



**Policy Committee Meeting
April 11, 2023
SASED Administrative Center
2900 Ogden
Lisle, IL 60532
5:00 PM
AGENDA**

1. **Call to Order/Roll Call**
2. **Information**
 - a. Met with IASB to complete draft of Online Policy Manual
3. **Discussion with Action**
 - a. Approve Meeting Minutes from December 7, 2022 Meeting
 - b. Review committee member schedules and select meeting dates to review Online Policy Manual before presenting to Board in May/June 2023 (Possibly 3 meetings)
4. **Policies to Review**
 - a. Review of policies from PRESS Issue 111 March 2023
 - 1) Policy 2:110 - Qualifications, Term, and Duties of Board Officers
 - 2) Policy 3:40 - Executive Director
 - 3) Policy 4:60 - Purchases and Contracts
 - 4) Policy 5:30 - Hiring Process and Criteria
 - 5) Policy 5:90 - Abused and Neglected Child Reporting
 - 6) Policy 5:125 - Personal Technology and Social Media: Usage and Conduct
 - 7) Policy 5:150 - Personnel Records
 - 8) Policy 5:170 - Copyright
 - 9) Policy 5:260 - Student Teachers, Interns, and Practicum Students
 - 10) Policy 8:20 - Community Use of SASED Facilities
 - b. Review of Additional Policies 5:70, 5:100, 5:120, 5:290, 6:270, 7:70, 7:180, and 7:220
 - 1) Policy 5:70 - Religious Holidays
 - 2) Policy 5:100 - Professional Development Program
 - 3) Policy 5:120 - Employee Ethics, Code of Professional Conduct, and Conflict of Interest
 - 4) Policy 5:290 - Employment Termination and Suspensions
 - 5) Policy 6:270 - Guidance and Counseling Program
 - 6) Policy 7:70 - Attendance and Truancy
 - 7) Policy 7:180 - Prevention of and Response to Bullying, Intimidation, and Harassment
 - 8) Policy 7:220 - Bus Conduct
5. **Adjournment**



POLICY COMMITTEE MEETING

December 7, 2022 - 6:30 PM

**SASED Administration Center
2900 Ogden Ave., Lisle, IL 60532**

MEETING MINUTES

The meeting was called to order at 6:54 p.m. with the following in attendance:

- Ray Kielminski, Salt Creek District 48
- Dr. Jean Barbanente, DuPage High School District 88
- Lynn Casey-Maher, Community High School District 94
- Joanna Vazquez-Drexler, Community High School District 99
- Dr. Melinda McGuffin, SASED Executive Director
- Senga Lowe, SASED Board Recording Secretary

The committee reviewed each policy as outlined below and agreed to the PRESS and staff changes as presented and discussed:

October 2022 PRESS

A. Policies with Changes

- 1) Policy 2:20 - Powers and Duties of the Board; Indemnification
- 2) Policy 2:100 - Board Member Conflict of Interest
- 3) Policy 2:105 - Ethics and Gift Ban
- 4) Policy 2:125 - Board Member Compensation: Expenses
- 5) Policy 2:125-E - Exhibit - Resolution to Regulate Expense Reimbursements
- 6) Policy 2:210 - Organizational Board Meeting
- 7) Policy 2:265 - Title IX Sexual Harassment Grievance Procedure
- 8) Policy 3:50 - Administrative Personnel Other than the Executive Director
- 9) Policy 3:60 - Administrative Responsibility of the Program Administrator
- 10) Policy 4:120 - Food Services
- 11) Policy 4:165 - Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors
- 12) Policy 5:10 - Equal Employment Opportunity and Minority Recruitment
- 13) Policy 5:20 - Workplace Harassment Prohibited
- 14) Policy 5:120 - Employee Ethics, Code of Professional Conduct, and Conflict of Interest
- 15) Policy 5:200 - Terms and Conditions of Employment and Dismissal
- 16) Policy 5:220 - Substitute Teachers
- 17) Policy 5:280 - Duties and Qualifications
- 18) Policy 5:290 - Employment Termination and Suspensions
- 19) Policy 5:320 - Evaluation
- 20) Policy 6:20 - SASED Calendar and Day
- 21) Policy 6:50 - Wellness and Nutrition
- 22) Policy 6:60 - Curriculum Content
- 23) Policy 6:65 - Student Social and Emotional Development
- 24) Policy 6:250 - Community Resource Persons and Volunteers
- 25) Policy 6:255 - Assemblies and Ceremonies
- 26) Policy 6:260 - Complaints About Curriculum, Instructional Materials, and Programs
- 27) Policy 6:280 - Grading and Promotion



- 29) Policy 6:340 - Student Testing and Assessment Program
- 30) Policy 7:20 - Harassment of Students Prohibited
- 31) Policy 7:70 - Attendance and Truancy
- 32) Policy 7:100 - Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students
- 33) Policy 7:180 - Prevention of and Response to Bullying, Intimidation and Harassment
- 34) Policy 7:250 - Student Support Services
- 35) Policy 7:290 - Suicide and Depression Awareness Prevention
- 36) Policy 7:340 - Student Records

C. Policies Included in October 2022 Press, But Not Presented for Review at This Meeting

These policies are being updated by SASED at this time. Will be presented to the committee for review at the next meeting on February 23, 2023.

- 1) Policy 5:250 - Leaves of Absence
- 2) Policy 5:330 - Sick Days, Vacations, Holidays and Leaves

D. IASB School Board Policies Online

SASED met with Boyd Furgeson of IASB on November 4, 2022 and continued the process for SASED policies online. Policies were reviewed and clarifying questions were answered. Next meeting with Mr. Ferguson is scheduled for January 27, 2023.

The meeting was adjourned at 7:24 p.m.

Approved:

_____ **Policy Committee Representative**

_____ **Date**

_____ **Signature**

BOC Chairperson

_____ **Date**

_____ **Signature**

BOC Secretary

_____ **Date**

ISSUE 111

March 2023

Update Memo

Please distribute to board members and appropriate staff.

Contents

Instructions..... p. 1

PRESS Terminology p. 2

PRESS Issue 111 Topic Bundles p. 2



Progress Report p. 4

Revisions to Policies, Administrative Procedures, and Exhibits (numerical table) p. 5

Next Issue: Summer Five-Year Reviews

Online Instructions

Please follow these four easy steps to log in to **PRESS**:

1. Go to www.iasb.com and click on the  button.
2. Enter your email address and password.
 - If you do not know your password, do not create a new account; reset your password using your district email address. Use the "forgot your password?" link. Make sure to check your spam folder for an email from info@iasb.com, if you do not see it in your email inbox.
 - If you are still having difficulty logging in, please contact your District's Superintendent or Administrative Assistant to make sure you are listed as an authorized user on the District Roster.
 - If you continue to have difficulty signing on to www.iasb.com, please contact Michael Ifkovits at mifkovits@iasb.com.
3. Click the  button on the top navigator bar. This will bring you to your account page
4. Under "My Account Links," click on "PRESS Login."

PRESS

Policy Reference Education Subscription Service

This publication is designed to provide information only and is not a substitute for legal advice from the Board Attorney. If you have any questions, please contact Issue 111 Lead Debra Jacobson, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1211, Kimberly Small, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1226, or Maryam Brotine, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1219.

Please share this **PRESS** Update Memo with all board members and appropriate staff.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online**: Committee Worksheets and the updated Policy Reference Manual (PRM) pages.

The Committee Worksheets, found by selecting a **PRESS Issue** at the top of the **PRESS Online** Table of Contents, show suggested changes to **PRESS** material by striking out deleted words and underscoring new words, a/k/a "tracked changes."

Updated **PRM** pages can be found in the IASB POLICY REFERENCE MANUAL Table of Contents. For visual instruction about how to download **PRM** pages and use them to update your policy manual, please go to www.iasb.com/policy/ to view the **PRESS** video tutorial located under the header entitled: **PRESS – Policy Reference Education Subscription Service**.

