

OK as is

School Board

Administrative Procedure - Superintendent Committees

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

Communicable and Chronic Infectious Disease Program Task Force

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

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

Communicable and Chronic Infectious Disease Review Team

This review team ~~assists with the implementation of the chronic and infectious disease program developed by the Communicable and Chronic Infectious Disease Program Task Force~~. It monitors those employees and students who have a communicable and chronic infectious disease, and:

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

The footnotes should be removed before the material is used.

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

Team members may include the District's medical advisor, a school nurse, the Building Principal, and the Superintendent or designee.²

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

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

Anaphylaxis Prevention, Response, and Management Committee

This committee develops and implements the District's Anaphylaxis Prevention, Response, and Management Program ~~and reports directly to the Superintendent or designee.~~ It monitors the program and establishes a schedule to ensure the Superintendent reports on the program's effectiveness to the Board at least once every three years. See Board policy 7:285, *Anaphylaxis Prevention, Response, and Management Program*, and administrative procedure 7:285-AP, *Anaphylaxis Prevention, Response, and Management Program*, based upon the Ill. State Board of Education (ISBE) Anaphylaxis Response Policy for Illinois Schools at: www.isbe.net/Documents/Anaphylactic-policy.pdf.

Committee members may include District-level administrators, Building Principals, the District Safety Coordinator (see administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), District 504 Coordinator (see exhibit 6:120-AP1, E1, *Notice to Parents/Guardians Regarding Section 504 Rights*), staff members, parents/guardians, community members, and students.

Employee Substance Abuse Prevention Committee

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

1. Cooperates with community and State agencies on substance abuse programs.
2. Gathers information about substance abuse and suggests methods to ~~disseminate share it to~~ with employees.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration any directives from the Board to the Superintendent regarding the District's obligation to provide a safe environment and to ensure high-quality performance, which may include but not be limited to:
 - a. Securing training for designated district employees to educate them ~~to on~~ identifying symptoms of being impaired by or under the influence of substances prohibited by policy. For guidance about what impaired by or under the influence of means, see:
 - i. Footnote numbers five and six in Board policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*;

The footnotes should be removed before the material is used.

² The team members listed align with prior joint guidance of the Ill. State Board of Education (ISBE) and the Ill. Dept. of Public Health. See <https://wordpress.uchospitals.edu/infectionprevention/files/2011/05/IDPH-Chronic-ID-in-schoolchildren.pdf>. Additional federal guidance on planning teams for infectious diseases is available at: https://rems.ed.gov/docs/PandemicFactSheet_508C.pdf.

- ii. 625 ILCS 5/11-501.2 and 5/11-501.9, (chemical and other tests, validity, etc., *a/k/a field sobriety tests*);
 - iii. 410 ILCS 705/10-50(d) (“An employer may consider an employee to be impaired or under the influence of cannabis if the employer has a *good faith belief* that an employee manifests specific, articulable symptoms while working that decrease or lessen the employee’s performance of the duties or tasks of the employee’s job position, including symptoms of the employee’s speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others.”) (**Note:** Consult the Board Attorney about identifying cannabis use); and
 - iv. Professional development opportunities in the area, e.g., local law enforcement agencies may be a place to begin.
- b. Implementing a reasonable suspicion and/or drug testing³ program(s) to enhance the District’s ability to identify and discipline employees suspected of being impaired by and/or under the influence of prohibited substances. **Note:** Consult the Board Attorney before implementing any drug-testing program(s) or disciplining employees based upon the results of these programs. Drug testing will likely assist the District with the challenges of identifying cannabis-related issues, but the science behind impairment identification and behavioral testing for cannabis impairment is new and emerging.
 - c. Addressing expectations for employees in positions of leadership who are perpetually on call⁴ due to the nature of their positions and responsibilities.
 - d. Holding licensed educators to a higher standard than non-licensed employees due to their professional code of conduct expectations. ⁵
 - e. Holding employees working directly with students to a higher standard than employees not working directly with students.
 - f. Recommending a method to explicitly inform employees of the consequences of violating the District’s Board’s policy.

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³ The best practice for ensuring the strongest defense when disciplining an employee for undertaking tasks while being impaired by and/or under the influence of prohibited substances is a confirmed, positive drug test used in combination with reasonable suspicion of impairment. Drug testing may be cost prohibitive and disruptive for school districts while also presenting several other legal considerations, including possible collective bargaining implications upon request by the employee representative. For example, while the Americans with Disabilities Act allows the results of such tests to be used as the basis for disciplinary action (42 U.S.C. §12114; 29 C.F.R. §1630.16(c)), drug tests may still violate other laws, e.g., Title VII and the Rehabilitation Act (42 U.S.C. §2000e *et seq.*; and 29 U.S.C. §701 *et seq.*). Identifying and disciplining employees for cannabis use on a drug test alone may present a unique set of challenges because cannabis can remain in a person’s system for weeks.

⁴ See fn 3 of sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*.

⁵ If a district holds all its employees to the same standard of professional conduct regardless of licensure status or whether an employee works directly with students (see item e.), delete item e. in the list and replace item d. with the following:

Holding all employees to the same high standard of conduct expectations, regardless of their licensure status or whether they work directly with students.

- g. Recommending best practices for discipline of employees who are suspected of violating or are violating the District's Board's policy.⁶

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

Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and the community. See Board policy 4:180, *Pandemic Preparedness; Management; and Recovery*, and its procedures.

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

Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent or designee on prevention, intervention, and education. Committee members may include community representatives, District administrators, teachers, and students. See Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 7:10, *Equal Educational Opportunities*; 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and 7:185, *Teen Dating Violence Prohibited*.

School Violence Prevention Team

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

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

All Building Principals or their designees ~~must~~ serve on this team.⁷ Other team members may include the District Safety Coordinator (see administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), law enforcement representatives, the Board Attorney, District psychologist(s), mental health workers and/or

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⁶ Consult the board attorney regarding any disciplinary action explored for employees based solely on a positive cannabis test result. Employee discipline is an item on which collective bargaining may be required.

⁷ Including building principals on this team aligns with sample administrative procedure 4:190-AP1, *Targeted School Violence Prevention Program*, which provides that "Building Principals are mandatory for successful implementation" of a Targeted School Violence Prevention Plan.

social service agencies, faith leaders, community members, and students. ~~The team reports directly to the Superintendent or designee.~~

Transitional Bilingual Education (TBE) Programs Parent Advisory Committee ⁸

This committee is required ~~when the District has a Transitional Bilingual Education (TBE) Program.~~ The committee maximizes the practical involvement of parents/guardians of students in the District's TBE program(s). Its purpose is to:

1. Afford parents/guardians the opportunity to effectively express their views; and
2. Ensure that the District's program(s) are planned, operated, and evaluated with the involvement of, and in consultation with, parents/guardians of students served by the program(s).

