5/26-16.

⁵ Required by 105 ILCS 5/26-16. Graduation incentives programs are entitled to claim general State aid. A school district must ensure that its graduation incentives program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program. 105 ILCS 5/26-2a, amended by P.A. 96-1423, defines dropout as any child enrolled in grades 9 through 12 whose name has been removed from the district enrollment roster for reasons other than the student's death, extended illness, removal for medical non-compliance, expulsion, aging out, graduation, or completion of a program of studies and who has not transferred to another public or private school and is not known to be home-schooled by his or her parents or guardians or continuing school in another country.

Illinois Hope and Opportunity Pathways through Education (IHOPE) Program ⁶

The Superintendent or designee shall develop the required partnerships necessary to build a comprehensive plan to re-enroll high school dropouts in the District through the IHOPE Program. The IHOPE Program shall include all components required by State law and regulations. Any student who wishes to earn a high school diploma must meet the prerequisites to receiving a high school diploma in policy 6:300, *Graduation Requirements*.

LEGAL REF.: 105 ILCS 5/2-3.41, 5/2-3.66, 5/2-3.66b, 5/13B-1 et seq., 5/26-2a, 5/26-13, 5/26-14,
and 5/26-16.
23 Ill.Admin.Code Part 210.

CROSS REF.: 6:300 (Graduation Requirements), 7:70 (Attendance and Truancy)

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

⁶ Optional. 105 ILCS 5/2-3.66b, added by P.A. 96-106, authorizes and its implementing rules. 23 Ill.Admin.Code Part 210. authorize ISBE to award Illinois Hope and Opportunity Pathways through Education (IHOPE) Program grants to ROEs that partner with school districts ~~and~~, community colleges and other community programs that work with dropouts to re-enroll high school dropouts in programs that will enable them to earn their high school diploma. Alternatively, an ROE can contract with a school district (and create a sub-grant) to operate the IHOPE Program. An ROE or school district that enrolls students who receive qualifying services in a program funded by the IHOPE Program may claim general State aid.

Delete 23 Ill.Admin.Code Part 210 from the policy's legal references if the board does not include this subhead.

Instruction

Education of Homeless Children ¹

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

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

The Superintendent or designee shall review and revise rules or procedures that may act as barriers to the enrollment of homeless children and youths. In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. ⁵ Transportation shall be provided in accordance with the McKinney Homeless Assistance Act and State law. ⁶ The Superintendent or designee shall give special attention to ensuring the enrollment and attendance of

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

¹ State and federal law control this policy’s content. This sample policy contains the basic requirements of 105 ILCS 45/1-1 *et seq.*, as well as the McKinney Homeless Assistance Act, 42 U.S.C. §11431 *et seq.*, as amended by the No Child Left Behind Act.

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

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

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

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

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

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

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

See www.isbe.net/homeless/default.htm for helpful informational resources and training with regard to the education of homeless children in Illinois.

⁴ 42 U.S.C. §11432(g)(1)(J)(ii).

⁵ The first sentences in this paragraph are required by 42 U.S.C. §11432(g)(7).

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

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

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

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

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

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

7 Required by 42 U.S.C. §11432(g)(7).

8 Required by 105 ILCS 45/1-25.

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

9 Optional (105 ILCS 45/1-25(a-5)). As an alternative, a school board may omit this sentence or use a permissive verb, such as, "...the Liaison for Homeless Children may, after the passage of 18 months and annually thereafter, conduct..."

Instruction

Instructional Materials 1

All District classrooms and learning centers should be equipped with an evenly-proportioned, wide assortment of instructional materials, including textbooks, workbooks, audio-visual materials, and electronic materials. These materials should provide quality learning experiences for students and:

1. Enrich and support the curriculum;
2. Stimulate growth in knowledge, literary appreciation, aesthetic values, and ethical standards;
3. Provide background information to enable students to make informed judgments and promote critical reading and thinking;
4. Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society; and
5. Contribute to a sense of the worth of all people regardless of sex, race, religion, nationality, ethnic origin, sexual orientation, disability, or any other differences that may exist.

The Superintendent or designee shall annually provide a list of textbooks and instructional materials used in the District to the School Board. Anyone may inspect any textbook or instructional material. 3

Teachers are encouraged to use supplemental material only when it will enhance, or otherwise illustrate, the subjects being taught and to ensure it is age-appropriate. No R-rated movie shall be shown to students unless prior approval is received from the Superintendent or designee, and no movie rated NC-17 (no one 17 and under admitted) shall be shown under any circumstances. These restrictions apply to television programs and other media with equivalent ratings. 4

Instructional Materials Selection and Adoption

The Superintendent shall approve the selection of all textbooks and instructional materials according to the standards described in this policy. 5 The School Code governs the adoption and purchase of textbooks and instructional materials. 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 some of this policy's content.

2 A local board may customize these standards to be consistent with the board's mission, vision, and goals.

3 105 ILCS 5/28-19.1. Additionally, federal law grants parents/guardians the right to inspect all instructional material that will be used for a survey, analysis, or evaluation (20 U.S.C. §1232h); see 7:15, *Student and Family Privacy Rights*.

4 This paragraph's content is at the board's discretion. An optional provision follows:

The Superintendent or designee shall give parents/guardians an opportunity to request that their child not participate in a class showing a movie, television program, or other media with an R or equivalent rating.

5 An alternative provision:

The Superintendent shall recommend to the Board for consideration and adoption all textbooks and instructional materials and shall include the following information: (1) title, publisher, copyright dates, number of copies desired, and cost; (2) any texts being replaced; and (3) rationale for recommendation.

6 105 ILCS 5/28-1 et seq., amended throughout by P.A. 96-1403. The term *textbook* includes electronic or digital textbooks used for educational purposes (105 ILCS 5.28-20, amended by P.A. 96-1403). The term *instructional materials* means both print and non-print materials, including electronic textbooks being used in the educational process (Id.).

LEGAL REF.: 105 ILCS 5/10-20.8, 5/10-20.9, and 5/28-19.1.

CROSS REF.: 6:30 (Organization of Instruction), 6:40 (Curriculum Development), 6:80 (Teaching About Controversial Issues), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Complaints)

Instruction

Graduation Requirements 1

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

1. Completing all District graduation requirements that are in addition to the State requirements. 2
2. Completing all courses as provided in The School Code, 105 ILCS 5/27-22, according to the year in which a student entered the 9th grade. 3
3. Completing all minimum requirements for graduation as specified by Illinois State Board of Education rule, 23 Ill.Admin.Code §1.440.
4. Passing an examination on patriotism and principles of representative government, proper use of the flag, methods of voting, and the Pledge of Allegiance. 4
5. Taking the Prairie State Achievement Examination, unless the student is exempt according to 105 ILCS 5/2-3.64. 5

The Superintendent or designee is responsible for: 6

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

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 Optional (23 Ill.Admin.Code §1.440(f)). A school board should ensure that any district graduation requirements that are in addition to the State requirements are aligned with the district educational objectives. See policy 6:10, *Educational Philosophy and Objectives*.

³ 105 ILCS 5/27-22 contains escalating graduation requirements depending on the year a student enters 9th grade. For specific requirements, see 6:300-E2, *State Law Graduation Requirements*.

⁴ Required by 105 ILCS 5/27-3.

⁵ Required by 105 ILCS 5/2-3.64(c), amended by P.A. 96-430. The law makes *taking* the PSAE a prerequisite to receiving a "regular high school diploma." These terms are susceptible to numerous interpretations that might trigger good board conversation leading to a common understanding that will guide the superintendent's implementation efforts.

⁶ Items #1 and #2 are required by 23 Ill.Admin.Code §1.440(d) and (e), respectively. Item #3 must be addressed because the law leaves many implementation issues unanswered. A comprehensive Student Handbook can provide notice of the district's graduation requirements, conduct rules, and other important information. Item #4 includes discussion of the adjustments required by the Educational Opportunity for Military Children Act. 105 ILCS 70/35(d). added by P.A. 96-953.

Early Graduation ⁷

The Superintendent or designee shall implement procedures for students to graduate early, provided they finish 7 semesters of high school and meet all graduation requirements.

Certificate of Completion ⁸

A student with a disability who has an Individualized Education Program prescribing special education, transition planning, transition services, or related services beyond the student's 4 years of high school, qualifies for a certificate of completion after the student has completed 4 years of high school. The student is encouraged to participate in the graduation ceremony of his or her high school graduation class. The Superintendent or designee shall provide timely written notice of this requirement to children with disabilities and their parents/guardians.

Veterans of World War II, the Korean Conflict, or the Vietnam Conflict ⁹

Upon application, an honorably discharged veteran of World War II, the Korean Conflict, or the Vietnam Conflict will be awarded a diploma, provided that he or she: (1) resided within an area currently within the District at the time he or she left high school, (2) left high school before graduating in order to serve in the U.S. Armed Forces, and (3) has not received a high school diploma or General Educational Development (GED) diploma.

LEGAL REF.: 105 ILCS 5/2-3.64, 5/22-27, 5/27-3, 5/27-22, and 5/27-22.10, and 70/
23 Ill.Admin.Code §1.440.

CROSS REF.: 6:30 (Organization of Instruction), 6:320 (High School Credit for Proficiency),
7:50 (School Admissions and Student Transfers To and From Non-District
Schools)

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

⁷ This is optional. State law and rules are silent regarding early graduation.

⁸ Required by 105 ILCS 5/14-16.

⁹ Optional. 105 ILCS 5/22-27, amended by P.A. 96-88, does not designate a time requirement for when the veteran "resided within an area currently within the district." Thus, a reasonable interpretation may be adopted locally. The sample policy designates "at the time he or she left high school" as the pertinent time for residence. See 6:300-E, *Application for a Diploma for Veterans of WWII, the Korean Conflict, or the Vietnam Conflict*.

Students

Equal Educational Opportunities ¹

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

The Ill. Human Rights Act and an ISBE rule prohibit schools from discriminating against students on the basis of *sexual orientation* and *gender identity* (775 ILCS 5/5-101(11), amended by P.A. 95-668; 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.

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

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

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8). 6

Administrative Implementation

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

LEGAL REF.: 42 U.S.C. §11431 *et seq.*, McKinney Homeless Assistance Act.
20 U.S.C. §1681 *et seq.*, 34 C.F.R. Part 106; Title IX of the 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 5/3.25b, 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)

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

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

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

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

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

Students

School Admissions and Student Transfers To and From Non-District Schools 1

Age [Elementary or Unit Districts only]

To be eligible for admission, a child must be 5 years old on or before September 1 of that school term. 2 A child entering first grade must be 6 years of age on or before September 1 of that school term. 3 Based upon an assessment of the child's readiness, a child will be allowed to attend first grade if he or she attended a non-public preschool, continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately certified teacher, and will be 6 years old on or before December 31. 4 A child with exceptional needs who qualifies for special education services is eligible for admission at 3 years of age. 5 6

Shall remain in body of policy



~~Parents/guardians may request early admission for a child. The Superintendent or designee shall assess the child's readiness to attend school and make the decision accordingly.~~

Keep.

Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent. Parents/guardians of students enrolling in the District for the first time must present:

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

1 State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6).

2 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old (105 ILCS 5/10-20.19a and 5/10-22.18). Any child between the ages of 7 and 17 (unless the child has already graduated from high school) must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute (105 ILCS 5/26-1). The phrase "a child between the ages of 7 and 17" is liberally construed to fully carry out the true intent and meaning of the General Assembly (5 ILCS 70/1.01), which is to ensure that students graduate from high school (105 ILCS 5/26-1). Therefore "the ages of 7-17" means a child is 17 until his or her 18th birthday.

3 Optional sentence.

4 Required by 105 ILCS 5/10-20.12, amended by P.A. 96-864. Use the following alternative in a district operating on a full year school basis:

To be eligible for admission, a child must be at least 5 years old within 30 days after the commencement of that school term. Based upon an assessment of the child's readiness, a child may attend first grade if he or she attended a non-public preschool and continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately certified teacher, and will attain age 6 within 4 months after the commencement of the term.

5 105 ILCS 5/14-1.02 and 5/14-1.03a. An ISBE rule states: "Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 C.F.R. §300.131) who may be eligible for special education and related services," (23 Ill.Admin.Code §226.100). Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester (105 ILCS 5/14-8.02(b)).

6 105 ILCS 5/10-20.12. Districts that ~~do not wish to~~ permit early admission ~~should omit this~~ may add the following optional paragraph:

Parents/guardians may request early admission for a child. The Superintendent or designee shall assess the child's readiness to attend school and make the decision accordingly.

Districts that implement this option should also consider implementing specific and objective criteria for early admissions and address such issues as who pays the costs for assessments, etc.

1. A certified copy of the student's birth certificate. If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. A student will be enrolled without a birth certificate. ⁷ When a certified copy of the birth certificate is presented, the school shall promptly make a copy for its records, place the copy in the student's temporary record, and return the original to the person enrolling the child. If a person enrolling a student fails to provide a certified copy of the student's birth certificate, the Superintendent or designee shall immediately notify the local law enforcement agency, and shall also notify the person enrolling the student in writing that, unless he or she complies within 10 days, the case will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, the Superintendent or designee shall so refer the case. The Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content. ⁸
2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*. ⁹

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment. ¹⁰ Board policy 6:140, *Education of*

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

⁷ Presenting a certified copy of a student's birth certificate is a missing children's law enforcement issue that may not be used for denying enrollment. Consult the board attorney if a student cannot produce a certified copy of his or her birth certificate and wishes to provide a passport, visa or other governmental documentation of identity. To balance the tension between the missing children's laws reporting requirements and Plyler v. Doe, many attorneys advise not to report a student's failure to produce a birth certificate; however always consult the board attorney for assistance based upon the specific facts of the enrollment situation (see f/n 8 below).

⁸ Two almost identical laws govern this requirement: Missing Children Records Act (325 ILCS 50/) and Missing Children Registration Law (325 ILCS 55/). We reconciled their differences as much as possible but chiefly used the language from the Registration Law because it has the clearest explanation. The statutory enforcement requirements, as nonsensical as they may seem, are quoted in the policy. Important: Schools cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. See Plyler v. Doe, 102 S.Ct. 2382 (1982). See also f/n 12 below.

According to the State Police, a certified copy of the student's birth certificate is the only acceptable proof of the child's identity and age (20 Ill.Admin.Code §1290.60(a)). For more discussion about acceptable proof of identity, see f/n 1 in 7:50-AP, School Admissions and student Transfers To and From Non-District Schools. The Missing Children's Records Act requires schools to make prompt copies of these certified copies. Once made, schools need not request another certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity. While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's temporary record. See 23 Ill.Admin.Code §375.10. The school person who receives the copy of the certified birth certificate should initial and date the document. That way, if there is a question or an investigation (which can happen even years after enrollment) there will not be an issue as to who received the document and the date it was processed.

A district must also *flag* a student's record on notification by the State police of the student's disappearance and report to the State police any request for a *flagged* student record.

⁹ Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/27-8.1; 23 Ill.Admin.Code §1.530(a). A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis.

¹⁰ Required by 105 ILCS 45/ and the McKinney Homeless Assistance Act, 42 U.S.C. §11431 *et seq.*, amended by the No Child Left Behind Act. See §11432(g)(3)(C)(i).

Homeless Children, and its implementing administrative procedure, govern the enrollment of homeless children.

Student Transfers To and From Non-District Schools 11

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent. A student seeking to transfer into the District must serve the entire term of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

Foreign Students [~~High School or Unit Districts only~~] 12

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

11 105 ILCS 5/2-3.13a, amended by P.A. 96-1423, requires each transferor (original) school to keep documentation of transfers in the student's record. ~~It also requires "notification [by the transferee (recipient) school] of the transfer on or before July 31 following the school year during which the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school's or school district's annual student dropout rate."~~ P.A. 96-1423 supersedes the ISBE rule ~~that~~ provides: "If within 150 days after a student leaves a school, that school or school district has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school's or school district's calculation of its annual dropout rate," (23 Ill.Admin.Code §375.75(d)).

Out-of-state transfer students, including children of military personnel, may use unofficial transcripts for admission to a school until official transcripts are obtained from the student's last school district (105 ILCS 5:10-8.1, amended by P.A. 96-953). See also 7:50-AP, School Admissions and Student Transfers To and From Non-District Schools.

105 ILCS 5/10-22.6 requires boards to adopt a policy restricting a student from transferring from another school while under a suspension or expulsion from that school. A board has 2 basic options: under option one, it may comply with the minimum requirements of State law by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act, (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for any reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative. Under either option, however, a board may allow placement of the student in an alternative school program established under Article 13A for the remainder of the suspension or expulsion, as reflected in the following optional addition:

Upon the Superintendent or designee's recommendation, the Board may allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of The School Code for the remainder of the suspension or expulsion.

12 Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Department of State, Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission.
2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition free. Their "visitor" visa is evidence of non-resident status. Call INS or the district's attorney for guidance.
4. The qualified school-age child of an alien who holds another type of visa (i.e., A, E, H, I, L, etc.), other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
5. No immigration documentation. Plyler v. Doe, 102 S.Ct. 2382 (1982). A school cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission.
6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition. ¹³

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship, and the student lives in the home of that guardian. Exchange students on an F-1 visa are required to pay tuition at the established District rate. ¹⁴ F-1 visa student admission is limited to high schools, and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

Re-enrollment ¹⁵ [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities Education Improvement Act or accommodation plans under the Rehabilitation Act, Section 504.

The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). See §641, Illegal Immigration Reform and Immigrant Responsibility Act. Section 641 is an exception to the Family Educational Rights and Privacy Act. See 8 C.F.R. §214.1(h). SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the INS and Department of State throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for INS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, or M-3 visas must pay a \$100 fee, and students who apply for J-1 visas must pay a \$35 fee, to the Department of Homeland Security. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay (8 C.F.R. Parts 103, 214, and 299).

Important: Admitting students on an F-1 visa may require the district to admit students transferring from another district under NCLBA's school choice provisions. See policy 7:60, *Residence*.

¹³ State law allows, but does not require, boards to waive nonresident tuition for these students (105 ILCS 5/10-22.5a).

¹⁴ Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. (8 U.S.C. §1101). Boards may not waive the fee.

¹⁵ 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section, (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program), (3) it is mandatory to provide due process before denying re-enrollment, (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs, and (5) it is mandatory that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See policy 7:70, *Attendance and Truancy*.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Family Educational Rights and Privacy Act, 20 U.S.C. §1232.
Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. §1101.
Individuals With Disabilities Education Improvement Act, 20 U.S.C. §1400 et seq.
Rehabilitation Act, Section 504, 29 U.S.C. §794.
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2,
5/27-8.1, 10/8.1, 45/, and 70/.
325 ILCS 50/ and 55/.
410 ILCS 315/2e.
20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School
Registration.
23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 6:30 (Organization of Instruction), 6:110 (Programs for Students At Risk of
Academic Failure and/or Dropping out of School and Graduation Incentives
Program), 6:140 (Education of Homeless Children), 6:300 (Graduation
Requirements), 6:310 (Credit for Alternative Courses and Programs, and Course
Substitutions), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health,
Eye, and Dental Examinations; Immunizations; and Exclusion of Students),
7:340 (Student Records)

BOE OK 11-15-10

Students

Policy 7:60 Residence

Resident Students

Only students who are residents of the District may attend a District school without a tuition charge, except as otherwise provided below or in State law. A student's residence is the same as the person who has legal custody of the student.

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement of Power of Attorney stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition.

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school.

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.

If a student's family has documented plans to move into the District within 60 days of the date of enrollment, the student will be allowed to attend school by submitting payment to the School District on a per-diem basis for the number of anticipated attendance days. The per-diem rate is the amount listed in the most recent Annual Financial Report (Illinois State Board of Education Form 50-35) per capita cost of conducting and maintaining the District's schools. When documented proof of occupancy in District 64 is provided to the business office, a reconciliation of the tuition due will be made accordingly.

Any request for exception to that portion of this policy requiring payment for the number of anticipated attendance days shall be made to the Superintendent.

Non-Resident Students

Non-resident students may not attend District schools.

NEW
A.

Admission of Non-Resident Students Pursuant to an Agreement or Order

Non-resident students may attend District schools tuition-free pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and non-resident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a non-resident student.

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency. Board policy 6:140, Education of Homeless Children, and its implementing administrative procedures, govern the enrollment of homeless children. Challenging a Student's Residence Status

If the Superintendent or designee determines that a student attending school is a non-resident of the District, he or she on behalf of the Board, shall notify the person who enrolled the student of the tuition amount that is due. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law. The notice shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by The School Code, 105 ILCS 5/10 20.12b.

LEGAL
REF.:

McKinney Homeless Assistance Act, 42 U.S.C. § 11431 et seq. (only if the District receives Title I funds)

105 ILCS 5/10-20.12a, 5/10-20.12b, 5/10-22.5, and 5/10-22.5 and 105ILCS 45.

23 Ill. Admin. Code § 1.240.

Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High School Dist. 200, 601 N.E.2nd 1264 (Ill.App. 1,1992)

Joel R. v. Board of Education of Manheim School District 83, 686 N.E.2d 650 (Ill.App. 1st Dist. 1997).