For answers to common questions about using **PRESS**, see [Q&A: Getting the Most Out of Your PRESS Subscription](#), now available on IASB's website.

PRESS Bundles

Each bundle summarizes the global reasons for changes to all materials that are listed.

Specific details about how each piece of material changed, e.g., legislation, administrative rules, **PRESS** Advisory Board feedback, quality assurance, five-year review items, etc., are explained in numerical order in the **Revisions to Policies, Administrative Procedures, and Exhibits** table beginning on p. 5.

Please spend time reviewing the **PRESS Online** Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

Have feedback on **PRESS** materials?

Click on the **PRESS** Feedback Button, located on the header bar of **PRESS Online**. For answers to more immediate questions about **PRESS** content, please contact a **PRESS** editor directly.



Faith's Law Trailer Bill

Faith's Law, P.A. 102-676, amended multiple state statutes to close significant legal loopholes related to combating grooming (see discussion on page 4 of the **PRESS** Issue 108 Update Memo). The *Faith's Law* trailer bill, P.A. 102-702, eff. 7-1-23, further addresses grooming and aims to end "passing the trash" – the cycle in which an employee engages in sexual misconduct, is dismissed, is hired by another employer unaware of the sexual misconduct, and then engages in sexual misconduct again. The *Faith's Law* trailer bill does this with legislative changes that include:

1. 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, requires districts and their third-party contractors to perform a sexual misconduct related employment history review (EHR) before hiring an applicant or assigning a contractor employee to a position that involves *direct contact with children or students*. The EHR is required for all permanent and temporary employment positions within a school, including substitute employees. The new EHR requirement is in addition to the *complete criminal history records check* that is already required for school employees and certain contractors (those who have direct, daily contact with students). Districts and their contractors must use templates developed by ISBE to initiate the EHR. Regarding contractors, consult the board attorney about management of the overlapping but different standards that trigger complete criminal history records checks and EHRs. See sample policy 4:60, *Purchases and Contracts*, at f/n 12, for more information.
2. 105 ILCS 5/22-85.10, added by P.A. 102-702, eff. 7-1-23, requires districts to develop procedures to notify the parents/guardians of a student with whom a district employee, agent, or contractor is alleged to have engaged in sexual misconduct. Parent/guardian notification procedures are also required when formal action is taken against the employee, including acceptance of the employee's resignation.
3. 105 ILCS 5/10-21.9(e-5), amended by P.A. 102-702, eff. 7-1-23, requires superintendents to notify the State Superintendent of Education and the regional superintendent of schools, in writing, when he or she has reasonable cause to believe that any license holder has committed an act of sexual misconduct as defined in 105 ILCS 5/22-85.5(c) and that act resulted in the license holder's dismissal or resignation.
4. 105 ILCS 5/21B-75(b), amended by P.A. 102-702, eff. 7-1-23, authorizes the State Superintendent of Education to initiate the suspension or revocation of any license, endorsement, or approval due to sexual misconduct as defined in 105 ILCS 5/22-85.5(c).
5. 820 ILCS 40/8, amended by P.A. 102-702, eff. 7-1-23, prohibits districts from deleting disciplinary reports, letters of reprimand, or other records of disciplinary action related to an incident or an attempted incident of sexual misconduct as defined in 105 ILCS 5/22-85.5(c).

PRESS Terminology

What are the meanings of the "AP" and "E" after certain policy numbers?

The **PRESS** Policy Reference Manual (PRM) is an encyclopedia of sample board policies, administrative procedures, and exhibits. They are all in numerical order for easy reference. **PRESS** recommends that local school districts maintain separate board policy and administrative procedure manuals to help distinguish for the board, staff, students, parents, and community members, the distinction between board documents and staff documents, board work, and staff work.

Policy. The board develops policies with input from various sources like district administrators, the board attorney, and **PRESS** materials. The board then formally adopts the policies, often after more than one consideration.

After adoption by the board, each policy should have an adoption date.

Administrative Procedures. Administrative procedures are developed by the superintendent, administrators, and/or other district staff members. The staff develops the procedures that guide implementation of the policies. Administrative procedures are not adopted by the board, which allows the superintendent and staff the flexibility they need to keep the procedures current. **PRESS** sample procedures are numbered to correspond with the policies that they implement for easy reference. For example, policy 6:190's related administrative procedure is 6:190-AP.

It is important to remember that administrative procedures do not require formal board adoption and are not included in a board policy manual.

Exhibits. Both board policies and administrative procedures may have related exhibits. Exhibits provide information and forms intended to be helpful to the understanding or implementation of either a board policy or administrative procedure, and they do not require formal board adoption. **PRESS** sample exhibits are numbered to correspond to the related board policy or administrative procedure. For example, board policy 2:70 has a related exhibit numbered 2:70-E. Administrative procedure 7:340-AP1 has a related exhibit numbered 7:340-AP1, E.

Exhibits labeled with an "E" may provide guidance for board work or staff work. Those providing guidance for board work should be dated for implementation by the board. Those providing guidance for the staff should be dated for implementation by the administrative staff.

Administrative procedures exhibits, always labeled with the "AP, E" format should be dated for implementation by the administrative staff.

The following **PRESS** materials are updated in response to this legislation:

- 2:110, Qualifications, Term, and Duties of Board Officers
- 3:40, Superintendent
- 3:40-E, Checklist for Superintendent Employment Contract Negotiation Process
- 4:60, Purchases and Contracts
- 4:60-AP1, Purchases
- 4:60-AP3, Criminal History Records Check of Contractor Employees
- 4:60-AP4, Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees - **NEW**
- 5:30, Hiring Process and Criteria
- 5:30-AP2, Investigations
- 5:30-AP3, Sexual Misconduct Related Employment History Review (EHR) - **NEW**
- 5:30-AP3, E, EHR Letter to Applicant's Current/Former Employer - **NEW**
- 5:90, Abused and Neglected Child Reporting
- 5:90-AP2, Parent/Guardian Notification of Sexual Misconduct - **NEW**

- 5:125, Personal Technology and Social Media; Usage and Conduct
- 5:150, Personnel Records
- 5:150-AP, Personnel Records
- 5:260, Student Teachers
- 7:190-AP6, Guidelines for Investigating Sexting Allegations - **REFORMATTED**

The **PRESS** editors extend their gratitude to the following individuals for their expert feedback on many pieces of **PRESS** material on *Faith's Law* trailer bill updates: **Dr. Kimberly C. Chambers**, Executive Director, Ill. Association of School Personnel Administrators, and Director of Human Resources, Adlai E. Stevenson High School District 125; **Cynthia L. DeCola**, Senior Counsel, Hodges, Loizzi, Eisenhammer, Rodick & Kohn, LLP; and **Charles Watkins**, Associate Director/General Counsel, Ill. Association of School Administrators.

Accelerated Placement Program

In March 2021, 105 ILCS 5/14A-32(a-5) was amended to require that "by no later than the beginning of the 2023-2024 school year," district accelerated placement policies allow for a student's "automatic enrollment, in the following school term, into the next most rigorous level of advanced coursework offered by the high school" if the student meets or exceeds state standards in language arts, math, or science. Despite the law not specifying which grades it impacts, ISBE guidance limits its application to districts with grades

9-12. ISBE also clarified that having a policy in place by the beginning of the 2023-2024 school year means districts should use scores from the 2023-2024 school year to automatically enroll students during the 2024-2025 school year.

The following **PRESS** materials are updated in response to ISBE's guidance:

- 6:135, Accelerated Placement Program
- 6:135-AP, Accelerated Placement Program Procedures

Library Media Program and Resources

In response to the resurgence of school library book challenges, as well as feedback from **PRESS** subscribers and Ill. Council of School Attorney (ICSA) members, we have revised the 6:230 suite of **PRESS** materials, including adding a new administrative procedure and exhibit objection form to help districts manage library resource objections in a consistent manner.