~~All Building Principals or their designees serve on this team.~~⁹ ~~Other C~~committee members must include parents/guardians of students enrolled in the District's TBE program(s), transitional bilingual education teachers, counselors, and representatives from community groups. A majority of the committee members (or if the District has multiple committees, each committee) must be parents/guardians of students enrolled in the District's TBE program(s).¹⁰ ~~All Building Principals or their designees attend committee meetings.~~¹¹ ~~The District must provide annual training to the committee.~~ ¹²

This committee must elect officers, ~~and~~ establish bylaws (internal rules, guidelines, and procedures).¹³ ~~It meets at least four times per year. It reports directly to the Superintendent or designee.~~

Title I Parent Advisory Committee

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

1. Facilitating the active involvement of parents/guardians in their children's academic success by such activities as coordinating Title I parent-teacher conferences, providing information to help parents/guardians assist their children, coordinating volunteer or paid participation by

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⁸ 105 ILCS 5/14C-10; 23 Ill. Admin. Code §228.30(c)(4). A district must establish a program in transitional bilingual education when, at the beginning of a school year, it has 20 or more English learners in a (home) language classification within an attendance center of the district (private school students are excluded from the attendance center count). 105 ILCS 5/14C-3. See www.isbe.net/Pages/BPAC.aspx for additional guidance. This committee carries out its duties autonomously, but a district may intervene to ensure compliance after consultation with ISBE's Multilingual/Language Development Department. 23 Ill. Admin. Code §228.30(c)(4)(C).

⁹ Optional. ISBE recommends that a district representative attend meetings of this committee. See the *Bilingual Parent Advisory Committee FAQ* at: www.isbe.net/Pages/BPAC.aspx. If building principals do not serve on this committee and the district deletes this sentence, amend the next sentence's introductory words as follows: "Other cCommittee members must include ---".

¹⁰ 105 ILCS 5/14C-10.

¹¹ Optional. ISBE recommends that a district representative attend (rather than serve on) meetings of this committee. See the *Bilingual Parent Advisory FAQ* at: www.isbe.net/Pages/BPAC.aspx.

¹² The training must be conducted in a language that parent/guardian members can understand. It must include but need not be limited to: (1) information related to instructional approaches and methods in bilingual education; (2) the provisions of State and federal law related to students' participation and parents' rights; and (3) accountability measures relevant to students in bilingual programs. 23 Ill. Admin. Code §228.30(c)(4)(B).

¹³ 105 ILCS 5/14C-10; 23 Ill. Admin. Code §228.30(c)(4)(d). This committee must file its bylaws and records of the election of officers with the school district.

Commented [DJ1]: Note to Subscribers: ISBE guidance provides that the "BPAC shall operate independently without control or influence from the school district," and it recommends that a district representative attend each BPAC meeting.

Commented [DJ2]: Note to Subscribers: This training requirement is not new but is added to provide more detail about this committee.

Commented [DJ3]: Note to Subscribers: The requirement to meet four times per year is not new but is added to provide more detail about this committee.

- parents/guardians in school activities, and establishing a process to respond to parents/guardians' inquiries and recommendations.
2. Distributing Title I informational materials.
 3. Consulting on the District's Title I Plan.
 4. Supporting the implementation of Board policy 6:170, *Title I Programs*.

Committee members include parents/guardians and family members of Title I children. ¹⁴ ~~It reports directly to the Superintendent or designee.~~

PERA (Performance Educational Reform Act) Joint Committee and the RIF (Reduction in Force) Joint Committee ¹⁵

~~Each committee listed below is required until its function has been fulfilled.~~

~~1. **PERA joint committee.** This ~~mandatory joint~~ committee is "composed of equal representation selected by the district and its teachers, or where applicable, the exclusive bargaining representative of its teachers." 105 ILCS 5/24A-4(b-5), added by P.A. 104-20. This committee:~~

~~a. ~~May~~, but is not required to, incorporate data and indicators on student growth as a factor in rating teaching performance in the teacher evaluation plan. ~~Id.~~ The amendment of an evaluation plan continues to be a mandatory subject of bargaining.~~

~~b. ~~This committee also Agrees~~ to the panel of qualified evaluators that reviews appeals of *unsatisfactory* performance ratings and determines the criteria for successful appeals.¹⁶ 105 ILCS 5/24A-5.5. ~~This committee must also: (a) e~~~~

~~c. ~~Establishes~~ a teacher evaluation plan that ensures that each tenured teacher whose performance is rated as either *excellent* or *proficient* is evaluated at least once in the course of the three school years after receipt of the rating. ~~and (b) i~~~~

~~d. ~~Implements~~ an informal teacher observation plan established by ISBE rule and by agreement of this committee to ensure that each tenured teacher ~~in this category whose performance is rated as excellent or proficient~~ is informally observed at least once in the course of the two school years after receipt of the ~~excellent or proficient~~ rating. 105 ILCS 5/24A-5.~~

~~a-e. ~~Meets at least once a year to assess and review the effectiveness of the District's evaluation plan for the purposes of continuous improvement of instruction and evaluation practices.~~ 105 ILCS 5/24A-4.~~

~~5-2 **RIF joint committee.** This mandatory committee convenes annually to consider issues identified in the statute concerning the selection of teachers for layoff. 105 ILCS 5/24-12(c). On or before December 1 of each year, the RIF joint committee must be established and must hold its first meeting. It is composed of individuals appointed by the Board and the teachers (or the exclusive bargaining representative of its teachers).~~

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¹⁴ Inclusion of parents/guardians and family members of Title I children on this committee aligns with 20 U.S.C. §6318(a)(2)(A), which requires a district to involve them in the joint development of a district's plan to help low-achieving children meet challenging achievement and academic standards, and in the development of comprehensive and targeted support and improvement plans.

¹⁵ These committees are not subject to OMA. 105 ILCS 5/24A-4(b-5) and 105 ILCS 5/24-12(c).

¹⁶ The PERA joint committee does not determine what rating will be issued to replace an unsatisfactory rating in the event of a successful appeal; that issue must be collectively bargained. 105 ILCS 5/24A-5.5.

Concussion Oversight Team ¹⁷

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

Wellness Committee ¹⁸

The Wellness Committee includes at least one representative from each of the following groups: parents, students, representatives of the school food authority, teachers of physical education, school health professionals, a member of the Board,¹⁹ school administrators,²⁰ and members of the community. Individuals of this committee will participate in the development, implementation, periodic reviews, and updates of Board policy 6:50, *School Wellness*. 7 C.F.R. §210.31(d)(1).

Children's Advocacy Center (CAC) Communication Committee ²¹

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

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¹⁷ 105 ILCS 5/22-80(d).