Kraut v. Rachford, 366 N.E.2d 497 (1st Dist. 1977).

CROSS
REF.:

6:15 (School Accountability containing "School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring"), 6:140 (Education of Homeless Children), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy)

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Students

Residence ¹

Resident Students

Only students who are residents of the District may attend a District school without a tuition charge, except as otherwise provided below or in State law. ² A student's residence is the same as the person who has legal custody of the student.

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement or Power of Attorney stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency. ³

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition. ⁴

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school. ⁵

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition. 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.

² In certain cases, no tuition may be charged for non-resident children placed: (1) by DCFS with a foster parent or childcare facility (105 ILCS 5/10-20.12b), or (2) with a person who (i) has temporary custody of a child of a person who is on active military duty, and (ii) is responsible for making decisions for that child (105 ILCS 70/, added by P.A. 96-953). When special education services are provided, *resident district* is determined by 105 ILCS 5/14-1.11 and 14-1.11a—as amended by P.A. 95-844.

³ ~~Id.~~ 105 ILCS 5.10-20.12b. In order to establish residence, a school district may not require a parent to transfer custody/guardianship to the person with whom the child is living. Israel S. by Owens v. Board of Education of Oak Park and River Forest High School Dist. 200, 601 N.E.2d 1264 (Ill.App. 1992). See also Joel R. v. Board of Education of Manheim School Dist. 83, 686 N.E.2d 650 (Ill.App., 1997).

⁴ 105 ILCS 5/10-20.12a.

⁵ 105 ILCS 5/10-20.12b(a-5).

⁶ 105 ILCS 5/10-22.5a. Military personnel must provide proof that the child will be living within the district within 60 days after the date of initial enrollment. Proof of residency may include postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district.



Requests for Non-Resident Student Admission 7

Non-resident students may attend District schools upon the approval of a request submitted by the student's parent(s)/guardian(s) for non-resident admission. The Superintendent may approve the request subject to the following: 8

1. The student will attend on a year-to-year basis. Approval for any one year is not authorization to attend a following year.
2. The student will be accepted only if there is sufficient room.
3. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law. 9
4. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

Admission of Non-Resident Students Pursuant to an Agreement or Order 10

Non-resident students may attend District schools tuition-free pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and non-resident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a non-resident student.

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency. 11 School Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

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

7 Optional. IMPORTANT: Admitting non-resident students under this section probably requires the district to admit students transferring from another district under NCLBA's school choice provision. Thus, a board that will reject any invitation to enter into an intergovernmental agreement to accept non-resident students under NCLBA's school choice should delete this section. A district that wants to include this subhead should specify and customize the listed criteria to match local conditions.

8 State law is silent regarding non-resident student enrollment except to require the parent(s)/guardian(s) to pay tuition (105 ILCS 5/10-20.12a and 5/10-20.12b).

9 105 ILCS 5/10-20.12a specifies a formula for calculating the maximum amount a district can charge non-resident students. ~~Districts may charge less.~~

10 If a board intends to reject any invitation to accept non-resident students under NCLBA's school choice, it should seek its attorney's opinion before entering into any agreement described in this section. The agreement described in #1 is optional (105 ILCS 5/10-22.5a) and districts are not required to enter into such agreements nor to alter existing transportation services due to the attendance of such non-resident students. The agreement described in #2 is optional (105 ILCS 5/10-22.5a); districts should be sure it is consistent with policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. An example of an agreement described in #3 is one to accept non-resident students under the NCLBA's school choice provisions; entering into such an agreement is optional.

11 Required by 105 ILCS 45/1-1 et seq. and the McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq., as amended by the NCLBA. See §11432 (g)(3)(C)(i).

Challenging a Student's Residence Status ¹²

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a non-resident of the District for whom tuition is required to be charged, he or she on behalf of the School Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by The School Code, 105 ILCS 5/10-20.12b.

- LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.
105 ILCS 45/ and 70/
23 Ill.Admin.Code §1.240.
Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High School
Dist. 200, 601 N.E.2d 1264 (Ill.App.1, 1992).
Joel R. v. Board of Education of Manheim School District 83, 686 N.E.2d 650
(Ill.App.1, 1997).
Kraut v. Rachford, 366 N.E.2d 497 (Ill.App.1, 1977).
- CROSS REF.: 6:15 (School Accountability *containing* "School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring"),
6:140 (Education of Homeless Children), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy)

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

¹² Id. See administrative procedure 7:60-AP, *Challenging a Student's Residence Status*, for sample procedures implementing this paragraph.

Students

Attendance and Truancy 1

Compulsory School Attendance 2

This policy applies to individuals who have custody or control of a child: (a) between the ages of 7 and 17 years of age (unless the child has graduated from high school), or (b) who is enrolled in any of grades, kindergarten through 12, in the public school regardless of age. These individuals must cause the child to attend the District school wherein the child is assigned, except as provided herein or by State law. Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student, other circumstances that cause reasonable concern to the parent/guardian for the student's safety or health, or other reason as approved by the Superintendent or designee. 3

Absenteeism and Truancy Program

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

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. 4

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

1 State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/26-13 requires a policy on supportive services and available resources for truants. 23 Ill.Admin.Code §1.290 requires the same plus contains a definition of *valid cause* for absence.

2 105 ILCS 5/26-2, as amended by P.A. 95-417, addresses enrolled students below age 7 or over age 17. The amendment requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

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

3 These reasons are in 105 ILCS 5/26-2a, except that "other reason as approved by the Superintendent" was added. ISBE rule requires that the absenteeism and truancy policy defines valid causes for absence (23 Ill.Admin.Code §1.290).

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

2. A process to telephone, within 2 hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. ⁵
3. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in The School Code, Section 26-2a.
4. Methods for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information. ⁶
5. The identification of supportive services that may be offered to truant or chronically truant students, including parent-teacher conferences, student and/or family counseling, or information about community agency services. ⁷ See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.
6. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered. ⁸
7. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. ⁹
8. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a chronic truant for his or her truancy

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

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

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

⁶ Each district must have a policy describing diagnostic procedures to identify the cause(s) of absenteeism and supportive services and available resources for truants and chronic truants (105 ILCS 5/26-13; 23 Ill. Admin. Code §1.290).

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

⁸ Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

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

Counties and municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 10 years of age, on the parent or custodian (55 ILCS 5/5-1078.2 and 65 ILCS 5/11-5-9). Such local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 55 ILCS 5/5-1078.2 and 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as (i) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (ii) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act (Id., as amended by P.A. 95-1016). A superintendent should consult with the board attorney before disclosing school student records to non-district entities. See 7:340-AP, *Student Records* for a sample procedure for release of such records to juvenile authorities.

unless available supportive services and other school resources have been provided to the student. 10

9. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. 11

[For high school and unit districts only]

~~10. A process for a 17 year old resident to participate in the District's various programs and resources for truants. 12 The student must provide documentation of his/her dropout status for the previous 6 months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *Students School Admissions and Student Transfers To and From Non-District Schools*.~~

11. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum academic or attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. 13

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

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:190 (Student Discipline), 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.

10 105 ILCS 5/26-12 prohibits punitive action "unless available supportive services and other school resources have been provided to the student."

11 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

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

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

13 Optional, but provided in 105 ILCS 5/26-2(c); ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

Students

Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students ¹

Required Health Examinations and Immunizations

A student's parent(s)/guardian(s) shall present proof that the student received a health examination and the immunizations against, and screenings for, preventable communicable diseases, as required by the Illinois Department of Public Health, within one year prior to:

1. Entering kindergarten or the first grade;
2. Entering the sixth and ninth grades; and ²
3. Enrolling in an Illinois school, regardless of the student's grade (including nursery school, special education, headstart programs operated by elementary or secondary schools, and students transferring into Illinois from out-of-state or out-of-country). ³

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician authorizing the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by a supervising physician. ⁴
2. A diabetes screening must be included as a required part of each health examination; diabetes testing is not required. ⁵
3. Before admission and in conjunction with required physical examinations, parents/guardians of children between the ages of 6 months and 6 years must provide a statement from a physician that their child was "risk-assessed" or screened for lead poisoning. ⁶
4. The Department of Public Health will provide all female students entering sixth grade and their parents/guardians information about the link between human papilloma virus (HPV) and cervical cancer and the availability of the HPV vaccine. ⁷

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 policy restates 105 ILCS 5/27-8.1. Immunization requirements are found in 77 Ill.Admin.Code §665.240. A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis. See also "Questions & Answers Regarding School Health Record Issues," revised 9/15/2009, and available at: www.dhs.state.il.us/OneNetLibrary/27894/documents/SchoolHealthFAQ09.doc.

² 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.140 *et seq.* For the 2008-2009 school year only, a health examination conducted from August 2006 through September 2007 (for a child who was entering fifth grade for the 2007-2008 school year) was deemed to meet the requirements of 105 ILCS 5/27-8.1.

³ 77 Ill.Admin.Code §665.140. If grade levels are not assigned, examinations must be completed within one year prior to the school year in which the child reaches the ages of 5, 11, and 15 (*Id.*).

⁴ 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.130 *et seq.*

⁵ 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.700 *et seq.*

⁶ Required by 410 ILCS 45/7.1. Physicians are required to screen children over 6 years of age for lead poisoning when, in the physician's judgment, a child is at risk (410 ILCS 45/6.2).

⁷ This sentence restates the requirement in the Communicable Disease Prevention Act regarding cervical cancer prevention (410 ILCS 315/2e). It requires IDPH to adopt emergency rules to the extent necessary to administer its responsibilities under this provision.

New students who register less than 30 days prior to the first day of the current school year shall have 30 days following registration to comply. (INSERT)

Unless the student is homeless or transferring from out-of-state, failure to comply with the above requirements by ~~October 15~~ ^{the first day} of the current school year will result in the student's exclusion from school until the required health forms are presented to the District. ~~8~~ New students who register mid-term after ~~October 15~~ of the current school year shall have 30 days following registration to comply with the health examination and immunization regulations. ^{the first day} 9 If a medical reason prevents a student from receiving a required immunization by ~~October 15~~, the student must present, by ~~October 15~~, an immunization schedule and a statement of the medical reasons causing the delay. The schedule and statement of medical reasons must be signed by the physician, advanced practice nurse, physician assistant, or local health department responsible for administering the immunizations. 10

Eye Examination 11

Parents/guardians are encouraged to have their children undergo an eye examination whenever health examinations are required. 12

Parents/guardians of students entering kindergarten or an Illinois school for the first time shall present proof before October 15 of the current school year that the student received an eye examination within one year prior to entry of kindergarten or the school. A physician licensed to practice medicine in all of its branches or a licensed optometrist must perform the required eye examination.