The following **PRESS** materials are updated:

- 6:230, Library Media Program
- 6:230-AP, Responding to Complaints About Library Media Resources - **NEW**
- 6:230-AP, E, Library Media Resource Objection Form - **NEW**

Miscellaneous

The following **PRESS** materials are updated due to legislation, administrative rule and/or continuous improvement changes, including subscriber feedback. These are also detailed in the [Revisions to Policies, Administrative Procedures, and Exhibits Table](#) in numerical order beginning on p. 5.

The following **PRESS** materials are updated:

- 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records
- 4:60-AP5, Federal and State Award Procurement Procedures - **RENUMBERED**
- 4:60-AP5, E4, Internal Procedures for Procurement Transactions - **RENUMBERED**
- 5:90-AP1, Coordination with Children's Advocacy Center - **RENUMBERED**

PRM Five-Year Reviews

PRESS Editors have a quality assurance goal to ensure that a review of each piece of the 1400+ page IASB **PRESS PRM** occurs once every five years. The **PRM** contains approximately 465 separate pieces of material, including policies, administrative procedures, and related exhibits. These are also detailed in the **Revisions to Policies, Administrative Procedures, and Exhibits Table** in numerical order beginning on p. 5.

The following **PRESS** materials are updated in response to five-year reviews:

- 4:60-AP2, Third Party Non-Instructional Contracts
- 5:170, Copyright
- 7:180-AP1, E1, Resource Guide for Bullying Prevention
- 7:180-AP1, E2, Be a Hero by Reporting Bullying
- 7:180-AP1, E3, Memo to Staff Regarding Bullying

- 7:180-AP1, E4, Memo to Parents/Guardians Regarding Bullying
- 7:180-AP1, E5, Report Form for Bullying
- 7:180-AP1, E6, Interview Form for Bullying Investigation
- 7:180-AP1, E7, Response to Bullying
- 7:185-E, Memo to Parents/Guardians Regarding Teen Dating Violence
- 7:190-AP1, Student Handbook - Hazing Prohibited
- 8:20, Community Use of School Facilities

Please also spend time reviewing the **PRESS** Online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

Progress Report — The contents of this table frequently change.

Topics	Our Response
<p>Federal Agency Releases K-12 Cybersecurity Report and Toolkit</p> <p>As required by the federal K-12 Cybersecurity Act of 2021, the Cybersecurity and Infrastructure Security Agency (CISA) has released a report on cybersecurity risks facing K-12 schools, which includes specific recommendations for schools, as well as an extensive toolkit aligned to the recommendations. The report and toolkit are available at: https://www.cisa.gov/protecting-our-future-cybersecurity-k-12.</p>	<p>The 7:345 suite of PRESS materials will be updated with these resources in the fall 2023 PRESS issue.</p>
<p>Boards Need to Study and Decide Potential Opt-Out From Career Exploration and Development Requirements</p> <p>105 ILCS 5/10-20.83, added by P.A. 102-917, requires boards to adopt and commence certain career exploration and career development activities for grades 6-12 that are in alignment with State frameworks by 7-1-25, unless a board decides to opt out of all or part of the requirements of P.A. 102-917 by adopting a set of findings that considers six different factors. For an overview of the law's new requirements and opt-out process, see: http://edsystemsniu.org/governor-signs-hb3296-public-act-102-0917-advancing-on-pwr-act/.</p>	<p>Following the release of additional guidance and resources from the Ill. State Board of Education planned for 2023 and 2024, policy 6:60, <i>Curriculum Content</i>, will be updated in the fall 2024 PRESS Issue.</p>
<p>New Federal Laws Protect Pregnant and Nursing Employees</p> <p>On 12-29-22, the President signed two new laws that provide pregnant and nursing employees with greater legal protections. First, the Pregnant Workers Fairness Act (PWFA), eff. 6-27-23, requires covered employers to provide reasonable accommodations to pregnant employees, unless they would create an undue hardship for the employer. The EEOC is required to issue regulations within two years of the PWFA's enactment. See https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act. Second, the PUMP for Mothers Nursing Act (PUMP Act) requires covered employers to provide both non-exempt <i>and</i> exempt employees with reasonable break time to nurse a child or express breast milk and provide a private space (other than a bathroom) to do so, for one year after a child's birth. The PUMP Act is currently in effect, except that remedies for violations are not effective until 4-28-23. See https://www.dol.gov/agencies/whd/pump-at-work. Note that existing State laws already provide employees with protections very similar to the PWFA and PUMP Act; these new federal laws will provide employees with an additional avenue to seek remedies.</p>	<p>Affected PRESS materials, including 5:10, <i>Equal Employment Opportunity and Minority Recruitment</i> and 5:10-AP, <i>Workplace Accommodations for Nursing Mothers</i>, will be updated in PRESS Issue 112 (summer) or 113 (fall).</p>

Revisions to Policies, Administrative Procedures, and Exhibits

Certain **PRM** materials in a **PRESS** Issue may be labeled in the **PRESS** Bundles, Revision Table and Committee Worksheets with one or more of the following categories:

NEW. This material is brand new to the **PRM**.

RENUMBERED. This material has been assigned a new number within the **PRM**, usually due to the addition of **NEW** material.

RENAMED. The title of the material has been amended.

REWRITTEN. The material has undergone significant revisions. To preserve the readability of the Committee Worksheets, suggested changes are not shown as tracked changes.

REFORMATTED. Non-substantive changes in formatting, e.g., list renumbering, have been applied for consistency throughout the **PRM**. To preserve the readability of the Committee Worksheets, such formatting changes are not reflected as tracked changes. This category is new beginning with **PRESS** Issue 111.

Number and Title	Revision Descriptions
2:110, Qualifications, Term, and Duties of Board Officers	The policy, Legal References, Cross References, and footnote 10 are updated in response to 105 ILCS 5/22-94, amended by P.A. 102-702, eff. 7-1-23, requiring a sexual misconduct related employment history review (EHR) to be initiated prior to hiring an applicant that will have direct contact with children or students. Other continuous improvement updates are made to the Legal References and footnotes. <input type="checkbox"/>
2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records	The exhibit is updated in response to 23 Ill.Admin.Code 207.20(b), requiring districts to post their attendance and truancy policies on their websites (if any), and for continuous improvement. <input type="checkbox"/>
3:40, Superintendent	The policy is updated with a minor style change. Footnote 3 is updated in response to 105 ILCS 5/10-21.9(e-5), amended by P.A. 102-702, eff. 7-1-23, mandating a superintendent to notify the State Superintendent of Education and applicable regional superintendent of schools of any license holder believed to have committed sexual misconduct. Weblinks in the footnotes are also updated. <input type="checkbox"/>
3:40-E, Checklist for Superintendent Employment Contract Negotiation Process	The exhibit is updated in response to 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, requiring a board to conduct an EHR when they hire an employee who will have direct contact with children or students, including a superintendent, and for continuous improvement. <input type="checkbox"/>
4:60, Purchases and Contracts	The Legal References, Cross References, and footnotes are updated in response to 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, requiring contractors to perform EHRs of contractor employees who will have direct contact with children or students. The footnotes are also updated in response to 105 ILCS 5/10-20.21, amended by P.A. 102-1101, exempting food services contracts from the State law bidding procedure for contracts in excess of \$25,000, provided certain criteria are met, and for continuous improvement. A Cross Reference to 5:90, <i>Abused and Neglected Child Reporting</i> , is added. <input type="checkbox"/>
4:60-AP1, Purchases	The procedure is updated in response to 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, requiring contractors to perform EHRs of contractor employees who will have direct contact with children or students, and for continuous improvement. <input type="checkbox"/>
4:60-AP2, Third Party Non-Instructional Contracts	The procedure is unchanged. <input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