¹⁸ Establishing a wellness committee is optional; if established, it should be listed here, or delete it if the board has not directed the superintendent to convene a wellness committee in policy 6:50, *School Wellness*. See f/n 27 in sample policy 6:50, *School Wellness*. The preamble to 7 C.F.R. §210.31(d)(1) suggests one method to comply with the rules is by: "identifying individuals" to serve on a "local school wellness policy committee." However, the final text of 7 C.F.R. §210.31(d)(1) does not specifically require districts to establish a local school wellness policy committee – only that they "permit [groups listed in the procedure above] to participate ...".

¹⁹ See f/n 1 above. As much of the work of developing a plan to involve local stakeholders is administrative/staff work rather than governance work, the best practice is to have a wellness committee be an administrative committee, but consult the board attorney for guidance about the application of OMA when three or more board members serve on this committee.

²⁰ If a board wants to comply with the U.S. Dept. of Agriculture's encouragement to include Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators or educators in the group to provide input about the wellness policy, insert: "Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators, educators," immediately before: "and members of the community."

²¹ Establishing a Children's Advocacy Center (CAC) communication committee is optional and only applies to school districts within a county served by an accredited CAC. See f/n 143 in sample policy 5:90, *Abused and Neglected Child Reporting*, and sample administrative procedure 5:90-API, *Coordination with Children's Advocacy Center*.

Abused and Neglected Child Reporting, and administrative procedure 5:90-API, *Coordination with Children's Advocacy Center*.

Educational Technology Committee ²²

This committee supports the following functions:

1. Implementation of Board policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*. Committee members may include the Head of Information Technology, District-level administrators, Building Principals, and teachers. See administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*.
2. The District's submission of an annual report to ISBE regarding educational technology capacities and policies. ²³
3. Developing, monitoring, and updating the District's Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines ~~for the use of AI~~. ²⁴

Remote Learning Committee ²⁵

This committee develops a plan for instruction in grades pre-K through 12 and presents it to the Superintendent for approval who then presents it to the Board for adoption when the:

1. Governor declares a disaster due to a public health emergency (20 ILCS 3305/7); and
2. State Superintendent of Education declares a requirement for the District to implement and use Remote Learning Days (RLDs) or Blended Remote Learning Days (BRLDs).

After adoption of the plan by the Board, this committee supervises the implementation of administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*, and exists until its function has been fulfilled.

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²² Establishing an Educational Technology Committee is optional. The Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, centralizes decision making about what K-12 online sites, services, and applications will be used in schools by requiring boards to adopt a policy for designating which district employees are authorized to enter into agreements with operators who collect personally identifiable information about students. See sample policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, and sample administrative procedure 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*.

²³ 105 ILCS 5/10-20.74. See www.isbe.net/Pages/Educational-Technology.aspx. The sample policies that apply to this submission include, but are not limited to: 4:10, *Fiscal and Business Management*; 5:125, *Personal Technology and Social Media Usage and Conduct*; 6:220, *Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct*; 6:230, *Library Media Program*; 6:235, *Access to Electronic Networks*; and 7:345, *Use of Educational Technologies; Student Data Privacy and Security*.

²⁴ See sample administrative procedure 6:235-AP3, *Development of an Artificial Intelligence (AI) Plan and AI Responsible Use Guidelines*. Delete Item #3 if a board has not adopted the optional **Use of Artificial Intelligence (AI)-Enabled Tools** subhead in policy 6:235, *Access to Electronic Networks*.

²⁵ Establishing this committee is optional. 105 ILCS 5/10-30, requires "the district to adopt a remote and blended remote learning day plan approved by the district superintendent" when certain emergency conditions exist that are related to the management of a public health emergency under the Ill. Emergency Management Act. See f/n 1 in sample administrative procedure 6:20-AP, *Remote and/or Blended Remote Learning Day Plan(s)*. A committee can assist the superintendent to ensure all the statutory requirements for implementing, monitoring, and amending the plan are met.

Time Out and Physical Restraint Oversight Team ²⁶

The Time Out and Physical Restraint Oversight Team is required. The Team includes, but is not limited to, Building Principals, teachers, paraprofessionals, school service personnel, and administrators ~~to who~~ develop:

1. The District's plan, including school-specific considerations,²⁷ for reducing and eventually eliminating the use of isolated time out, time out, and physical restraint in accordance with the goals and benchmarks established by ISBE,²⁸ and
2. Procedures to implement the plan and make the plan available for review by parents/guardians.

~~The Team also supported the District's submission to ISBE of the plan by July 1, 2022, and of progress reports annually thereafter through July 1, 2024, as well as notification to parents/guardians when plans and progress reports were available for review.~~

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

²⁶ 105 ILCS 5/2-3.130(e) requires boards to create a Time Out and Physical Restraint Oversight Team. As this is administrative/staff work rather than governance work, the best practice is to have the team be an administrative committee but consult the board attorney for guidance.

²⁷ An *entity-specific plan* (district-specific plan) is required by 105 ILCS 5/2-3.130(e), amended by P.A. 103-175; however, final ISBE rules at 23 Ill.Admin.Code §1.285(k)(1)(B) go beyond the authority of the statute and require a *school district plan* that includes *school-specific recommendations*.

~~A plan was required to be submitted to ISBE from 2022-2024 unless a district could show that it: (1) did not use physical restraint, time out, and isolated time out (RTO) within the previous three years, (2) has adopted a policy prohibiting the use of RTO, and (3) enforces the policy. 105 ILCS 5/2-3.130(f); 23 Ill.Admin.Code §1.285(k)(1)(B). Consult the board attorney to determine if a team is required for a district; a team may still be required by law even if no plan was required.~~

The plan ~~must had to~~ include, but ~~was~~ not limited to, specific actions ~~being taken by~~ the school ~~took~~ to: (1) reduce and eventually eliminate relying on RTO for behavioral interventions and develop noncoercive environments, (2) develop individualized student plans (separate from a student's individualized education program or 504 plan) that aim to prevent the use of RTO, (3) ensure that appropriate school personnel are fully informed of the student's history, including any history of physical or sexual abuse, and other relevant medical and mental health information, except that any disclosure of student information must be consistent with laws and rules governing student confidentiality and privacy rights, and (4) support a vision for cultural change that reinforces using the following in lieu of RTO: positive behavioral interventions and supports, effective ways to de-escalate situations, crisis intervention techniques, and debriefing meetings to reassess what occurred and why. 105 ILCS 5/2-3.130(e)(1)-(4).