If a student fails to present proof by October 15, the school may hold the student's report card until the student presents proof: (1) of a completed eye examination, or (2) that an eye examination will take place within 60 days after October 15. The Superintendent or designee shall ensure that parents/guardians are notified of this eye examination requirement in compliance with the rules of the Department of Public Health. Schools shall not exclude a student from attending school due to failure to obtain an eye examination.

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

8 105 ILCS 5/27-8.1(5), amended by P.A. 96-953. A student transferring from out-of-state who does not provide the required proof by October 15 or the earlier date established (see fn 10) may attend classes for 30 days provided he or she shows proof that an appointment for the required vaccinations has been scheduled with a physician, advanced practice nurse, physician assistant, registered nurse, or local health department (Id.). If proof of vaccination required by 105 ILCS 5/27-8.1(5) is not submitted within those 30 days, the student may not attend classes until the proof is submitted.

9 This provision sentence is optional. The term new students as used in this sentence includes out-of-state transfer students. The timeframe of 30 days is a matter of local discretion except that out-of-state transfer students who fail to provide proof of the required vaccinations within these 30 days must be excluded until such proof is properly submitted (105 ILCS 5/27-8.1(5), amended by P.A. 96-953). Consult the board attorney about establishing timeframes other than 30 days. If a board sets a timeframe longer than 30 days, out-of-state transfer students would have less time than other new students to comply with 105 ILCS 5/27-8.1(5). While a student's out-of-state transfer status is not a protected category for purposes of policy 7:10, Equal Educational Opportunities, using a time frame other than 30 days could expose a district to equal educational opportunity challenges especially considering this change to The School Code resulted from the enactment of the Educational Opportunity for Military Children Act, 105 ILCS 70, added by P.A. 96-953.

10 105 ILCS 5/27-8.1(5), amended by P.A. 96-953, requires compliance by October 15 unless a district establishes an earlier date with 60 days notice. If an earlier date is established, replace "October 15" in this paragraph only with the earlier locally established date. During a any student's exclusion from school for non-compliance with this policy, the student's parents/guardians shall be considered in violation of 105 ILCS 5/26-1 and subject to any penalty imposed by 105 ILCS 5/26-10, as provided in 105 ILCS 5/27-8.1, amended by P.A. 96-953.

11 Required by 105 ILCS 5/27-8.1(1.10) and (2). The IDPH's rules are published at 77 Ill.Admin.Code §665.610 et seq. 77 Ill.Admin.Code §665.150 and 630 prescribe the statewide eye examination report form. It is available at: www.idph.state.il.us/HealthWellness/EyeExamReport.pdf or 77 Ill.Admin.Code §665, Appendix A.

12 While 105 ILCS 5/27-8.1 requires eye examinations for students entering kindergarten or an Illinois school for the first time, it still encourages parent(s)/guardian(s) to have their children undergo eye examinations at the same points in time as their required health examinations. The IDPH must require that individuals conducting vision screenings give a child's parent/guardian a written notification stating:

Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months.

Dental Examination 13

All children in kindergarten and the second and sixth grades must present proof of having been examined by a licensed dentist before May 15 of the current school year in accordance with rules adopted by the Illinois Department of Public Health.

If a child in the second or sixth grade fails to present proof by May 15, the school may hold the child's report card until the child presents proof: (1) of a completed dental examination, or (2) that a dental examination will take place within 60 days after May 15. The Superintendent or designee shall ensure that parents/guardians are notified of this dental examination requirement at least 60 days before May 15 of each school year.

Exemptions 14

In accordance with rules adopted by the Illinois Department of Public Health, a student will be exempted from this policy's requirements for:

1. Religious or medical grounds if the student's parents/guardians present to the Superintendent a signed statement explaining the objection;
2. Health examination or immunization requirements on medical grounds if a physician provides written verification;
3. Eye examination requirement if the student's parents/guardians show an undue burden or lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or a licensed optometrist; or
4. Dental examination requirement if the student's parents/guardians show an undue burden or a lack of access to a dentist.

Homeless Child

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce immunization and health records normally required for enrollment. 15 School Board policy 6:140, *Education of Homeless Children*, governs the enrollment of homeless children.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
105 ILCS 5/27-8.1.
410 ILCS 45/7.1 and 315/2e.
23 Ill.Admin.Code §1.530.
77 Ill.Admin.Code Part 665.

CROSS REF.: 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children),
6:180 (Extended Instructional Programs), 7:50 (School Admissions and Student
Transfers To and From Non-District Schools)

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

13 Required by 105 ILCS 5/27-8.1(1.5). The IDPH's rules are published at 77 Ill.Admin.Code §665.410 et seq. 77 Ill.Admin.Code §665.150 and 430 prescribe the statewide dental examination report form. It is available at: www.idph.state.il.us/HealthWellness/oralhlth/DentalExamProof.pdf.

14 Id. and 105 ILCS 5/27-8.1(1.10).

15 Required by the McKinney Homeless Assistance Act, 42 U.S.C. §1142(g)(3)(C)(i).

Students

Administering Medicines to Students 1

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parent/guardian believe that it is necessary for the student to take a medication during school hours or school-related activities, the parent/guardian must request that the school ~~dispense~~ the medication to the child and otherwise follow the District's procedures on ~~dispensing~~ medication. → ADMINISTER

No School District employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until a completed and signed "School Medication Authorization Form" is submitted by the student's parent/guardian. No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures. → ADMINISTERING

A student may possess an epinephrine auto-injector (EpiPen®) and/or medication prescribed for asthma for immediate use at the student's discretion, provided the student's parent/guardian has completed and signed a "School Medication Authorization Form." The School District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication or epinephrine auto-injector or the storage of any medication by school personnel. A student's parent/guardian must indemnify and hold harmless the School District and its employees and agents, against any claims, except a claim based on willful and wanton conduct, arising out of a student's self-administration of an epinephrine auto-injector and/or medication, or the storage of any medication by school personnel. 2

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

The Building Principal shall include this policy in the Student Handbook and shall provide a copy to the parents/guardians of students. 3

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 for administering medication (105 ILCS 5/10-20.14b). State law prohibits school boards from requiring that teachers and other non-administrative school employees administer medication to students; exceptions are certificated school nurses and non-certificated registered professional nurses (105 ILCS 5/10-22.21b).

2 105 ILCS 5/22-30, as amended by P.A. 94-792 96-1460, requires school districts to allow students to possess and self-administer their prescribed asthma medication and an epinephrine auto-injector: (1) while in school, (2) while at a school sponsored activity, (3) while under the supervision of school personnel, or (4) before or after normal school activities, such as while in before-school or after-school care on school-operated property. Self-administration now includes the ability to carry prescribed asthma medication. The law also provides that: (1) each school district must inform parents/guardians that neither the district nor its employees and agents, are to incur liability, except for willful and wanton conduct, as a result of any injury arising from the self administration of medication by the student, and (2) the parents/guardians must indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication by the student or the storage of the medication by school personnel.

3 Each district must inform students (e.g., through homeroom discussion or loudspeaker announcement) about, and distribute to their parents/guardians, the district's policy, guidelines, and forms on administering medicines within 15 days after the beginning of each school year, or within 15 days after starting classes for a student who transfers into the district (105 ILCS 5/10-20.14b). A comprehensive Student Handbook can provide notice to parents and students of the school's rules, extracurricular and athletic participation requirements, and other important information. The Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, and 5/22-30.

CROSS REF.: 7:285 (Food Allergy Management)

ADMIN. PROC.: 7:270-AP (Dispensing Medication), 7:270-E (School Medication Authorization Form)

Students

Adolescent Suicide Awareness and Prevention Programs ¹

The Superintendent is directed to develop and implement a comprehensive and continuing adolescent suicide awareness and prevention program.- The Superintendent will attempt to develop a liaison among the District and the Illinois Suicide Prevention Strategic Planning Committee, the Illinois Suicide Prevention Coalition Alliance, and/or a community mental health agency to implement the goals and objectives of the Illinois Suicide Prevention Strategic Plan. ²

CROSS REF.: 5:100 (Staff Development Program), 6:60 (Curriculum Content)

Regarding Policy 7:290

Per Diane Betts –

Suicide Awareness is not part of the curriculum. They deal with incidents as they feel they need to.

Recommendation by committee --- strike from policy

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

¹ A suicide awareness and prevention program is optional. 105 ILCS 5/3-14.8 requires the regional superintendents to cover the warning signs of suicidal behavior in teacher's institutes. 105 ILCS 5:10-22.39, amended by P.A. 96-951, requires school guidance counselors, teachers, school social workers, and other school personnel who work with students in grades 7 through 12 to be trained to identify the warning signs of suicidal behavior in adolescents and teens along with appropriate intervention and referral techniques. P.A. 96-951 added opportunities to earn continuing professional development credits through participation in or presenting at an in-service training program on suicide prevention that is jointly approved by the State Teacher Certification Board and ISBE.

In suburban Cook County, an Intermediate Service Center will perform the responsibilities that are performed in other locations by the regional superintendent (P.A. 96-893).

² This plan may be found at: http://www.idph.state.il.us/about/chronic/Suicide_Prevention_Plan_Jan-08.pdf. Its goals and objectives reflect the input of public and private organizations and stakeholders that are concerned with mental health and it is designed to reduce suicide through a positive public health approach. The target dates for implementing these goals and objectives start in 2010 but may be with target dates of completion in 2012. See also the Suicide Resource Center at www.sprc.org/stateinformation/statepages/showstate.asp?stateID=13 for more information on which goals in the Illinois Suicide Prevention Strategic Plan have been implemented sooner. The Suicide Resource Center has an awareness public prevention pilot program titled "It Only Takes One," available at: www.itonlytakesone.org.

Students

Restrictions on Publications and Written or Electronic Material ¹

School-Sponsored Publications and Web Sites

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

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

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

Non-School Sponsored Publications and Web Sites Accessed or Distributed At School On-Campus ³

~~Students are prohibited from accessing and/or distributing at school any written or electronic material, including material from the Internet that:~~

For purposes of this section and the following section, a publication includes, without limitation, (1) written or electronic print material, and (2) audio-visual material, on any medium including electromagnetic media (e.g. images, MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, CD-ROM, etc.) or on-line (e.g., any website, social networking site, database for information retrieval, etc.). ⁴

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

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

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

A school board that does not retain control of student publications can anticipate at least two problems: (1) how to keep content consistent with the district's mission, and (2) how to ensure that the Constitutional rights of third parties are not violated by student journalists. Concerning the second problem, a third party may seek to hold the district responsible for the student journalists' acts. See Yeo v. Town of Lexington, 131 F.3d 821 (1st Cir. 1998).