4:60-AP3, Criminal History Records Check of Contractor Employees	<p>The procedure is updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, requiring contractors to perform EHRs of contractor employees who will have direct contact with children or students; 2. 105 ILCS 5/10-21.9(c), amended by P.A. 102-552, adding homicide offenses to the list of offenses barring individuals from school district employment; and 3. Continuous improvement. 	<input type="checkbox"/>
4:60-AP4, Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees	NEW. The procedure is created in response to 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, requiring contractors to perform EHRs of contractor employees who will have direct contact with children or students.	<input type="checkbox"/>
4:60-AP4 5 , Federal and State Award Procurement Procedures	RENUMBERED. The procedure is renumbered in response to the creation of NEW 4:60-AP4, <i>Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees</i> . The procedure is also updated in response to Ill. Criminal Code of 2012, 720 ILCS 5/33E-9, amended by P.A. 102-1119, raising the threshold for when a board or designee must approve change orders at or above \$ 10 <u>25</u> ,000, and for continuous improvement.	<input type="checkbox"/>
4:60-AP4 5 , E 7 , Internal Procedures for Procurement Transactions	RENUMBERED. The procedure is renumbered in response to the creation of NEW 4:60-AP4, <i>Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees</i> . Minor style changes are also made to the procedure.	<input type="checkbox"/>
5:30, Hiring Process and Criteria	The policy, Legal References, Cross References, and footnotes are updated in response to 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, requiring districts to initiate an EHR prior to hiring an applicant who will have direct contact with children or students. Other continuous improvement updates are made in the policy and footnotes.	<input type="checkbox"/>
5:30-AP2, Investigations	The procedure is updated in response to 105 ILCS 5/10-21.9, amended by P.A. 102-702, eff. 7-1-23, requiring the superintendent to notify the State Superintendent of Education and applicable regional superintendent of schools of any license holder believed to have committed sexual misconduct; and for continuous improvement.	<input type="checkbox"/>
5:30-AP3, Sexual Misconduct Related Employment History Review (EHR)	NEW. The procedure is created in response to 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, requiring districts to initiate an EHR prior to hiring an applicant who will have direct contact with children or students.	<input type="checkbox"/>
5:30-AP3, E, EHR Letter to Applicant's Current/Former Employer	NEW. This exhibit is created for the reason stated in 5:30-AP3, <i>Sexual Misconduct Related Employment History Review (EHR)</i> , above.	<input type="checkbox"/>
5:90, Abused and Neglected Child Reporting	<p>The policy, Legal References, Cross References, and footnotes are updated in response to:</p> <ol style="list-style-type: none"> 1. 105 ILCS 5/22-85.10, added by P.A. 102-702, eff. 7-1-23, requiring districts to develop procedures to notify the parents/guardians of a student with whom a district employee, agent, or contractor is alleged to have engaged in sexual misconduct; 2. 105 ILCS 5/10-21.9(e-5), amended by P.A. 102-702, eff. 7-1-23, requiring superintendents to notify the State Superintendent of Education and applicable regional superintendent when there is reasonable cause to believe a license holder committed sexual misconduct as defined in 105 ILCS 5/22-85.5(c); and 3. Continuous improvement. <p>New footnote 2 explains distinctions between conduct prohibited by the Abused and Neglected Child Reporting Act, the Ill. Criminal Code of 2012, and the School Code. A Cross Reference to 4:60, <i>Purchases and Contracts</i>, is added.</p>	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

5:90-AP1, Coordination with Children's Advocacy Center	RENUMBERED. The procedure is updated for continuous improvement and renumbered in response to the creation of NEW 5:90-AP2, <i>Parent/Guardian Notification of Sexual Misconduct</i> .	<input type="checkbox"/>
5:90-AP2, Parent/Guardian Notification of Sexual Misconduct	NEW. The procedure is created in response to 105 ILCS 5/22-85.10, added by P.A. 102-702, eff. 7-1-23, requiring districts to develop procedures to notify the parents/guardians of a student with whom a district employee, agent, or contractor is alleged to have engaged in sexual misconduct.	<input type="checkbox"/>
5:125, Personal Technology and Social Media; Usage and Conduct	The policy and footnotes are updated for continuous improvement. Footnote 1 is updated in response to 105 ILCS 5/21B-75, amended by P.A. 102-702, eff. 7-1-23, permitting the State Superintendent of Education to suspend or revoke any license, endorsement, or approval for sexual misconduct.	<input type="checkbox"/>
5:150, Personnel Records	The policy, Legal References, and footnotes are updated in response to 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23, requiring a district to maintain as part of an employee's personnel file a form including EHR information. The footnotes are also updated in response to: 1. Personnel Record Review Act (PRRA), 820 ILCS 40/8, amended by P.A. 102-702, eff. 7-1-23, requiring a district to share information related to an incident of sexual misconduct with a third party, even if the record is more than four years old; and 2. Continuous improvement.	<input type="checkbox"/>
5:150-AP, Personnel Records	The procedure is updated for the reasons stated in 5:150, <i>Personnel Records</i> , above.	<input type="checkbox"/>
5:170, Copyright	The policy is unchanged. A minor style change is made to Legal References. The footnotes are updated in response to a five-year review.	<input type="checkbox"/>
5:260, Student Teachers	The policy, Legal References and footnotes are updated in response to continuous improvement updates. Additionally, footnote 2 is updated in response to 105 ILCS 5/22-94, amended by P.A. 102-702, eff. 7-1-23, requiring district employees and contractors to undergo an EHR when they will have direct contact with children or students.	<input type="checkbox"/>
6:135, Accelerated Placement Program <i>Don't have</i>	The policy and footnote 10 are updated in response to ISBE's <i>Accelerated Placement Act FAQ</i> (September 2022). Continuous improvement updates are also made to the footnotes.	<input type="checkbox"/>
6:135-AP, Accelerated Placement Program Procedures	The procedure is updated for continuous improvement. Footnote 15 is updated in response to ISBE's <i>Accelerated Placement Act FAQ</i> (September 2022).	<input type="checkbox"/>
6:230, Library Media Program <i>Don't have</i>	The policy and footnotes are updated in response to subscriber and Ill. Council of School Attorneys member feedback regarding management of library book challenges.	<input type="checkbox"/>
6:230-AP, Responding to Complaints About Library Media Resources	NEW. The procedure is created for the reason stated in 6:230, <i>Library Media Program</i> , above.	<input type="checkbox"/>
6:230-AP, E, Library Media Resource Objection Form	NEW. The exhibit is created for the reason stated in 6:230, <i>Library Media Program</i> , above.	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

7:180-AP1, E1, Resource Guide for Bullying Prevention	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:180-AP1, E2, Be a Hero by Reporting Bullying	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:180-AP1, E3, Memo to Staff Regarding Bullying	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:180-AP1, E4, Memo to Parents/Guardians Regarding Bullying	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:180-AP1, E5, Report Form for Bullying	The exhibit is unchanged.	<input type="checkbox"/>
7:180-AP1, E6, Interview Form for Bullying Investigation	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:180-AP1, E7, Response to Bullying	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:185-E, Memo to Parents/Guardians Regarding Teen Dating Violence	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:190-AP1, Student Handbook - Hazing Prohibited	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
7:190-AP6, Guidelines for Investigating Sexting Allegations	REFORMATTED. The procedure is updated in response to 105 ILCS 5/21B-75, amended by P.A. 102-702, eff. 7-1-23, allowing the State Superintendent of Education to suspend or revoke a license, endorsement, or approval for sexual misconduct; and for continuous improvement.	<input type="checkbox"/>
8:20, Community Use of School Facilities	The Legal References, Cross References, and footnotes are updated in response to a five-year review.	<input type="checkbox"/>

PRESS Issue 111 Trivia

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The IASB Office of General Counsel's mission is to honestly, professionally, and credibly protect and preserve IASB through legal risk management and compliance services for the IASB Board of Directors and staff; promote best practices to IASB members; create educational products and services; and maintain strong, collaborative relationships with the public education community.