²⁸ ~~ISBE's initial goal is for a 25% reduction in the use of RTO over a 12-month period for students experiencing five-plus instances in a 30-day period. ISBE intends to periodically revise this goal in order to systemically reduce and eventually eliminate the use of RTO. See www.isbe.net/Pages/restraint-time-out.aspx for further information, including ISBE's *RTO Reduction Plan Directions and Checklist*, and *Reduction Plan Submittal Template*.~~

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School Board

Administrative Procedure - Types of School Board Meetings

Meeting Type	Notice	Agenda	Notice to News Media	District's Website ¹
Regular	<p>Given once a year when the Board adopts its regular meeting schedule.</p> <p>105 ILCS 5/10-6, 5/10-16.</p> <p>The notice and agenda must be continuously available for public review during the entire 48-hour period before the meeting. Posting on the District's website satisfies the requirement for continuous posting. However, to comply with the legislative intent, posting on the District's website does not replace the posting described in the Agenda column.</p> <p>5 ILCS 120/2.02.</p>	<p>Post at the District's main office and at the meeting site, at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p>	<p>Give to any news media that filed an annual request for such notices.</p> <p>5 ILCS 120/2.02.</p>	<p>Post the annual schedule of regular meetings and post a public notice of each meeting along with the meeting agenda.</p> <p>5 ILCS 120/2.02.</p> <p>Post regular Board meeting minutes within 10 days after approval; the minutes remain there for at least 60 days.</p> <p>5 ILCS 120/2.06.</p>
Special	<p>Post a notice at the District's main office or, if no main office exists, at the meeting site, at</p>	<p>Include with the public notice.</p> <p>5 ILCS 120/2.02.</p>	<p>Give to any news media that files an annual request. Must also give the same notice as that given Board members if the</p>	<p>Post a public notice of each meeting along with the meeting agenda at least 48 hours before the</p>

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¹ Required *only if* the district has a website that is maintained by a full-time staff member; if not, this column may be omitted. 5 ILCS 120/2.02(b).

Meeting Type	Notice	Agenda	Notice to News Media	District's Website ¹
	<p>least 48 hours before the meeting. ²</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the Regular meeting row.</p> <p>Notice to Board members must be served by mail 48 hours before the meeting or by personal service 24 hours before the meeting.</p> <p>105 ILCS 5/10-16.</p>		<p>news media provides an address or telephone number within the District's jurisdiction.</p> <p>5 ILCS 120/2.02.</p>	<p>meeting. The notice and agenda must remain posted on the website until the meeting is concluded.</p> <p>5 ILCS 120/2.02.</p>
Emergency	<p>Post the notice at the District's main office or, if no main office exists, at the meeting site, as soon as practicable before the meeting.</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the Regular meeting row.</p> <p>No specific notice to Board members is specified, but it is advisable to provide the notice as soon as possible.</p>	No State law requirements.	Same as for special meetings.	<p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p>

The footnotes should be removed before the material is used.

² See sample policy 2:200, *Types of School Board Meetings*, at f/n 19. If the board posts notice of its special meetings at both the district main office and at the meeting location, revise this sentence and the identical sentence in the Rescheduled or Reconvened row as follows: Post a notice at the District's main office or, if no main office exists, at and the meeting site, at least 48 hours before the meeting.

Meeting Type	Notice	Agenda	Notice to News Media	District's Website ¹
Closed	<p>May hold a closed meeting, or close a portion of an open meeting, upon a majority roll call vote of a quorum present, taken at a properly noticed open meeting.</p> <p>5 ILCS 120/2a.</p>	<p>None required, but only topics covered by the specific exception(s) cited in the vote to hold the closed meeting may be considered.</p> <p>5 ILCS 120/2a.</p>	<p>No additional notice required.</p>	<p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p>
Rescheduled or Reconvened	<p>Post a notice at the District's main office or, if no main office exists, at the meeting site, at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the Regular meeting row.</p> <p>No notice is needed when an open meeting is reconvened within 24 hours, or when the time and place of a reconvened meeting was announced at the original meeting and the agenda is not changed.</p> <p>5 ILCS 120/2.02.</p>	<p>Included with any public notice.</p>	<p>Same as for a special meeting.</p>	<p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p>

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School Board

Administrative Procedure - Access to and Copying of District Public Records

- A. Legal Citations and Definitions
- B. FOIA Compliance
- C. Availability and Posting Requirements
- D. Fee Schedule
- E. Response to FOIA Requests
- F. Extensions of Time to Respond
- G. Unduly Burdensome Requests
- H. Requests for Commercial Purposes
- I. Managing Requests from a Recurrent Requester
- J. Managing Voluminous Requests
- K. Denials
- L. Consultation with the Board Attorney

A. Legal Citations and Definitions

The legal requirements contained in this procedure are followed by a citation to the controlling statute. Citations in parentheses indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Definitions are found in the Ill. Freedom of Information Act (FOIA) (5 ILCS 140/2). For easy reference, some definitions are re-printed in this procedure. The IASB reports on Ill. Public Access Counselor (PAC) opinions concerning FOIA on its **Recent Court and Agency Decisions** website, located at: www.iasb.com/policy-services-and-school-law/court-decisions-listing/www.iasb.com/law/courtdecisions.efm.

B. FOIA Compliance

The District's Freedom of Information Officer (FOIA Officer) implements the Board policy (2:250, *Access to District Public Records*) and has the duties, without limitation, listed below:

1. Manages the District's compliance with FOIA including without limitation, performing the following duties specified in FOIA, 5 ILCS 140/3.5:
 - a. Receives FOIA requests, ensures that the District responds to requests in a timely fashion, and issues responses to FOIA requests.
 - b. Develops a list of documents or categories of records that will be immediately disclosed upon request. See [exhibit 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records](#).
 - c. Upon receiving a request for a public record, (a) notes the date the District received the written request; (b) computes the day on which the period for response will expire and makes a notation of that date on the written request; (c) maintains an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and (d) creates a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

2. Identifies other staff members to assist with FOIA compliance and delegates specific responsibilities to them. These individuals may include the information technology specialist and department heads.
3. Informs and/or trains staff members concerning their respective responsibilities regarding FOIA. This includes explaining the requirement that all FOIA requests must be immediately forwarded to the FOIA Officer, including those that are received via email.
4. Successfully completes the annual training program developed by the Ill. Public Access Counselor (PAC) in the Ill. Attorney General's office. Each newly appointed FOIA Officer must successfully complete the training program within 30 days after assuming the position.

C. Availability and Posting Requirements

Full access to the District's *public records* is available to any person as provided in FOIA. The FOIA Officer approves all requests for public records unless:

1. ~~(1)~~ The requested material does not exist;
2. ~~(2)~~ The requested material is exempt from inspection and copying by FOIA; ~~or~~
3. ~~(3)~~ Complying with the request will be unduly burdensome after extending an opportunity to the requester to reduce the request to manageable proportions;
4. The request would require the District to open electronically attached files or hyperlinks to view or access details of a request, in which case the requester shall be notified within five business days that the entirety of the electronic request must appear within the body of the electronic submission; or
- 4.5. The District has a reasonable belief that the request was not submitted by a person, and the requester fails to verify orally or in writing that they are a person within 30 days of the District's request for such verification.