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

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

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

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

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

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

~~The distribution of non-school sponsored written material shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the material is endorsed by the School District.~~

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

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

6 School officials may not regulate student speech based upon their fear or apprehension of disturbance. Many decisions address the tension between students' right to free speech and restrictions of it on campus. See, for example, Brandt v. Board of Educ. of City of Chicago, 2006 WL 623651 (N.D.Ill., 2006), earlier decision, 326 F.Supp.2d 916 (N.D.Ill., 2004) (finding a material issue of fact existed about whether students who produced and wore T-shirts to school substantially interfered with the school's work or impinged upon the rights of other students).

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

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

7 Be sure that the board's definitions for sexting in this policy aligned with other definitions used throughout the board's policy manual. For example, see the discussion within sample administrative procedure 7:190-AP5, Student Handbook-Electronic Devices. There, sexting encompasses the term indecent visual depiction as defined by 705 ILCS405/3-40, added by P.A. 96-1087, eff. 1-1-11. It defines indecent visual depiction as a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the buttocks, or if such person is a female, a fully or partially developed breast of the person. However, a district may create or have another definition of sexting that may or may not encompass the statutory term indecent visual depiction.

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

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

Accessing or distributing “~~at school on-campus~~” includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school. 10

Student Created or Distributed Written or Electronic Material Including Blogs

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

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

LEGAL REF.: Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).
Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969).

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

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

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

11 Optional. School officials must proceed carefully before disciplining a student for out-of-school conduct. A school’s authority over off-campus expression is much more limited than expression on school grounds. However, school officials may generally: (1) remove a student from extracurricular activities when the conduct code for participation requires students to conduct themselves at all times as good citizens and exemplars of the school (see 7:240, Conduct Code for Participants in Extracurricular Activities); and (2) suspend or expel a student from school attendance when the student’s expression causes substantial disruption to school operations, as provided in this policy (see also 7:190, Student Discipline). Note also that P.A. 96-952 now defines bullying to include communications made in writing or electronically (see also fn 5 above and 7:190-AP6, Guidelines for Investigating Sexting Allegations).

Consult the board attorney for guidance concerning off-campus speech. Every situation is fact specific and the issues require careful evaluation. This fact is illustrated by the contrasting decisions involving similar facts made on the same day by two different panels within the 3rd Circuit Court of Appeals when applying the test articulated in Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969). (see. Layshock v. Hermitage School Dist., 593 F.3d 249 (3rd Cir., 2010) and J.S. ex rel. Snyder v. Blue Mountain School Dist., 593 F.3d 286 (3rd Cir., 2010), both decisions vacated for a rehearing before the entire 3rd Circuit Court of Appeals). Also important to note is that material aimed at particular on-campus audiences may not necessarily equate to on-campus speech (see Evans v. Bayer, 684 F.Supp.2d 1365 (S.D. Fla.2010) finding that suspending a student for creating a Facebook page critical of her teacher violated her First Amendment rights).

APPROVAL OF 2011-12 STUDENT FEES

The Board of Education annually reviews and approves student fees. The attached information is for Board review and approval at the March 14, 2011, Board of Education meeting.

Future Considerations

1. Modify policy (4:140) for student fees to reflect annual increases by the prior December CPI-U.
2. Review lunch supervision expenses to ensure the program is structured to meet current student supervision needs.

ACTION ITEM 11-03-3

I move that the Board of Education of Community Consolidated School District #64, Park Ridge-Niles, Illinois, approve the 2011-12 student fees presented in the attached worksheet.

Moved by: _____ Seconded by: _____

AYES:

NAYS:

ABSENT:

3/14/11

**Park Ridge Niles Community Consolidated School District 64
2011-12 Recommended School Fees**

	2010-11	Proposed 2011-12	\$ Change	% Change	Comments
Required Fees					
Kindergarten	\$84.00	\$84.00	\$0.00	0.0%	
Elementary Grades 1-5	\$227.00	\$227.00	\$0.00	0.0%	
Middle School	\$315.00	\$315.00	\$0.00	0.0%	
Participatory Fees					
Instrumental Music					
Beginner	\$40.00	\$40.00	\$0.00	0.0%	
Advanced	\$40.00	\$40.00	\$0.00	0.0%	
Basketball	\$100.00	\$100.00	\$0.00	0.0%	
Volleyball	\$75.00	\$75.00	\$0.00	0.0%	
Cross Country	\$25.00	\$25.00	\$0.00	0.0%	
Chorus - Elementary	\$5.00	\$5.00	\$0.00	0.0%	
Chorus - Middle School	\$15.00	\$15.00	\$0.00	0.0%	
Bus Fees (State Reimbursement does not cover the cost of students who are transported and reside within 1 1/2 miles of the attendance center)					
All Year	\$510	\$510	\$0.00	0.0%	Hold fee at current level because of anticipated
Cold Weather	\$305	\$305	\$0.00	0.0%	savings with new contractor.
Lunch Fee	\$2.40	\$2.50	\$0.10	4.2%	1. Reflects increased food costs 2. Ala Carte price increases attached
Lunch Supervision Fees					
Early Payment (on or before July 15)	\$140.00	\$165.00	\$25.00	17.9%	Cost driven
Regular Payment (after July 15)	\$190.00	\$240.00	\$50.00	26.3%	Fee has not been increased in 10 years
Before School Fees (Program start time 7:00 AM)					
Plan A (on or before July 15)	\$495.00	\$475.00	(\$20.00)	-4.0%	Reflective of actual costs
Plan B (after July 15)	\$525.00	\$550.00	\$25.00	4.8%	Billing change is from an hourly rate to a flat fee. Staffing is contingent on number of students in program; drop-ins make it difficult to staff appropriately
Plan C - Emergency Daily Rate	\$5.50	\$20.00	\$14.50	NA	
Extended Day Care					
	Hourly billing on the quarter of the hour	Flat Fee			
AM Kindergarten Day Care	\$4.80	\$20.00			Billing change from the "quarter of the hour" to a daily flat fee. No other changes.
PM Kindergarten Day Care	\$4.80	\$20.00			
	Hourly Rate	Hourly Rate			
AM Kindergarten Before School Day Care	\$4.80	\$5.00			Billing change from a fraction of an hour to a flat hourly rate. No other changes.
After School Day Care (hours of operation 3:30 PM - 6:00 PM)	\$4.80	\$5.00			Billing change from a fraction of an hour to a flat hourly rate. No other changes.

To: Board of Education
Phillip Bender, Superintendent

From: Rebecca Allard, Business Manager

Subject: Paid Lunchtime Supervision

Date: March 14, 2011



Background

Parent's Paid Lunch and Before School Care of District 64 (PPLP), an Illinois not-for-profit corporation, provided the elementary lunchtime supervision until the fall of 2007. At the time of the dissolution of PPLP, all employees of PPLP were offered employment within the District 64 lunchtime supervision program.

In 2007, it was determined that PPLP had accumulated \$151,256 in surplus funds prior to the dissolution of the not-for-profit. These funds were distributed between the elementary PTO's (\$50,000) and District 64 (\$101,256). The funds were to be used for expenses related to the operation of the lunch supervision program.

The \$101,256 supported the District 64 lunch program, as a cost center, until the 2009-10 school year where the cost center ended the year with an operating fund deficit of approximately \$60,000.

Current Status

The fees for lunchtime supervision have not been increased in ten years and revenues are not keeping up with expenses. It is anticipated that the 2010-11 program will end the year with a deficit of approximately \$75,000 and the 2011-12 deficit is estimated at \$90,000.

The operating deficit will continue to increase without an increase in the fees associated with the lunch supervision program. The operating fund deficit does not consider the costs associated with the students who qualify for free lunch or the special needs students. The special needs teacher assistants provide the supervision of the special needs students.

Recommendation

Increase the fees for lunch supervision from \$140 to \$165 if paid for on or before July 15. If fees are paid after July 15 the fee would increase from \$190 to \$240.

In addition to the fee increase the administration should evaluate the lunch supervision program for cost savings. Student safety, both in the lunchroom and outside, will be the primary consideration in any future recommendations.

APPROVAL OF FOOD SERVICE CONTRACT RENEWAL

Based on Arbor's performance, and the continued improvements made to our program, we are recommending renewing the contract with Arbor for another year. Attached for your review are financial projections for the 2011-2012 school year.

ACTION ITEM 11-03-4

I move that the Board of Education of Community Consolidated School District #64, Park Ridge-Niles, Illinois, renew the food service contract with Arbor Management for one year, commencing July 1, 2011.

Moved by: _____ Seconded by: _____

AYES:

NAYS:

ABSENT:

3/14/11



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

To: Board of Education

From: Betty Lattanzio – Purchasing Manager
Becky Allard – Business Manager

Date: March 14, 2011

Subject: Food Service Contract Renewal

In June 2011 our food service contract with Arbor will be subject to renewal.

Based on Arbor's performance, and the continued improvements made to our program, we are recommending renewing the contract with Arbor for another year.

Attached for your review are financial projections for the 2011-2012 school year.

In comparison to the 2010-2011 school year, some variances should be noted, market projections for food is expected to increase a minimum of 3.0% overall. These food projections are based on weather/ climate changes and growing conditions worldwide. Arbor has included a 2.5% increase in labor costs, taking into account the 2% increase in Illinois taxes. Management fees will remain the same.

To help offset these variances, a 5% increase in the selling prices for the highest volume items is being recommended. Those items are listed in "**bold**" on the attached price list. The revenue increase to offset the middle school lunch program will be approved as part of the 2011-2012 student fees.

The District had implemented a point-of-sale debit system in October 2010. The total cost for this system was \$23,000, and will be paid for over a period of four years. This expense has been built into the foodservice budget.

We are recommending that the Board of Education renew the food service contract with Arbor Management for one year, commencing July 1, 2011.

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

**Park Ridge-Niles School District 64
2011 - 2012 Financial Projection**

INCOME

TOTAL STUDENT/STAFF SALES	\$ 362,908
SPECIAL FUNCTION	\$ 144,130
REIMBURSEMENTS	\$ 49,000
TOTAL INCOME	\$ 556,038

EXPENSES

FOOD COST	\$ 233,536
DIRECT COST	\$ 24,897
LABOR COST	\$ 188,439
ADMINISTRATIVE COST	The greater of 5.40% or 30,026
MANAGEMENT FEE	The greater of 2% or 11,121
	\$ 30,026
	\$ 11,121

TOTAL EXPENSES **\$ 488,019**

PROJECTED RESULTS **\$ 68,019**

ARBOR MANAGEMENT, INC.