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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 two-year term. The duties of the President are to:

1. Preside at all meetings;
2. Focus the Board meeting agendas on appropriate content;
3. Make all Board committee appointments, unless specifically stated otherwise;⁴
4. Attend and observe any Board committee meeting at his or her discretion;⁵
5. Represent the Board on other boards or agencies;
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

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 three officers: a president, clerk, and treasurer. The president and clerk must be board members. 105 ILCS 5/10-5. While there is no prohibition on a board member simultaneously serving in two officer positions, doing so may create either the appearance of impropriety or a compliance issue for purposes of fraud protocols. Consult the board attorney for further guidance and/or request that the board member consult his or her own attorney.

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.); #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 Open Meetings Act (OMA) and Freedom of Information Act (FOIA) purposes (5 ILCS 120/7e (2) and 140/2(e)).

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 Ill. Attorney General Public Access Counselor (PAC) concerning compliance with OMA or FOIA. 5 ILCS 120/3.5(h) and 5 ILCS 140/9.5(h). FOIA defines *head of the public body* to mean *president* or "such person's duly authorized designee." 5 ILCS 140/2(e). 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(1)(f).

9. Ensure that a quorum of the Board is physically present at all Board meetings, except as otherwise provided by the Open Meetings Act; ⁷
10. Administer the oath of office to new Board members; ⁸
11. Serve as or appoint the Board's official spokesperson to the media;
12. Except when the Board President is the subject of a complaint of sexual harassment, a witness, or otherwise conflicted, appoint a qualified outside investigator to conduct an independent review of allegations of sexual harassment made against a Board member by another Board member or elected official; and ⁹
13. Ensure that all fingerprint-based criminal history records information checks, screenings, and sexual misconduct related employment history reviews (EHRs) required by State law and policy 5:30, *Hiring Process and Criteria*, are completed for the Superintendent. ¹⁰

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. ¹¹

Vice President ¹²

The Board elects a Vice President from its members for a two-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.

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

⁷ Optional. Requiring the president to monitor the presence of a quorum assists compliance with OMA's mandate that a quorum be physically present at all board meetings, except as otherwise provided by OMA. 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.

⁹ See sample policy 2:105, *Ethics and Gift Ban, Complaints of Sexual Harassment Made Against Board Members by Elected Officials* subhead. 5 ILCS 430/70-5 requires school districts to amend their sexual harassment policies "to provide for a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit." If the board has chosen to have the Superintendent appoint an outside investigator in these cases (see 2:105, *Ethics and Gift Ban*, at f/n 12), remove item 12 from the list of board president duties and delete the Cross Reference to 2:105, *Ethics and Gift Ban*.

¹⁰ See the subhead entitled **Screening** in sample policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, and the subheads entitled **Investigations** and **Sexual Misconduct Related Employment History Review** in sample policy 5:30, *Hiring Process and Criteria*.

¹¹ 105 ILCS 5/10-13.1 states that the "vice-president shall perform the duties of the president if there is a vacancy in the office of president or in case of the president's absence or inability to act" However, an earlier enacted statute calls for the appointment of a *president pro tempore* if the president is absent from any meeting or refuses to perform his or her duties, and specifies that the "vice-president, if the board elects such officer, shall be appointed the president pro tempore." 105 ILCS 5/10-13. This policy resolves any confusion by implementing the latter enacted statute and stating that the vice president fills a vacancy in the presidency.

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

Secretary ¹³

The Board elects a Secretary for a two-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.¹⁴ 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;
5. Act as the local election official for the District;
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 and such other official documents as directed by the Board.

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 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 ¹⁵

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. ¹⁶

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

¹³ 105 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 sample 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); #4, treasurer's report (105 ILCS 5/10-8); #5, local election official (see f/ns 2 and 7 of policy 2:30, *School District Elections*); #6, public inspection of the budget (105 ILCS 5/17-1).

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" in item #4 with "appropriate Intermediate Service Center Executive Director."

¹⁴ 105 ILCS 5/10-14 and 50 ILCS 145/2.

¹⁵ This section is optional.

¹⁶ To allow attendance by video or audio means, a board must adopt policy language conforming to the restrictions in OMA. 5 ILCS 120/2.01 and 120/7. See subhead **Quorum and Participation by Audio or Video Means** in policy 2:220, *School Board Meeting Procedure*, and its f/n 31.

Treasurer ¹⁷

The Treasurer of the Board shall be either a member of the Board who serves a one-year term or a non-Board member who serves at the Board's pleasure.¹⁸ A Treasurer who is a Board member may not be compensated.¹⁹ A Treasurer who is not a Board member may be compensated provided it is established before the appointment.²⁰ The Treasurer must: ²¹

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: ²²

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

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

¹⁷ This section is for: (1) districts in a Class I county (all counties except Cook Co.), 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, 5/8-5, 5/8-6, 5/8-7, 5/8-16, and 5/8-17. For districts in a Class II county, in the Legal References insert "5/8-5" before "5/8-6" and insert "5/8-7" after "5/8-6."

¹⁸ 105 ILCS 5/8-1(b). The treasurer's term of office is two 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). Those boards should use the following alternative:

The Treasurer of the Board shall serve a two-year term beginning and ending on the first day of July.

¹⁹ 105 ILCS 5/8-1(b) and (c).

²⁰ 105 ILCS 5/8-3.

²¹ Qualification #1 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). 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 a 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." 105 ILCS 5/8-1(c).

Qualification #3 is required for treasurers in a Class I county. 105 ILCS 5/8-1(d). 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." 105 ILCS 5/8-1(e).

²² 105 ILCS 5/8-2, 5/8-6, 5/8-7, and 5/8-16.

LEGAL REF.: 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, 5/10-21.9, 5/17-1, 5/21B-85, and 5/22-94.
5 ILCS 120/7, Open Meetings Act.
5 ILCS 420/4A-106, Ill. Governmental Ethics Act.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:105 (Ethics and Gift Ban), 2:150 (Committees), 2:210 (Organizational School Board Meeting), 2:220 (School Board Meeting Procedure), 5:30 (Hiring Process and Criteria)

General School Administration

Superintendent¹

Duties and Authority

The Superintendent is the District's executive officer and is responsible for the administration and management of the District schools in accordance with School Board policies and directives, and State and federal law. District management duties include, without limitation, preparing, submitting, publishing, and posting reports and notifications as required by State and federal law,² including the special reporting responsibilities in policy 5:90, *Abused and Neglected Child Reporting*.³ The Superintendent is authorized to develop administrative procedures and take other action as needed to implement Board policy and otherwise fulfill his or her responsibilities. The Superintendent may delegate to other District staff members the exercise of any powers and the discharge of any duties imposed upon the Superintendent by Board policies or by Board vote. The delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action that was delegated.⁴

Qualifications

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must have and maintain a Professional Educator License with a superintendent endorsement issued by the Illinois State Educator Preparation and Licensure Board.⁵

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. Unless the district has only one school with fewer than four teachers, the board must employ a superintendent or a chief executive officer as allowed under specific circumstances. 105 ILCS 5/10-21.4. This statute assigns some specific duties to the superintendent including to: (1) make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of teachers and all other employees, the selection of textbooks, instructional material, and courses of study; (2) report to the board, Ill. State Board of Education (ISBE), and chief administrative official any employee named in an abused child report; and (3) keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him/her. 105 ILCS 5/10-16.7 requires boards to direct, through policy, the superintendent, in his or her charge of the district's administration.

ISBE is required, subject to an annual appropriation by the General Assembly, to establish a new superintendent mentoring program. With limited exceptions, any individual serving as a first-time superintendent in Illinois must participate in the mentoring program for two school years. 105 ILCS 5/2-3.53b. The ISBE-selected provider will assign a mentor to a new superintendent based on similarity of grade level or type of district, learning needs, and geographical proximity. The mentor must not be required to evaluate the new superintendent on the basis of the mentoring relationship.