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The FOIA Officer shall:

1. Prominently display ~~at each administrative office and school, and post on the District website, make available for inspection and copying, and send through the mail if requested if any,~~ the following: ¹
 - a. A brief description of the District, and
 - b. The methods for requesting information and District public records, directory information listing the FOIA Officer and where requests for public records should be directed, and any fees. 5 ILCS 140/4. This information must be copied and mailed if requested.
2. Maintain and make available for inspection and copying a reasonably current list of all types or categories of records under the District's control. 5 ILCS 140/5. The list below contains the categories of records kept by the District; some of the records within these categories are exempt and, therefore, will not be disclosed in response to a FOIA request.

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

¹ ~~If a district does not maintain a website, amend this phrase to read as follows:
Prominently display at each administrative office and school, make available for inspection and copying, and send through the mail if requested, the following:~~

- a. Board governance, including without limitation, Board meeting calendar and notices, Board meeting agendas and minutes, Board policy
- b. Fiscal and business management, including without limitation, levy resolution and certificate of tax levy, audit, line-item budget, grant documents, account statements, accounts payable list, contracts, legal notices, bidding specifications, requests for proposals
- c. Personnel, including without limitation, employee contact information, salary schedules, staff handbook, collective bargaining agreements, personnel file material
- d. Students and instruction, including without limitation, accountability documents, calendars, student handbooks, learning outcomes, student school records

D. Fee Schedule

The FOIA Officer establishes a fee schedule (from time-to-time as appropriate) that complies with 5 ILCS 140/6, including each of the following:

- 1. The fees, except when otherwise fixed by statute, must: (a) be reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records, and (b) not exceed that maximum fee amount set by FOIA.
- 2. Statutory fees applicable to copies of public records when furnished in a paper format are not applicable to those records when furnished in an electronic format.
- 3. No fee is charged for the first 50 pages of black and white, letter, or legal sized copies furnished to a requester.
- 4. The fee for black and white, letter, or legal sized copies shall not exceed 15 cents per page.
- 5. If the District provides copies in color or in a size other than letter or legal, the fee may not be more than its actual cost for reproducing the records.
- 6. A fee reduction is available if the person requesting the record states a specific purpose for the request and indicates that a fee reduction is in the public interest by having as its principal purpose the general public's health, safety, welfare, or legal rights and is not for the principal purpose of personal or commercial benefit. In setting the reduction's amount, the FOIA Officer considers the amount of materials requested and the cost of copying them.
- 7. In accordance with 5 ILCS 140/6(a-5), if a voluminous request is for electronic records and the responsive records are:
 - a. Not in a portable document format (PDF), the District charges up to \$20 for not more than two megabytes of data, up to \$40 for more than two but not more than four megabytes of data, and up to \$100 for more than four megabytes of data.
 - b. In a PDF, the District charges up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data.
 - c. In both a PDF and not in a PDF, the District separates the fees and charges the requester under both fee scales.

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8. Unless the request is for a *commercial purpose* or a *voluminous request*, the costs of any search for and review of the records or other personnel costs associated with reproducing the records are not included in the fee calculation. 5 ILCS 140/6(a).

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*Section 6(a) states: "If a request is not a request for a commercial purpose or a voluminous request, a public body *may not* charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records." (Emphasis added). This implies that a search and review fee may be charged when responding to a request for a commercial purpose or a voluminous request. However, Sec. 6(b) states that the search and review fee described in Sec. 6(f) may be charged *only to* someone making a commercial request. Sec. 6(f) contains the maximum amounts that may be charged for search and review but does not explain when they may be charged. The FOIA Officer will need to consult the Board Attorney.

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When responding to a request for commercial purposes, as defined in 5 ILCS 140/2(c-10), the District charges:

- a. Up to \$10.00 for each hour spent by personnel in searching for or retrieving a requested record or examining the record for necessary reductions. No fee is charged for the first eight hours spent by personnel in searching for or retrieving a requested record. 5 ILCS 140/6(f).
- b. The actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the District. 5 ILCS 140/6(f).

Someone making a voluminous request may be charged the fees as described above upon the FOIA Officer's consult with the Board Attorney.

The FOIA Officer provides the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records under 7 and 8 above. 5 ILCS 140/6(a-5) and (f).

E. Response to FOIA Requests

The FOIA Officer must:

1. Comply with or deny a request for inspection or copying within five business days of receiving a records request, unless the time for response is extended. 5 ILCS 140/3. He or she may use forms prepared by the PAC available at: www.illinoisattorneygeneral.gov/Open-And-Honest-Government/PAC/FOIA-Officers/www.foiapac.ilag.gov/. Click on the menu *PAC Resources*, then on the submenu *Forms and Sample Letters*.
2. Redact any and all exempt portion(s) of requested records containing both exempt and non-exempt material and release the remaining material. 5 ILCS 140/7.
3. Comply with the Personnel Record Review Act (PRRA), 820 ILCS 40/, amended by P.A. 101-531.
 - a. The response to a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record.
 - 1) If the responsive record is more than four years old and is not related to an incident or an attempted incident of sexual abuse, severe physical abuse, or *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c), the request must be denied unless

the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q)-~~amended by P.A. 101-620~~; 820 ILCS 40/8, ~~amended by P.A.s 101-531 and 102-702~~.

- 2) If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse, severe physical abuse, or *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c), the request cannot be denied. 820 ILCS 40/8, ~~amended by P.A.s 101-531 and 102-702~~.
- 3) If the responsive record is four years old or less, it must be disclosed (regardless of its nature) and the employee must be notified in writing (first class mail) or by email, if available, on or before the day any such record is released, unless notice is not required under the PRRA. 5 ILCS 140/7.5(q)-~~amended by P.A. 101-620~~; 820 ILCS 40/7, ~~amended by P.A. 102-562~~. A notice to the employee is not required if:
 - The employee specifically waived written notice as part of a written, signed employment application with another employer;
 - The disclosure is ordered to a party in a legal action or arbitration; or
 - Information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

b. A request for a performance evaluation(s) must be denied. 820 ILCS 40/11.

F. Extensions of Time to Respond

The District FOIA Officer may extend the time for a response for any of the reasons stated in 5 ILCS 140/3(e)(i-vii), **quoted below**:

- (i) The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- (ii) The request requires the collection of a substantial number of specified records;
- (iii) The request is couched in categorical terms and requires an extensive search for the records responsive to it;
- (iv) The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- (v) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under 5 ILCS 140/7 or should be revealed only with appropriate deletions;
- (vi) The request for records cannot be complied with by the public body within the time limits prescribed by 5 ILCS 140/3(d) without unduly burdening or interfering with the operations of the public body; or
- (vii) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

If an extension of time for a response is needed, the FOIA Officer must perform one of the following actions within five business days after receipt of the request:

1. Notify the requester that the District is extending its time for response for no longer than [five](#) business days from the original due date, and identify the reason for the delay and the date on which a response will be made. 5 ILCS 140/3(e) and (f); or
2. Confer with the requester in an attempt to reach an agreement on an extended compliance date. The agreement must be in writing. 5 ILCS 140/3(e).