**Park Ridge-Niles
School District 64**



SIGNATURE

SIGNATURE

Marjana S Nixon

NAME

John Heyde

NAME

Vice President, Operations

TITLE

Board President

TITLE

February 14, 2011

DATE

March 14, 2011

DATE



Management Inc. Presented: February-2011

PARK RIDGE- NILES SCHOOL DISTRICT 64

2011- 2012 SCHOOL YEAR PRICE LIST

Recommended changes in bold

DAILY PLATE LUNCH W/MILK 2.40 2.50

SNACKS

BAGEL 0.90 1.00
 BAKED CHIPS, 1.5 OZ 0.90 1.00
 BREAD STICK, 1.5 OZ 0.50 0.60
 BROWNIES/CAKES 1.00
 CHEEZ IT, 1.5 OZ 0.80 0.90
 CHURRO 1.05 1.10
 APPLE BOSCO STICK (1) 1.10 1.25
 COOKIE, OTIS SPUNKMEYER 2.3 OZ 1.00 1.05
 GARDEDOS, 1.75 OZ 1.05 1.10
 MUNCHIES 0.75 0.85
 OREO COOKIES, 2 OZ 1.05 1.10
 POP TARTS, 3.67 OZ 1.05 1.10
 POP TARTS, WHOLE GRAIN, 3.67 OZ 1.05 1.10
 PREMIUM ICE CREAM 1.25-2.50 1.50-2.75
 PRETZELS, 6 OZ 1.05 1.10
 RICE KRISPIE TREATS, 1.3 OZ 1.00
 VICKIE'S CHIPS, 1.3 OZ 1.15 1.20
 WELCH'S FRUIT, 2.25 OZ 1.05 1.10
 YOGURT, 6 OZ 1.15 1.20
 YOGURT PARFAIT, 10 OZ 1.50 1.65

SIDE DISHES

HOT VEGETABLE (4 oz) 0.55
 SEASONED FRIES (4 oz) 1.80 1.90
 FRENCH FRIES 4 oz 1.30 1.40
 RICE OR POTATO 0.75
 SOUP - w/ crackers 12 oz 1.00 1.10
 CHILI, 12 OZ 1.25 1.35
 CHEESE SAUCE, 2 OZ 0.50
 MARINARA SAUCE, 4 OZ 0.60
 CREAM CHEESE 0.45 0.50

ROTATING FOOD BARS

SANDWICH BAR 3.25 3.40
 MEXI BAR 2.95 3.05
 JUMP ASIAN 3.95 4.05
 PASTA BAR 2.95 3.05

ENTREES

BOSCO STICKS, 2 CT 2.30 2.40
 CHEESEBURGER 1.90 2.00
 BREADED CHICKEN SANDWICH 1.90 2.00
 CHICKEN TENDERS, 3 OZ 2.85 3.00
 NACHOS W/CHEESE, 4 OZ 1.45 1.50
 PIZZA, 16" 8 CUT, PEPPERONI 2.40 2.50
 PIZZA, 16" 8 CUT, CHEESE 2.10 2.20

BEVERAGES

BOTTLED WATER 8 OZ 0.75
 BOTTLED WATER, 16.9 OZ 1.00
 GATORADE, 12 OZ 1.55 1.65
 PROPEL, 12 OZ 1.55 1.65
 WELCH'S 12 OZ 1.30 1.40
 MILK 8 OZ 0.55
 MILK - ELEMENTARY 0.45 0.50

SALADS

BUFFALO CHICKEN SALAD 3.50
 CHICKEN CAESAR SALAD 3.50
 TACO SALAD 3.50
 SALAD BAR 3.00



Recommended
February 3, 2011

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

**Board of Education Agenda
Monday, April 4, 2011
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, April 4, 2011

TIME		APPENDIX
7:30 p.m.	Meeting of the Board Convenes <ul style="list-style-type: none"> • Roll Call • Introductions • Opening Remarks from President of the Board 	
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"> • Strategic Plan Progress Report -- Public Information Coordinator 	A-1
7:50-7:55 p.m.	<ul style="list-style-type: none"> • Recommendation of District Architect of Record -- Business Manager 	A-2 Action Item 11-04-1
7:55-8:00 p.m.	<ul style="list-style-type: none"> • Consent Agenda -- Board President <ul style="list-style-type: none"> • Personnel Report • Bills and Payroll • Approval of Channels of Challenge Identification Process & Criteria • Approval of PRESS Policy Issue 74, October 2010 • Destruction of Audio Closed Minutes (none) 	A-3 Action Item 11-04-2
8:00-8:05 p.m.	<ul style="list-style-type: none"> • Approval of Minutes -- Board President <ul style="list-style-type: none"> • Open and Closed Minutes of March 14, 2011 	A-4 Action Item 11-04-3
8:05-8:10 p.m.	<ul style="list-style-type: none"> • Other Items of Information -- Superintendent <ul style="list-style-type: none"> • Upcoming Agenda • Memorandum of Information (None) • Minutes of Board Committees -- Wellness Committee Minutes of March 1, 2011 • Other 	A-5

8:10 p.m.

• **Board Adjourned to Closed Session**

Next Regular Meeting: Monday, April 25, 2011 – 7:30 p.m.
Hendee Educational Service Center
164 S. Prospect Avenue
Park Ridge, IL 60068

April 25, 2011

- Strategic Plan Report on 2011-12 Action Plans and Budget
- Presentation of Board Meetings 2011-12 • Approval of March Financials
- Appointment of Director of Pupil Services • Approval of RFP Copier Bid
- Recommendation of Foreign Language Instructional Materials

May 2, 2011

- Organizational Meeting

May 9, 2011

- Committee of the Whole: Finance (Board Reviews Draft of the 2011-12 Budget)
- Strategic Plan Adoption 2011-12 Actions Plans and Budget
- Adoption of Foreign Language Instructional Materials
- Tour of Roosevelt School Facility

May 23, 2011

- Tour of Emerson Middle School Facility
- ELF Grant Awards
- Recognition of Student Awards
- Approval of April Financials
- Recognition of Tenured Teachers

June 13, 2011

- Approval of Final Calendar for 2010-11
- Committee of the Whole: Finance (Second Draft of the 2011-12 Budget)
- Strategic Plan Progress Report • Bid for Copy Paper
- Judith L. Snow Awards
- Bid for Physical Education Supplies

June 27, 2011

- Custodial Supplies Bid
- Board Adopts 2011-12 Tentative Budget & Establishment of Public Hearing Date
- Approval of May Financials
- Resolution for Prevailing Wage
- Resolution for Transfer of Interest Funds from Working Cash to Educational Fund
- Resolution for Transfer of Interest Funds from Debt Service to Educational Fund
- Approval of Maine Township School Treasurer Depositories

TBD

- Adopt Tentative Calendars for 2012-13 & 2013-14 • Audit - Township Treasurer
- Approval of Contract for District Architect of Record

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.

MEMORANDUM OF INFORMATION #026 2010-2011

TO: Members of the Board of Education
FROM: Scott Mackall
DATE: March 14, 2011
SUBJECT: Site work update at Carpenter and Franklin

CARPENTER

The site work at Carpenter has been put on hold until the 2011/2012 school year due to a delay of permitting from the Metropolitan Water Reclamation District. We will, however, proceed with the Auditorium waterproofing. At the time of this memo all work is proceeding as planned.

The District has been in contact with the Carpenter staff and PTO and has decided to form a committee of 3 or 4 staff and community members along with Dr. Canel, Scott Mackall and the new Architects to review the following core goals.

- 1) Safety of students, parents and staff during drop off and pick up times
(A traffic study has been commissioned as of February)
- 2) Drainage of site
- 3) Playground supervision and configuration
- 4) Maximum utilization of green space
- 5) Parking for staff and after school activities