² See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, for an annotated list of documents and reports that must be posted on the district's website, if the district has a website. While not comprehensive, see the IASB's *Annual School Calendar* for the required reports that do not need web-posting, available on the IASB website at: www.iasb.com/policy-services-and-school-law/illinois-laws-affecting-schools/annual-school-calendar/.

³ 105 ILCS 5/10-21.9(e-5), amended by P.A.s 102-552 and 102-702. See the discussion in the f/n's tied to the text of the **Special Superintendent Responsibilities** subhead in sample policy 5:90, *Abused and Neglected Child Reporting*.

⁴ This paragraph strengthens the policy's connection to the IASB's *Foundational Principles of Effective Governance*. See www.iasb.com/principles.cfm. It allows the superintendent broad delegation authority even when a policy fails to specifically provide for delegation.

⁵ 105 ILCS 5/21B-20 and 5/21B-25 govern Professional Educator Licenses and superintendent endorsements. See also 23 Ill.Admin.Code §§25.355 (superintendent endorsement) and 29.100 (Ill. Professional School Leader Standards).

Evaluation

The Board will evaluate, at least annually, the Superintendent's performance and effectiveness, using standards and objectives developed by the Superintendent and Board that are consistent with State law, the Board's policies, and the Superintendent's contract.⁶ A specific time should be designated for a formal evaluation session with all Board members present. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

The Superintendent shall annually present evidence of professional growth through attendance at educational conferences, in-service training, or similar continuing education pursuits.⁷

Compensation and Benefits⁸

The Board and the Superintendent shall enter into an employment agreement that conforms to Board policy and State law. This contract shall govern the employment relationship between the Board and the Superintendent. The terms of the Superintendent's employment agreement, when in conflict with this policy, will control.

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

⁶ 105 ILCS 5/10-16.7 requires a board to evaluate the superintendent. See *The Superintendent Evaluation Process* at: www.iasb.com/iasb/media/documents/superintendent-evaluation-process.pdf. While greater detail may be added to this paragraph (e.g., a timeline, self-evaluation provision, and discussion requirements), a board must be sure that the policy and the superintendent's contract are consistent.

⁷ The reporting requirements in this paragraph are optional, but school boards must "require evaluators to participate in an in-service training on the evaluation of licensed personnel provided or approved by [ISBE] prior to undertaking any evaluation and at least once during each license renewal cycle." 105 ILCS 5/24A-3.

⁸ According to 105 ILCS 5/10-23.8, a superintendent must be employed under either: (1) a one-year contract, in which case he or she gains and retains tenure rights; or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights but does not lose any previously acquired tenure credit with the district. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators; see 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*. Residency requirements, if desired, should be included in a superintendent's employment contract.

The employment contract should be *in writing* even though the School Code does not require it to be written. Contact the board attorney for assistance. An administrator who is not working under a written contract is presumed to have a contract of one year's duration. *Bd. of Educ. of Schaumburg Cmtv. Consol. Sch. Dist. No. 54 v. TRS*, 368 Ill.Dec. 341 (4th Dist. 2013)(interpreting 105 ILCS 5/10-23.8a). The Ill. Statute of Frauds may make it impossible to execute an *oral* multi-year administrator contract or to *orally* extend a multi-year written contract. 740 ILCS 80/1.

The Open Meetings Act requires all Ill. Municipal Retirement Fund (IMRF) employers, which includes school boards, to: (1) within six business days after approving a budget, web-post each employee's total compensation package if it exceeds \$75,000 per year; and (2) at least six days before approval, web-post an employee's total compensation package if it is \$150,000 or more. 5 ILCS 120/7.3. Conflicting opinions concern whether school districts must comply with these posting requirements for their employees who do not participate in IMRF. Contact the board attorney for advice.

Annually by Oct. 1, each school board must report to ISBE the base salary and benefits of the superintendent, administrators, and teachers it employs. 105 ILCS 5/10-20.47. Before this annual reporting to ISBE, the information must be presented at a regular school board meeting and then posted on the district's website, if any.

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-21.9, 5/10-23.8, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.
5 ILCS 120/7.3, Open Meetings Act.
23 Ill.Admin.Code §§1.310, 1.705, and 25.355.

CROSS REF: 2:20 (Powers and Duties of the School Board; Indemnification), 2:130 (Board-Superintendent Relationship), 2:240 (Board Policy Development), 3:10 (Goals and Objectives), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:290 (Employment Termination and Suspensions)

**IASB POLICY REFERENCE MANUAL
TABLE OF CONTENTS
SECTION 4 - OPERATIONAL SERVICES**

Fiscal and Business

4:10	Fiscal and Business Management
4:15	Identity Protection
4:15-AP1	Administrative Procedure - Protecting the Privacy of Social Security Numbers
4:15-AP2	Administrative Procedure - Treatment of Personally Identifiable Information Under Grant Awards
4:15-E1	Exhibit - Letter to Employees Regarding Protecting the Privacy of Social Security Numbers
4:15-E2	Exhibit - Statement of Purpose for Collecting Social Security Numbers
4:15-E3	Exhibit - Statement for Employee Manual or District Website Describing the District's Purpose for Collecting Social Security Numbers
4:20	Fund Balances
4:30	Revenue and Investments
4:40	Incurring Debt
4:40-AP	Administrative Procedure - Preparing and Updating Disclosures
4:45	Insufficient Fund Checks and Debt Recovery
4:45-AP1	Administrative Procedure - Insufficient Fund Checks
4:45-AP2	Administrative Procedure - Local Debt Recovery Program Implementation Procedures
4:45-E1	Exhibit - Cover Page Documenting the Process to Seek Offset from the Illinois Office of the Comptroller
4:45-E2	Exhibit - Notice of Claim and Intent to Seek Debt Recovery; Challenge; and Response to Challenge
4:50	Payment Procedures
4:50-E	Exhibit - School District Payment Order
4:55	Use of Credit and Procurement Cards
4:55-AP	Administrative Procedure - Controls for the Use of District Credit and Procurement Cards
4:55-E	Exhibit - Cardholder's Statement Affirming Familiarity with Requirements for Using District Credit and/or Procurement Cards
4:60	Purchases and Contracts
4:60-AP1	Administrative Procedure - Purchases
4:60-AP2	Administrative Procedure - Third Party Non-Instructional Contracts

- 4:60-AP3 Administrative Procedure - Criminal History Records Check of Contractor Employees
- 4:60-AP4 Administrative Procedure - Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees
- 4:60-AP5 Administrative Procedure - Federal and State Award Procurement Procedures
- 4:60-AP5, E Exhibit - Internal Procedures for Procurement Transactions
- 4:60-E Exhibit - Notice to Contractors
- 4:70 Resource Conservation
 - 4:70-AP Administrative Procedure - Resource Conservation
- 4:80 Accounting and Audits
 - 4:80-AP1 Administrative Procedure - Checklist for Internal Controls
 - 4:80-AP2 Administrative Procedure - Fraud, Waste, and Abuse Awareness Program
 - 4:80-AP3 Administrative Procedure - Inventory Management for Federal and State Awards
- 4:90 Student Activity and Fiduciary Funds
- 4:100 Insurance Management

Operations

- 4:110 Transportation
 - 4:110-AP1 Administrative Procedure - School Bus Post-Accident Checklist
 - 4:110-AP2 Administrative Procedure - Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments
 - 4:110-AP3 Administrative Procedure - School Bus Safety Rules
 - 4:110-E Exhibit - Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses
- 4:120 Food Services
 - 4:120-AP Administrative Procedure - Food Services; Competitive Foods; Exemptions
- 4:130 Free and Reduced-Price Food Services
 - 4:130-E Exhibit - Free and Reduced-Price Food Services; Meal Charge Notifications
- 4:140 Waiver of Student Fees
 - 4:140-AP Administrative Procedure - Fines, Fees, and Charges - Waiver of Student Fees
 - 4:140-E1 Exhibit - Application for Fee Waiver
 - 4:140-E2 Exhibit - Response to Application for Fee Waiver, Appeal, and Response to Appeal
 - 4:140-E3 Exhibit - Resolution to Increase Driver Education Fees
- 4:150 Facility Management and Building Programs