G. Unduly Burdensome Requests

Before invoking the *unduly burdensome* exemption, the FOIA Officer must confer with the requester in an attempt to reduce the request to manageable proportions. 5 ILCS 140/3(e) and (g). A request may be unduly burdensome due, for example, to the request's breadth. The FOIA Officer must explain to the requester in writing when a request continues to be unduly burdensome, specifying the reason why the request is unduly burdensome.

H. Requests for Commercial Purposes

A request is for *commercial purposes*, according to 5 ILCS 140/2(c-10), if:

[T]he use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a commercial purpose when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

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The FOIA Officer responds to a request that appears to be for commercial purposes pursuant to 5 ILCS 140/3.1 by:

1. Asking the requester to identify if the record is for a commercial purpose. See [exhibit 2:250-E1, *Written Request for District Public Records*](#). It is unlawful for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the District. 5 ILCS 140/3.1(c).
2. Responding to a request for records to be used for a commercial purpose within 21 working days after receipt. The response must be one of the following: (a) provide an estimate of the time required by the District to provide the records and an estimate of the fees, which the requester may be required to pay in full before copying the requested documents; (b) deny the request pursuant to one or more of the exemptions; (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or (d) provide the records requested.
3. Complying with a request, unless the records are exempt from disclosure, within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.
4. Collecting a fee as described in subsection D. above.

I. Managing Requests from a Recurrent Requester

A request is from a *recurrent requester*, according to 5 ILCS 140/2(g), if:

[A] person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of seven requests for records within a seven-day

period. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time period in this definition when the principal purpose of the requests is (i) to access and disseminate information concerning new and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

For purposes of this definition, one *request* may identify multiple records to be inspected or copied.

The District complies with a request from a recurrent requester within a reasonable period considering the size and complexity of the record, unless the records are exempt from disclosure. 5 ILCS 140/3.2(c).

The FOIA Officer responds to a request from a recurrent requester by:

1. Notifying the requester within five business days after receiving a request from a recurrent requester (5 ILCS 140/3.2(b)) that:
 - a. The request is being treated as coming from a recurrent requester under 5 ILCS 140/2(g);
 - b. The reasons the request is being treated as coming from a recurrent requester;
 - c. The District will send an initial response within 21 business days after receipt of the request; and
 - d. The proposed FOIA responses that may be asserted pursuant to 5 ILCS 140/3.2(a). These are the same responses that the District can provide within 21 business days after receipt of a request.
2. Responding within 21 business days after receipt of a recurrent request with one of the following (5 ILCS 140/3.2(a)):
 - a. An estimate of the time required by the District to provide the records and an estimate of the fees, which the requester is required to pay in full before the District copies the requested documents;
 - b. A denial pursuant to one or more of the exemptions;
 - c. Notification that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or
 - d. The records as requested.

J. Managing Voluminous Requests

A *voluminous request*, according to 5 ILCS 140/2(h), means:

[A] request that:

- i. Includes more than five individual requests for more than five different categories of records or a combination of individual requests that total requests for more than five different categories of records in a period of 20 business days; or
- ii. Requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. *Single requested record* may include, but is not limited to, one report, form, email, letter, memorandum, book, map, microfilm, tape, or recording.

According to 5 ILCS 140/2(h), a *voluminous request* “does not include a request made by news media and non-profit, scientific, or academic organizations if the principal purpose of the request is: (1) to access and disseminate information concerning news and current or passing events; (2) for articles of opinion or features of interest to the public; or (3) for the purpose of academic, scientific, or public research or education.”

The FOIA Officer responds to a voluminous request by:

1. Notifying the requester within five business days after receiving a voluminous request that:
 - a. The District is treating the request as a voluminous request under 5 ILCS 140/3.6.
 - b. The District is treating the request as voluminous for one of the following reasons:
 - 1) Includes more than five individual requests for more than five different categories of records or a combination of individual requests that total requests for more than five different categories of records in a period of 20 business days; or
 - 2) Requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages.
 - c. The requester must respond to the District within ~~10~~^{ten} business days after this response is sent. The requester must specify whether the requester would like to amend the request in such a way that the District will no longer treat the request as a voluminous request.
 - d. If the requester does not respond within ~~10~~^{ten} business days or if the request continues to be a voluminous request following the requester response, the District will respond to the request and assess any fees the District charges pursuant to 5 ILCS 140/6.
 - e. The District has five business days after receipt of the requester’s response or five business days from the last day for the requester to amend the request, whichever is sooner, to respond to the request.
 - f. The District may request an additional ~~10~~^{ten} business days to comply with the request.
 - g. The requester has the right to review the District’s determination by the public access counselor whose address and phone number follows:

Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Phone: 1-877-299-3642
 - h. If the requester fails to accept or collect the responsive records, the District will still charge the requester for its response pursuant to 5 ILCS 140/6 and the requester’s failure to pay will be considered a debt due and owing to the District and may be collected in accordance with applicable law.
2. Providing the requester ~~10~~^{ten} business days from the date the District responded to amend the request in such a way that the District will no longer treat it as a voluminous request.

3. If a request continues to be a voluminous request following the requester's reply or the requester fails to reply, responding within the earlier of five business days after the District receives the requester's reply or five business days after the final day for the requester to reply to the District's notification. The District's response must:
 - a. Provide an estimate of the fees to be charged, indicating whether the District requires the person to pay in full before the District copies the requested documents;
 - b. Deny the request pursuant to one or more of the exemptions sent out in FOIA;
 - c. Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or
 - d. Provide the records as requested.

The District may extend the time for responding by not more than five business days from the final date for the requester to reply to the District's notification for any of the reasons provided in 5 ILCS 140/3(e).

The requester and District may agree in writing to extend the time for compliance for a period to be determined by the parties.

K. Denials

The FOIA Officer will deny a FOIA request for any of the exemptions in 5 ILCS 140/7 or 7.5, ~~amended by P.A.s 101-221, 101-620, and 101-649~~. He or she will comply with 5 ILCS 140/9 by:

1. Providing the requester with a written response containing: (a) the reasons for the denial, including a detailed factual basis for the application of any exemption claimed; (b) the names and titles or positions of each person responsible for the denial; and (c) information about his or her right to review by the Public Access Counselor (include the address and phone number for the Public Access Counselor), and to judicial review under 5 ILCS 140/11.
2. Specifying the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority when the denial is based on the grounds that the records are exempt under 5 ILCS 140/7.
3. Retaining copies of all denial notices in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested. 5 ILCS 140/9(b).