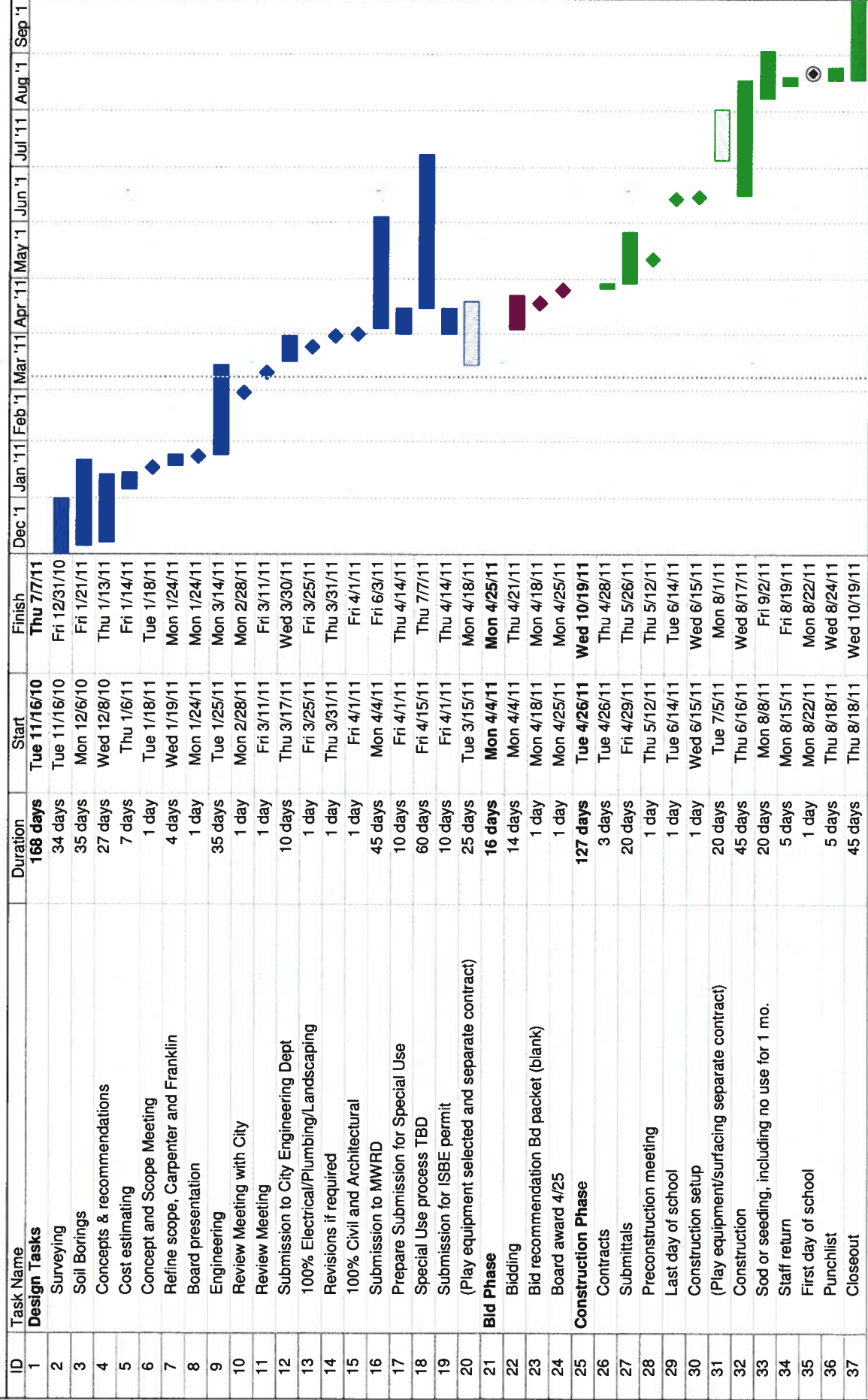
FRANKLIN

The site work at Franklin will proceed this summer and at the time of this memo all work is proceeding as planned. The District has added for the purpose of the bidding document to the scope of work, a secure walkway on the east side of the building. A large number of parents and students walk along the edge of the parking lot prior to and after school. This addition will provide a safe and secure path for staff, students and parents during arrival and dismissal times. The District has held meetings with the staff and PTO. The first meeting with the PTO was not well attended and we have been asked to attend an additional meeting on April 11 at 7:00 p.m.

I have included a timeline of both projects as provided by Green Associates for your review.

Summer 2011 Site Improvements Timeline
 SD64 Franklin School and Carpenter Auditorium

GreenAssociates Inc
 29 Dec 2010, Rev 6 Jan 2011,
 Rev 2 Feb 2011, 8 March 2011





NEWS

COMMUNITY CONSOLIDATED SCHOOL DISTRICT 64 Park Ridge-Niles

164 S. Prospect Avenue

Park Ridge, IL60068-4079

(847) 318-4300

FAX: (847) 318-4351

For information, contact:

Superintendent Philip Bender, 847-318-4300

Bernadette Tramm, Public Information Coordinator, 847-318-4343

FOR IMMEDIATE RELEASE

March 11, 2011

School District 64 Picked for 2011 Educational Excellence Award

Park Ridge-Niles School District 64 is one of only 73 Illinois school districts to earn the 2011 Bright Red Apple Award for educational excellence from SchoolSearch, an independent research and consulting firm. This year, only 8 percent of Illinois school districts earned the award, according to Superintendent Philip Bender.

All school districts in Illinois – a total of 868 – were considered using objective data reported on the 2010 Illinois State Report Cards. It is the 17th year District 64 was selected for the award.

“The Bright Red Apple award demonstrates how outstanding schools help to define an outstanding community,” Dr. Bender stated. “I hope all Park Ridge-Niles residents are proud of this long tradition of support for high quality schools that continue to make this such a desirable place to live,” he added.

The award is based on five, “family-favored” factors: academic performance, pupil/teacher ratio, operating expenditure per pupil, educational level of teachers, and average teacher salary. “District 64 is strong in all five categories,” according to SchoolSearch.

#

In recognition of educational excellence, the

**2011 SchoolSearch™
Bright Red Apple™ Award**

is awarded to

Park Ridge CCSD 64

Park Ridge, Illinois



Dee Shugart, Ph.D., President
E-mail: schoolsearchadv@aol.com

SchoolSearch™

Web Site: www.schoolsearchrankings.com
Educational Research & Publisher of School Rankings

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

Minutes of the Community Finance Committee
held at 7:00 p.m. February 24, 2011
Raymond E. Hendee Educational Service Center
164 S. Prospect Ave., Park Ridge, IL 60068

Superintendent Philip Bender called the meeting to order at 7:01 p.m. Also present were: Board of Education members Sharon Lawson and Eric Uhlig; Business Manager Becky Allard; Lincoln Middle School Principal Joel Martin; CFC members Allison Blum, Renate Stolzer, Paul Sheehan, Craig Harter; and, community member Marshall Warren

I. Introduction

Dr. Bender took a moment to recognize Kent Bergren for his tireless service to the CFC committee, District 64 and the community of Park Ridge. He was a wonderful man who will be missed by everyone who had the opportunity to know Kent.

Next, Dr. Bender explained that Craig Elderkin had provided notification that he would no longer be able to serve on the CFC. Dr. Bender had tried to notify him on several occasions unsuccessfully to discuss his decision in greater detail.

Mr. Elderkin had successfully served as the chairperson of the CFC for years and there would need to be discussions on the leadership of the CFC moving forward. Mr. Sheehan volunteered to host a roundtable meeting at his home to discuss and enlist potential co-chairperson leaders for the CFC. Dr. Bender and the CFC agreed to this proposed idea. Due to Mr. Elderkin's decision, Dr. Bender was not sure where the committee was in the process of projects that CFC was spearheading. Dr. Bender asked the members of the committee to identify the characteristics they would want in a new leader of the CFC.

II. Review Financial Projections: Becky Allard

Mrs. Allard provided two documents for the CFC members the report prepared by StratPlan and the power point presentation used during the February 14, 2011, Board of Education meeting. Mrs. Allard began by asking everyone to turn to slide 40 in the power point handout. This slide indicates that District 64 has the financial resources to maintain the commitment made during the 2007 referendum not to seek another referendum until the 2016-17 timeframe and the District is able to maintain four months cash on hand at the end of the fiscal year. Becky thanked everyone who worked on the referendum because its approval was vital to the District being able to hold its own under the current financial crisis. However, the District still needs to be fiscally responsible to the community as it moves forward in

the coming years. The administration continues to review expenditures regularly to make sure that the District is receiving the best value and benefit for the students and community.

Mr. Sheehan discussed that many community members do not understand why the District hired two Assistant Principals after referendum was passed. Dr. Bender discussed the vital role that the Assistant Principals would play in the upcoming school year because of the loss of a central office RTI position and METSEP programs. These changes would result in more responsibility being moved to the building level administration. The Assistant Principals will take up more of the daily managerial jobs in a building so that the Principals will be able to pick up additional curriculum responsibilities. These Assistant Principals will greatly impact the ability of Principals to address and play an important role in the continuation of these initiatives.

III. District Spend Management Initiatives: Becky Allard

Mrs. Allard discussed that the CFC has played a vital role in the District's review of various services that it contracts to outside agencies. She was very proud to announce that the primary issue was transportation this year and that there will be a recommendation to the Board on Feb. 28 for a new bus contractor, Illinois Central Bus Company. The new bus contractor, which will serve the District out of a location on Touhy and Lincolnwood, will save the District \$300,000. Six companies came to the open bid meeting and only three submitted a bid. The District's current contractor was the highest bid and the new company had the lowest bid. Mrs. Allard stated that they checked the company out thoroughly and felt very comfortable with their services. Glenview District 34 who was also out to bid for transportation services will also award a contract to Illinois Central Bus Company.

Mrs. Allard stated that the District is looking at employee benefits, self-insured through Arthur J. Gallagher and hopes to save about 4% employee benefits or roughly \$250,000. As soon as the transportation contract is finalized the District will begin to examine the topics of District Liability and Workers Compensation. This may or may not result in savings but may increase the lines of coverage for the District.

On January 26 and 27, 2011, Dr. Bender, Becky Allard, Joel Martin, Kent Bergren, and Board Members Sharon Lawson, Genie Taddeo and Scott Zimmerman interviewed six firms (Sharon replaced Kent). On February 22, 2011, the committee brought back two firms for another round of interviews and they will conclude with final presentations on March 7, 2011, at Roosevelt School. Dr. Bender stated that both firms would serve the District well in the future. Administrators, members of the BOE, and community were invited to attend the final presentation. Dr. Bender stated that final factors in the decision would include money and a visit to examine projects that both firms had completed for other school districts.

Mr. Sheehan asked if parents have been acting civil in regards to water issues at Carpenter and Franklin. Mr. Uhlig stated that more people have been concerned about heating/AC at these two schools. However, people had been expressing their concerns to the administration and BOE in a civil manner.

Mrs. Allard informed the committee that Elizabeth Hennessey would be at the next Board of Education meeting (Feb. 28) to discuss issues regarding financial choices and options for school districts. This is simply an informational presentation in nature for new Board of Education members.

IV. Future Topics:

Review the architecture interviews that are going to be held at Roosevelt School on March 7, 2011. Again it was stated that administrators, PTO members, and community groups have been contacted to attend and be part of this process. The District is looking at re-establishing Facility Teams at the building level, composed of: staff, custodians, PTO members, and neighbors. These teams will be invited to analyze needs, concerns, plans, etc. regarding the upkeep of each building. Dr. Bender stated that it is extremely important to understand the impact of involving the community in facility management and understanding the importance that quality schools and facilities have on property values.

Mrs. Allard stated that the Facilities Committee has not been functioning for a while and that they would be contacting people who had served on it to see if they are still interested participating. She stated that the last action of the committee that she was aware of was roughly 10 months to a year ago. Dr. Bender stated that a new architectural firm would assist in the development of a master plan that is to be a living document and allow the District to maintain the quality of its facilities. Additionally, it was noted by Dr. Bender that equity in facilities will be a tenet of any master plan in the future.

Mrs. Allard drew everyone's attention to two handouts, the first was entitled Proposal for Mandatory Consolidation of School Districts by the state of Illinois. It was discussed that the state legislature is discussing a bill that would allow the state to force school districts to combine as a perceived cost cutting measure. It was further discussed by Dr. Bender and Mrs. Allard that this move would not necessarily eliminate cost but would simply increase the size of central office staff. Additionally, many small districts do not merge in rural areas due to the distance between towns. Finally, this measure would greatly impact the local control that communities would have over their schools. Other members of the CFC were not impressed with the actions of our legislatures in Springfield. Mrs. Allard and Dr. Bender encouraged members to contact their local representatives and express their opinion on this topic.

Dr. Bender stated that a future meeting date for the next CFC meeting would be established after the roundtable meeting to be held at Paul Sheehan's home to select

new chairpersons. Mr. Sheehan read the future topics list from the October meeting as follows:

- Alumni Giving
- Spend Management
- Energy Management
- Property Tax Environment
- Alternative Revenue Stream

Dr. Bender suggested that members review all of those topics at the dining room table meeting at Mr. Sheehan's home and come back with a priority list regarding these topics.