- 4:160 Environmental Quality of Buildings and Grounds
 - 4:160-AP Administrative Procedure - Environmental Quality of Buildings and Grounds
- 4:165 Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors

Safety and Security

- 4:170 Safety
 - 4:170-AP1 Administrative Procedure - Comprehensive Safety and Security Plan
 - 4:170-AP1, E1 Exhibit - Accident or Injury Form
 - 4:170-AP1, E2 Exhibit - Memo to Staff Members Regarding Contacts by Media About a Crisis
 - 4:170-AP2 Administrative Procedure - Routine Communications Concerning Safety and Security
 - 4:170-AP2, E1 Exhibit - Letter to Parents/Guardians Regarding Student Safety
 - 4:170-AP2, E2 Exhibit - Letter to Parents/Guardians Regarding the Dangers of Underage Drinking
 - 4:170-AP2, E3 Exhibit - Letter to Parents/Guardians About Disruptive Social Media Apps; Dangers
 - 4:170-AP2, E4 Exhibit - Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting
 - 4:170-AP2, E5 Exhibit – Notice to Parents/Guardians of Lockdown Drill; Opt-out
 - 4:170-AP3 OPEN
 - 4:170-AP4 Administrative Procedure - National Terrorism Advisory System
 - 4:170-AP5 Administrative Procedure - Unsafe School Choice Option
 - 4:170-AP6 Administrative Procedure - Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED
 - 4:170-AP6, E1 Exhibit - School Staff AED Notification Letter
 - 4:170-AP6, E2 Exhibit - Notification to Staff and Parents/Guardians of CPR and AED Video
 - 4:170-AP7 OPEN
 - 4:170-AP7, E1 OPEN
 - 4:170-AP7, E2 OPEN
 - 4:170-AP7, E3 OPEN
 - 4:170-AP8 Administrative Procedure - Movable Soccer Goal Safety
- 4:175 Convicted Child Sex Offender; Screening; Notifications
 - 4:175-AP1 Administrative Procedure - Criminal Offender Notification Laws; Screening

4:175-AP1, E1	Exhibit - Informing Parents/Guardians About Offender Community Notification Laws
4:180	Pandemic Preparedness; Management; and Recovery
4:180-AP1	Administrative Procedure - School Action Steps for Pandemic Influenza or Other Virus/Disease
4:180-AP2	Administrative Procedure - Pandemic Influenza Surveillance and Reporting
4:180-AP3	Administrative Procedure - Grant Flexibility; Payment of Employee Salaries During a Pandemic
4:190	Targeted School Violence Prevention Program
4:190-AP1	Administrative Procedure - Targeted School Violence Prevention Program
4:190-AP1, E1	Exhibit - Targeted School Violence Prevention Program Resources
4:190-AP2	Administrative Procedure - Threat Assessment Team (TAT)
4:190-AP2, E1	Exhibit - Principles of Threat Assessment
4:190-AP2, E2	Exhibit - Threat Assessment Documentation
4:190-AP2, E3	Exhibit - Threat Assessment Key Areas and Questions; Examples
4:190-AP2, E4	Exhibit - Responding to Types of Threats
4:190-AP2, E5	Exhibit - Threat Assessment Case Management Strategies
4:190-AP2, E6	Exhibit - Targeted School Violence Prevention and Threat Assessment Education

Operational Services

Purchases and Contracts ¹

The Superintendent shall manage the District's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable School Board policies.

Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with applicable federal and State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board.

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law.² No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency.³

When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable federal and State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.⁴
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.

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. 105 ILCS 5/10-20.21, amended by P.A. 102-1101, contains bidding plus other requirements. Other laws also govern district contracts. For example, the Prevailing Wage Act requires, among other things, that a district specify in all contracts for public works that the prevailing wage rate must be paid. 820 ILCS 130/. When a district awards work to a contractor without a public bid, contract, or project specification, the district must provide the contractor with written notice on the purchase order or a separate document indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project. In addition, the district must notify all contractors of any rate changes by the Ill. Dept. of Labor (IDOL). 820 ILCS 130/4(f). The law allows a district to discharge this duty by including the following language in all contracts: "Any prevailing rate of wages as they are revised by the Ill. Dept. of Labor (IDOL) shall apply to this contract. You are notified that any rate changes to the prevailing wage rate are available on IDOL's official website." 820 ILCS 130/4(l). See 4:60-E, *Notice to Contractors*, for sample language.

² This end statement should be amended according to local board discretion.

³ An optional addition follows: "Notwithstanding the above, the Superintendent shall not commit to any single, non-customary purchase or expenditure, excluding personnel, of greater than \$ _____ without prior Board approval." This optional provision's intent is to provide an internal control as well as to keep the board involved when the district is making a large purchase or expenditure, e.g., copiers, computers, textbooks, or something that might not happen every year. It is intended to cover purchases/expenditures regardless of whether they were previously budgeted.

⁴ See 4:60-API, *Purchases*, for bidding exemptions and the requirements for electronic bid opening. A board may set a lower bidding threshold by policy but should first seek its attorney's advice because such action may expand a board's vulnerability to a bidding challenge.

4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.⁵
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21(b-5). The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget.⁶
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).⁷
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*.⁸
8. Each contractor with the District is bound by each of the following:
 - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c)⁹ to have direct, daily contact at a District school or school-related activity with one or more student(s); (2) prohibit any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense;¹⁰ and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her.¹¹
 - b. In accordance with 105 ILCS 5/22-94: (1) prohibit any of its employees from having *direct contact with children or students* if the contractor has not performed a sexual misconduct related employment history review (EHR) of the employee or if the District objects to the employee's assignment based on the employee's involvement in an instance of sexual misconduct as provided in 105 ILCS 5/22-94(j)(3), which the contractor is required to disclose; (2) discipline, up to and including termination or denial of employment, any employee who provides false information or willfully fails to disclose information required by the EHR; (3) maintain all records of EHRs and

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⁵ Concerning collective bargaining requirements, see *McLean Co. Unit Dist. 5 v. AFSCME & IELRB*, 12 N.E.3d 120 (4th Dist. 2014) (good faith bargaining on the decision to subcontract requires notice of the consideration of the subcontract before it is finalized; meeting with the union to provide an opportunity to discuss and explain the decision; providing information to the union; and giving consideration to any counterproposal the union makes).

⁶ 105 ILCS 5/10-20.21(b-5).

⁷ 105 ILCS 5/10-20.21(b-10).

⁸ 105 ILCS 5/10-20.19c.

⁹ 105 ILCS 5/10-21.9(c); 105 ILCS 5/21B-80(c).

¹⁰ *Id.*

¹¹ The implementation process is in 4:60-AP3, *Criminal History Records Check of Contractor Employees*. See 5:30-AP2, *Investigations*, for a list of offenses which disqualify an individual from having direct, daily contact with one or more students until seven years following the end of the individual's sentence for the criminal offense.

- provide the District access to such records upon request; and (4) refrain from entering into any agreements prohibited by 105 ILCS 5/22-94(g). ¹²
- c. In accordance with 105 ILCS 5/24-5: (1) concerning each new employee of a contractor that provides services to students or in schools, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease; and (2) require any new or existing employee who provides services to students or in schools to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Ill. Dept. of Public Health rules or order of a local health official. ¹³
9. Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act. ¹⁴
10. Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award. ¹⁵

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

¹² 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23. See 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*. For the definition of *sexual misconduct*, see 105 ILCS 5/22-85.5(c), added by P.A. 102-676, and sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest. Direct contact with children or students* is defined as “the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students.” 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23. This standard, which triggers the EHR, appears on its face to be broader than the *direct, daily contact* standard that triggers the *complete criminal history records check* in 105 ILCS 5/10-21.9(f). See 5:30-AP2, *Investigations*, 4:60-AP3, *Criminal History Records Check of Contractor Employees*, and 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for more information. For example, a contracted night custodian who may have some passing, routine interaction with students who are on campus for afterschool events, but does not have direct, daily contact with students triggers an EHR but not necessarily a *complete criminal history records check*. It is less clear if the reverse scenario could arise where a *complete criminal history records check* under 105 ILCS 5/10-21.9(f) would be required but an EHR would not be required. For ease of administration, a district may wish to require contractors to undergo a *complete criminal history records check* whenever the obligation to conduct an EHR is triggered, and vice versa.