L. Consultation with the Board Attorney

The FOIA Officer may consult with the Board Attorney, as needed, for legal advice concerning compliance with FOIA, including without limitation:

1. Responding to specific requests,
2. Communicating with the Office of the Ill. Attorney General or PAC, or
3. During any judicial proceeding.

LEGAL REF.: 5 ILCS 140/, Freedom of Information Act.

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School Board

Administrative Procedure - Protocols for Record Preservation and Development of Retention Schedules

Legal Citations

Each legal requirement in this procedure is followed by a citation to the controlling rule and/or statute. For additional clarification regarding a requirement, the cited law should be reviewed.

Actor	Action
All Staff Members and School Board Members	<p>Maintain all records, as defined and required in the Ill. Local Records Act (LRA). No <i>public record</i> shall be destroyed except as allowed by the LRA.</p> <p><i>“Public record</i> means any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.” 50 ILCS 205/3, amended by P.A. 104-438.</p> <p>Do not destroy any District record, no matter its form, if it is subject to a <i>litigation hold</i>. F.R.C.P. 37(e).</p> <p>In federal lawsuits there is an automatic discovery of virtually all types of electronically created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding to not destroy any electronic records that might be relevant. The receipt of a <i>litigation hold</i> or preservation letter from the Board’s attorney requires all potentially relevant electronic information to be identified, located, and preserved. This includes all email, e-documents, the tapes and servers of discarded systems, and backup data stored elsewhere.</p> <p>Whenever disposing of materials containing <i>personal information</i>, render the personal information unreadable, unusable, and undecipherable. 815 ILCS 530/40; 44 Ill.Admin.Code §4000.40(b).</p> <p>The Personal Information Protection Act (815 ILCS 530/) contains mandates for disposing of materials containing personal information (<i>personal information</i> is defined in 815 ILCS 530/5 as either of the</p>

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Actor	Action
	<p>following: (1) an individual's first name or first initial and last name combined with any of the following data elements, when either the name or data elements are not encrypted/redacted or are encrypted/redacted but the keys to unencrypt/unredact or otherwise read the name or data elements have been acquired without authorization through a security breach: Ssocial Ssecurity number, driver's license number or State identification card number, financial account information, medical information, health insurance information, or unique biometric data; or (2) user name or email address, combined with a password or security question and answer that would permit access to an online account, when any of these data elements are not encrypted/redacted or are encrypted/redacted but the keys to unencrypt/unredact or otherwise read the data elements have been acquired without authorization through a security breach). The Ill. Attorney General is authorized to impose a fine and bring court action for noncompliance. 815 ILCS 530/40.</p> <p>Whenever disposing of materials containing Ssocial Ssecurity numbers that do not otherwise qualify as personal information under 815 ILCS 530/40, follow administrative procedure 4:15-AP1, <i>Protecting the Privacy of Social Security Numbers</i>.</p> <p>The Superintendent, Human Resources Administrator, and their respective designees must follow administrative procedure 5:30-AP4, <i>Fingerprint-Based Criminal History Record Information Security</i>, when disposing of criminal history record information (CHRI).</p>
Superintendent	<p>Assign the following activities to the Records Custodian and Head of Information Technology (IT):</p> <ol style="list-style-type: none"> 1. Develop and maintain a protocol for preserving and categorizing District records; 2. Develop and maintain a record retention and destruction schedule; and 3. Develop protocols to implement a litigation hold.
Records Custodian and Head of IT	<ol style="list-style-type: none"> 1. Develop and maintain a protocol for preserving and categorizing District records. <p>Develop and maintain a list of all District records organized in categories and sub-categories, e.g., records relating to business, students, personnel, board meetings, etc. Align this list with the list of District records required by the Freedom of Information Act. 5 ILCS 140/5.</p> <p>Paper records may be easier to locate than electronic records. Electronic records will potentially exist in all of the available clouds, servers, tapes, hard drives, computers, and similar types of electronic devices (e.g., laptops, tablets, smart phones, voicemail, etc.).</p>

Actor	Action
	<p>Prepare a description of how District records stored by means of electronic data processing may be obtained in a form understandable to persons lacking computer knowledge. 5 ILCS 140/5; 44 Ill.Admin.Code §4000.70, <i>Digital Reproduction</i>; 44 Ill.Admin.Code §4000.80, <i>Management of Electronic Records</i>.</p> <p>Such a description may include contact information for a person who can aid in obtaining records stored electronically.</p> <p>Provide for keeping only records and destroying non-records. Avoid filing non-record material with records. Determine what is a non-record, e.g., identical copies of documents maintained in the same file; extra copies of printed or processed materials (official copies of which are retained by the office); blank forms; <i>junk mail</i>¹ and personal communications. 50 ILCS 205/3, amended by P.A. 104-438.</p> <p>The goal is to control excessive accumulation of material. Non-record material may be destroyed at any time. 50 ILCS 205/9.</p> <p>Absent a litigation hold, email must be retained only when it contains: (1) evidence of the District's organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. 50 ILCS 205/3. Email that is conversational, personal, or contains brainstorming may generally be deleted.</p> <p>A consistent email retention process for use across the District ensures that the necessary emails are being retained and emails that are not required to be preserved are purged on a regular basis.</p> <p>Determine whether each sub-category of documents should be reproduced by photography (44 Ill.Admin.Code §4000.60), microphotographic and electronic microimaging processes (44 Ill.Admin.Code §4000.50), or digitized electronic format (44 Ill.Admin.Code §4000.70).</p> <p>Any public record may be reproduced in a microfilm or digitized electronic format and the analog/paper version destroyed, provided: (a) the records are reproduced on "a durable medium that accurately and legibly reproduces the original record in all details," and "that does not permit additions, deletions, or changes to the original document images," and "if electronic, that are retained in a trustworthy manner so that the records...are accessible and usable for subsequent reference at all times when the information must be retained," (b) the reproduction is retained for the prescribed retention</p>

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The footnotes should be removed before the material is used.