Dr. Bender adjourned the meeting at 8:15 p.m.

**PARK RIDGE-NILES SCHOOL DISTRICT 64
TRAFFIC SAFETY COMMITTEE**

Minutes of the meeting
held at 4:00 p.m. Tuesday, March 8, 2011
Carpenter School, 300 N. Hamlin Ave. Park Ridge, IL 60068

Attendees:

Supt. Philip Bender
Chief Frank Kaminski, Park Ridge Police
Cmdr. Bill Polka, Park Ridge Police
Ofc. Jon Moehrlin, Park Ridge Police
Sgt. Robert Tornabene, Niles Police
Dr. Marcy Canel, Carpenter School Principal
Kathy Jozwiak, Carpenter School PTO
Tim Benka, Emerson Middle School Assistant Principal
Shannon Heilman, Emerson Middle School PTO
Katie Kelly, Field School Assistant Principal
Jane Everett, Field School
Marvin Bornschlegl, Field School PTO
Dan Walsh, Franklin School Principal
Dan Ophus, Washington School Assistant Principal
Dr. Kevin Dwyer, Roosevelt School Principal
Tim Gleason, Lincoln Middle School Assistant Principal
Leslye Lapping, Jefferson School Coordinator of Extended Day & Preschool Services
Bernadette Tramm, Public Information Coordinator
Scott Mackall, Director of Facility Management
Danielle Beelenda, Intern

Superintendent Bender called the meeting to order at 4:03 p.m. He thanked the City of Park Ridge and Village of Niles for their cooperation in helping prepare the schools for reopening after the February 1-3 blizzard, and especially for the extra police presence on the first day. Later in the meeting, he also asked principals to please thank all staff members for their cooperation in assisting the safe arrival and departure of students during this extraordinary weather event.

Village of Niles Police Report

Sgt. Tornabene announced that Niles had applied for a pedestrian safety grant, which will be used for enforcement and education around Emerson and Jefferson schools and other school locations in Niles. He noted that Greendale Avenue continues to be the focus of concerns about pedestrian safety. With the return of good weather, he will again provide flyers about bike and pedestrian safety for the schools to distribute.

City of Park Ridge Reports

■ **Police**

Ofc. Moehrlin reported that he had worked with schools on issues that developed during the aftermath of the blizzard regarding parking or drop off in zones that are not usually permitted but were used due to snow piles. He noted that additional plowing was done to clear the zones so normal routines could resume. Dr. Bender noted that District 64 staff also had worked extremely hard to move snow out of the drop off areas.

Ofc. Moehrlin reported on two signage issues:

- Lincoln Middle School – The street sign on Crescent Avenue at the school has been changed from “no parking” to “no parking, stopping or standing” to help keep traffic flowing.
- Carpenter School – A new sign for no drop-offs in teacher parking lot has been posted, but angle of sign needs to be adjusted so it is directed toward traffic.

He also announced that as the warm weather returns, he and other bike-trained officers will circulate again at schools; this tactic has proven very effective in being able to talk to drivers directly and moving quickly within the school zone.

- **City Engineer**

Ms. Mitchell was unable to attend the meeting, but Ms. Tramm distributed a map of upcoming construction projects for spring/summer on her behalf. She noted that although no projects are immediately adjacent to the schools, some might be on a walking or bus route.

ACTION: Principals should review the map to see if their routes are affected.

School Reports

All the principals or assistant principals specifically thanked the police for their presence at their buildings during drop off and pick up when school resumed following the blizzard, and noted that police presence had significantly enhanced student, staff and vehicle safety during these unusually challenging conditions.

In addition, the following additional items were reported:

- **Roosevelt**

Principal Dwyer noted that parents also had responded positively to the safety messages following the blizzard, and that some had come to school to help clear snow from drop off zones. He also noted that police presence of any kind is extremely helpful in keeping drivers mindful of the rules.

He requested that consideration be given to banning parking on the north side of Albion Avenue adjacent to the school during the winter. He said there is never enough space when snow banks are present to accommodate parked cars on both sides and a bus lane in the middle.

ACTION: Ms. Mitchell is asked to review.

Mr. Dwyer also has marked about 10 sidewalk squares that appear to flood regularly and prevent students from safely utilizing the walkway.

ACTION: Mr. Mackall and Ms. Mitchell are asked to review.

- **Carpenter**

Principal Canel noted that safety issues continue to be addressed each day and that safe habits are reinforced with parents at every opportunity.

- **Emerson**

Assistant Principal Benka noted that Greendale Avenue continues to be the greatest concern, and that safety messages are addressed with parents on an ongoing basis.

- **Field**

Assistant Principal Kelly thanked the City for continuing to re-plow streets near school for several days due to resident parking, until the snow banks eventually could be pushed back fully to the curb.

Ms. Kelly suggested that when intersections near the school are plowed, it would be extremely helpful if the snow banks could be moved down the block just a bit instead of remaining at the intersection. Even small snow banks shield the vision for both young students crossing in the crosswalks and for drivers attempting to spot elementary-sized children.

ACTION: Ms. Mitchell is asked to note this for the plow crews.

- **Washington**

Assistant Principal Ophus noted that the continuing issue at the school is vehicles stopping in crosswalks or entering blocked-off areas.

- **Lincoln**

Assistant Principal Gleason noted the continuing problem of vehicles stopping along Lincoln driving northbound to drop off students, and the students then crossing in the middle of the block. He asked officers to be aware of this behavior when doing enforcement at the school.

- **Jefferson**

Coordinator Lapping noted the same issues of safety along Greendale Avenue, and pointed out that because police presence is not done on a particular schedule that drivers have been more alert overall.

- **Franklin**

Principal Walsh reported that a car had collided with the open door of a vehicle that a student was preparing to exit on the street side, contrary to all safety procedures. Fortunately, the student was unhurt; everyone was highly distressed by the occurrence. Mr. Walsh noted that he has observed that many drivers use the sidewalk side of the vehicle for a car seat for a younger sibling, making it difficult for the older child to exit around the car seat. He will continue to remind all parents of this critical safety issue and asked police to monitor this during enforcement activities.

Mr. Walsh displayed neon gloves and a jacket that he wears when outdoors helping with traffic during arrival and dismissal.

Mr. Walsh noted that one of the crossing guards would be retiring at the end of this school year, and that a substitute had filled the position during the guard's recent absence due to health concerns.

ACTION: Police will note this position as needing to be filled for 2011-12 and will provide back up as needed.

Follow Up on Reporting Sex Offender Locations

Chief Kaminski confirmed that Park Ridge police would continue to provide direct notification to the Superintendent of any sex offenders who register with his department; this will hopefully be redundant to the notification that the Sheriff and County are to provide to the Superintendent under criminal offender notification laws.

Successes-Concerns

- **Motorized scooters** – Ms. Everett noted an adolescent had been seen repeatedly driving a motorized scooter on the street after school and that he does not obey stop signs; she inquired about the laws for such vehicles. Ofc. Moehrlin stated that the operator must have a driver's license and is supposed to ride it on his/her own private property and not on the streets. Parents should be alerted about the law.
- **Healthy Living Month** – Ms. Tramm noted the dates for "Neat to Use Your Feet Week" as April 11-15, when students are being encouraged to walk or ride bikes to school. Several schools also sponsor group walks to school on specified days that week. She also noted that Sgt. Tornabene would present "Internet Surfin' Safety" for all interested parents on April 7 at 7:00 p.m. at Emerson Middle School.
- **Centennial Park** – Mr. Gleason asked police to be mindful of students congregating in the hill area west of Lincoln Middle School as the weather improves.
- **Recognition for good behavior** – Chief Kaminski asked principals to please recommend to him names of students who deserve recognition for doing something special in support of safety; the department is always interested in positively reinforcing good behavior.
ACTION: Principals are to forward names to Chief Kaminski as the occasion arises.
- **Birth certificate letter** – Cmdr. Polka asked about District 64 policy related to police involvement with a parent or guardian failing to produce a child's birth certificate on a timely basis.
ACTION: Ms. Tramm will provide information about District policy related to missing children laws to Cmdr. Polka and Sgt. Tornabene.

Dr. Bender again thanked everyone for putting safety at the forefront in the aftermath of the blizzard, and reminded everyone to continue to be vigilant with the arrival of spring weather and students being outdoors and on the go.

Next Meeting

The next meeting will be held on Tuesday, May 3 at 4:00 p.m. at Franklin School, 2401 Manor Lane, Park Ridge.

The meeting was adjourned at 4:43 p.m.

Minutes submitted by Bernadette Tramm

HEALTHY LIVING IN PARK RIDGE

APRIL 2011
HEALTHY LIVING MONTH



School District 64, City of Park Ridge, Park Ridge Park District, Park Ridge Public Library, Chamber of Commerce, and Park Ridge Health Commission are teaming up to promote healthy living for everyone.

HEALTHY LIVING MONTH is a community-wide initiative that will focus on healthy behavior choices by educating families. The month will target health, nutrition, fitness, safety and understanding our environment. There are exciting and fun activities planned for each week!

**THE GOAL...HEALTHY BODIES,
HEALTHY MINDS, HEALTHY
COMMUNITY!**

Complete information and
full calendar of events at
www.parkridge.info



April 3-9

Health & Nutrition Week

Healthy Living Month Proclamation on April 4 at 7:30pm,
Park Ridge City Hall

April 4

"Know Your Numbers!" Cholesterol Screening

Resurrection Medical Center, 7435 W. Talcott, Chicago

April 5-28

"Move Your Numbers!" Pedometer Walking Program

Resurrection Medical Center, 7435 W. Talcott, Chicago

April 7

Internet Surfin' Safety

7:00pm

Emerson Middle School, 8101 N. Cumberland, Niles

April 10-17

National Library Week

www.parkridgelibrary.org



April 11-15

Neat to Use Your Feet Week

Walk to and from school! (District 64 Schools)

April 18-24

Screen-Free Week

Formerly TV Turn-Off Week (District 64 Schools)

April 25

Stress and Oriental Medicine Workshop

7:15pm - 8:45pm

Park Ridge Public Library, 20 S. Prospect Ave

April 30

Medication Take Back Day

10:00am - 2:00pm

Park Ridge Police Department, 202 Vine Ave, Park Ridge

April 30

Earth Day Celebration

11:00am - 3:00pm

Maine Park, 2701 W. Sibley Avenue

April 30

Electronics Recycling

9:00am - Noon

400 Busse Highway, Park Ridge

www.parkridgechamber.org