¹ [Public record does not include junk mail. Junk mail means any unsolicited commercial mail or commercial electronic communication sent to a district that is not responded to by a district. 50 ILCS 205/3, amended by P.A. 104-438.](#)

Actor	Action
	<p>period, and (c) the Local Records Commission is notified when the original record is disposed of and also when the reproduced record is disposed of. 50 ILCS 205/7.</p> <p>Use the Ill. Secretary of State publication <i>Reliable Storage Media for Electronic Records – A Guide for Government Agencies</i> Guidelines for Using Electronic Records (www.ilsos.gov/departments/archives/records-management.html www.cyberdriveillinois.com/departments/archives/records-management/electrecs.html) and 44 Ill.Admin.Code §§4000.APPENDIX A <i>Sustainable File Formats for Electronic Records – A Guide for Government Agencies</i> (www.ilga.gov/commission/jcar/admincode/044/04404000Z9996aR.html), 4000.APPENDIX B <i>Reliable Storage Media for Electronic Records – A Guide for Government Agencies</i> (www.ilga.gov/commission/jcar/admincode/044/04404000Z9996BR.html).</p> <p>Identify and index the location of each category and sub-category of District records. Organize electronic record and data storage.</p> <p>The goal is to ensure that all documents, including electronically created ones, are retained for the required timeframes and are easy to retrieve and produce if necessary.</p> <p>2. Develop and maintain a record retention and destruction schedule for submission to the Superintendent and eventually to the Local Records Commission.</p> <p>Prepare a list of public records that: (1) are not needed for current business, and (2) do not have sufficient administrative, legal, or fiscal value to warrant their further preservation. Stated differently, identify records that have no administrative, legal, or fiscal value, as this is the criteria the Commission uses to determine whether or not to authorize the records' destruction.</p> <p>Records that have no administrative, legal, or fiscal value may be destroyed according to provisions in the LRA. 50 ILCS 205/10.</p> <p>Prepare a schedule for record destruction by identifying the length of time a record category or series warrants retention after it has been received or produced by the District.</p> <p>The ultimate goal is to obtain permission to destroy unnecessary public records. The Local Records Commission must approve the destruction of any public record. 50 ILCS 205/7; 44 Ill.Admin.Code Part 4000 (Local Records Commission for agencies comprising counties of less than 3,000,000 inhabitants); 44 Ill.Admin.Code Part 4500 (Local Records Commission of Cook County). See the</p>

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Actor	Action
	<p>Archives Department on the Secretary of State's website: www.ilsos.gov/departments/archives/records-management.html www.ilsos.gov/departments/archives/home.html and use the Ill. Secretary of State publication <i>Managing Your Records & the Local Records Act: A Quick Guide for Disposing of Local Records</i>.</p> <p>44 Ill.Admin.Code Part §4000.30 details the procedures for compiling and submitting lists and schedules of records for disposal.</p> <p>The School Code and other statutes (e.g., statutes of limitations) contain mandatory retention timelines. The Board Attorney should be consulted.</p> <p>The e-discovery rules provide a safe harbor for parties during a lawsuit that cannot provide information because it was destroyed as a result of routine practices. F.R.C.P. 37(e).</p> <p>3. Develop protocols to implement a litigation hold.</p> <p>Understand what a litigation hold is.</p> <p>A <i>litigation hold</i> refers to the notification made by the Board Attorney telling the District to preserve all information that may be relevant to current or anticipated litigation. While it may occur anytime in the legal process, it will usually occur during discovery, the pretrial phase of a lawsuit designed to compel the exchange of information between parties. A litigation hold triggers the need to immediately suspend destruction of electronic and other records relevant to the current or potential claim. F.R.C.P. 37(e).</p> <p>Specify how to implement a litigation hold, i.e.:</p> <ul style="list-style-type: none"> • Who can trigger a litigation hold? • How is a litigation hold communicated? • Who should gather the records? • What records are subject to a litigation hold and who determines this? • In what format should records be gathered? • Where should records be gathered? <p>Identify how to implement a litigation hold for all IT systems, including backup tapes, to ensure they are not deleted or overwritten as part of the normal tape rotation process.</p> <p>Prepare a map of potentially relevant data and otherwise assist the Board Attorney in locating all potentially relevant information.</p>
Superintendent	Submit new or revised record retention and destruction lists and schedules to the Local Records Commission for approval.

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Actor	Action
	<p>Disseminate the record retention schedule, along with instructions, to all affected staff members and Board members.</p> <p>Immediately inform the Records Custodian and Head of IT whenever a record must be preserved because: (1) it may be relevant to present or future litigation, or (2) the Board Attorney has notified the District to preserve a record, including electronic information (litigation hold).</p> <p>Authorize and/or order the destruction of District records after ensuring that the following steps have been performed:</p> <ol style="list-style-type: none"> 1. The Local Records Commission approved a schedule for continuing authority to destroy District records after the expiration of the applicable period. 2. Any record is retained and removed from the disposal list if it is or may be evidence in litigation, or is otherwise subject to a <i>litigation hold</i>. 3. Thirty days prior to disposal or destruction of any records, regardless of physical format or characteristics, submit a Local Records Disposal Certificate to the Commission and dispose only after a copy of that certificate has been reviewed and approved by the Chairman and returned to the District. The original copy of that Local Records Disposal Certificate is kept in the files of the Commission, and the duplicate copy approved and returned by the Chairman must be retained by the District. 44 Ill.Admin.Code §§4000.40(c), 4500.40(c). 4. In the case of records with scheduled retention of less than one year, a single Local Records Disposal Certificate for more than one disposal event within a given year may be used. Local Records Disposal Certificates submitted with this intent must include a schedule of proposed records disposal in addition to the normally required information. The District must wait to dispose of records until receipt of approval from the Commission, as required in number 3, above. 44 Ill.Admin.Code §§4000.40(d), 4500.40(d). 5. For records that have been damaged by water, fire, smoke, insects or vermin, mold or some other natural disaster that poses a health or safety risk to employees, the District may apply to the Commission for permission to dispose of those records ahead of their scheduled disposal date. The request must include a Local Records Disposal Certificate accompanied by the District's explanation of why the records need early disposal. The Commission may grant the request only after physically reviewing the damaged records. 44 Ill.Admin.Code §§4000.40(e), 4500.40(e).
<p>Links to Web-based Record Management Resources:</p>	

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	Cook County Local Records Commission Meetings
	Cook County Local Records Commission Rules (44 Ill.Admin.Code Part 4500)
	Downstate Local Records Commission Meetings
	Rules of the Downstate Local Records Commission (44 Ill.Admin.Code Part 4000)
	Ill. School Student Records Act (105 ILCS 10/)
	Local Records Act (50 ILCS 205/)
	Local Records Disposal Certificate
	Managing Social Media & the State and Local Records Acts: A Quick Guide for Social Media Policy and Management (Ill. Secretary of State)

LEGAL REF.: Federal Rules of Civil Procedure, Rules 16, 26 and 37.
 5 ILCS 140/, Freedom of Information Act.
 50 ILCS 205/, Local Records Act.
 105 ILCS 10/, Ill. School Student Records Act.
 815 ILCS 530/, Personal Information Protection Act.
 820 ILCS 40/, Ill. Personnel Record Review Act.
 44 Ill.Admin.Code Part 4000, Local Records Commission.
 44 Ill.Admin.Code Part 4500, Cook County Local Records Commission.

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