105 ILCS 5/22-94(g), added by P.A. 102-702, eff. 7-1-23, prohibits contractors from entering any agreement that: (1) has the effect of suppressing information concerning a pending or completed investigation in which an allegation of sexual misconduct was substantiated, (2) affects the ability of the contractor to report sexual misconduct to the appropriate authorities, or (3) requires the contractor to expunge information about allegations or findings of suspected sexual misconduct, unless an allegation is found to be false, unfounded, or unsubstantiated following an investigation.

¹³ 105 ILCS 5/24-5. P.A. 98-716, expanded the scope of 105 ILCS 5/24-5 by adding a definition of *employee* that includes contractors’ employees for whom a criminal history records check is required. Since Aug. 2014, the Ill. Dept. of Public Health (IDPH) has not required school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3). Before requesting a contractor’s employee for a health examination, contact the board attorney concerning this action’s legality under other personnel laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 *et seq.*).

¹⁴ 410 ILCS 170/10(b), added by P.A. 102-242.

¹⁵ 2 C.F.R. §§200.318-200.327; 30 ILCS 708/. The Grant Accountability and Transparency Act (GATA) adopts the federal uniform guidance for all grants, unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education, see www.isbe.net/gata.

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided. ¹⁶

LEGAL REF.: 2 C.F.R. Part 200.
105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-21.9, 5/10-22.34c, 5/19b-1 et seq., 5/22-94,
and 5/24-5.
30 ILCS 708/, Grant Accountability and Transparency Act.
410 ILCS 170/, Coal Tar Sealant Disclosure Act.
820 ILCS 130/, Prevailing Wage Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150
(Facility Management and Building Programs), 4:175 (Convicted Child Sex
Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting)

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

¹⁶ This is an optional provision. The numerous reporting and website posting mandates are in 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. As an alternative to the policy's default language, a board may insert the underscored:

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts and maintain a status report for monthly presentation to the Board, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

**IASB POLICY REFERENCE MANUAL
TABLE OF CONTENTS
SECTION 5 - PERSONNEL**

General Personnel

5:10	Equal Employment Opportunity and Minority Recruitment
5:10-AP	Administrative Procedure - Workplace Accommodations for Nursing Mothers
5:20	Workplace Harassment Prohibited
5:20-AP	Administrative Resource - Sample Questions and Considerations for Conducting the Internal Harassment in the Workplace Investigation
5:20-E	Exhibit - Resolution to Prohibit Sexual Harassment
5:30	Hiring Process and Criteria
5:30-AP1	Administrative Procedure - Interview Questions
5:30-AP2	Administrative Procedure - Investigations
5:30-AP2, E1	Exhibit - Notice of Preliminary Hiring Decision Based on Conviction Record
5:30-AP2, E2	Exhibit - Notice of Final Hiring Decision Based on Conviction Record
5:30-AP3	Administrative Procedure - Sexual Misconduct Related Employment History Review (EHR)
5:30-AP3, E	Administrative Procedure - EHR Letter to Applicant's Current/Former Employer
5:35	Compliance with the Fair Labor Standards Act
5:35-AP1	Administrative Procedure - Fair Labor Standards Act Exemptions
5:35-AP2	Administrative Procedure - Employee Records Required by the Fair Labor Standards Act
5:35-AP3	Administrative Procedure - Compensable Work Time for Non-Exempt Employees Under the FLSA
5:35-AP4	Administrative Procedure - Fair Labor Standards Act 12-Step Compliance Checklist
5:35-E	Exhibit - Volunteer Agreement Executed by a Non-Exempt Employee
5:40	Communicable and Chronic Infectious Disease
5:40-AP	Administrative Procedure - Communicable and Chronic Infectious Disease
5:50	Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition
5:60	Expenses
5:60-AP	Administrative Procedure - Federal and State Grant Travel Expense Procedures
5:60-E1	Exhibit - Employee Expense Reimbursement Form

5:60-E2	Exhibit - Employee Estimated Expense Approval Form
5:70	Religious Holidays
5:80	Court Duty
5:90	Abused and Neglected Child Reporting
5:90-AP1	Administrative Procedure - Coordination with Children's Advocacy Center
5:90-AP2	Administrative Procedure - Parent/Guardian Notification of Sexual Misconduct
5:100	Staff Development Program
5:100-AP	Administrative Procedure - Staff Development Program
5:110	Recognition for Service
5:120	Employee Ethics; Code of Professional Conduct; and Conflict of Interest
5:120-AP1	Administrative Procedure - Statement of Economic Interests for Employees
5:120-AP2	Administrative Procedure - Employee Conduct Standards
5:120-AP2, E	Exhibit - Expectations and Guidelines for Employee-Student Boundaries
5:120-E	Exhibit - Code of Ethics for Illinois Educators
5:125	Personal Technology and Social Media; Usage and Conduct
5:125-E	Exhibit - Employee Receipt of Board Policy on Personal Technology and Social Media
5:130	Responsibilities Concerning Internal Information
5:130-AP	Administrative Procedure - Email Retention
5:140	Solicitations By or From Staff
5:150	Personnel Records
5:150-AP	Administrative Procedure - Personnel Records
5:160	OPEN
5:170	Copyright
5:170-AP1	Administrative Procedure - Copyright Compliance
5:170-AP2	Administrative Procedure - Seeking Permission to Copy or Use Copyrighted Works
5:170-AP3	Administrative Procedure - Instructional Materials and Computer Programs Developed Within the Scope of Employment
5:170-AP4	Administrative Procedure - Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process
5:170-E1	Exhibit - Request to Reprint or Adapt Material
5:180	Temporary Illness or Temporary Incapacity
5:185	Family and Medical Leave

5:185-AP Administrative Procedure - Resource Guide for Family and Medical Leave

Professional Personnel

- 5:190 Teacher Qualifications
 - 5:190-E1 Exhibit - Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications
 - 5:190-E2 Exhibit - Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements
 - 5:190-E3 Exhibit - Letter to Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements for the Grade Level and Subject Area of Assignment
- 5:200 Terms and Conditions of Employment and Dismissal
- 5:210 Resignations
- 5:220 Substitute Teachers
 - 5:220-AP Administrative Procedure - Substitute Teachers
 - 5:220-E Exhibit - Unsatisfactory Performance Report for Substitute Teachers
- 5:230 Maintaining Student Discipline
- 5:240 Suspension
 - 5:240-AP Administrative Procedure - Suspensions
- 5:250 Leaves of Absence
 - 5:250-AP Administrative Procedure - School Visitation Leave
- 5:260 Student Teachers

Educational Support Personnel

- 5:270 Employment At-Will, Compensation, and Assignment
 - 5:270-E Exhibit - Notice of Employment
- 5:280 Duties and Qualifications
- 5:285 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
 - 5:285-AP Administrative Procedure - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
- 5:290 Employment Termination and Suspensions
- 5:300 Schedules and Employment Year
- 5:310 Compensatory Time-Off
 - 5:310-E Exhibit - Agreement to Receive Compensatory Time-Off
- 5:320 Evaluation
- 5:330 Sick Days, Vacation, Holidays, and Leaves

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 105 ILCS 5/21B-80(c).⁵

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

¹ State or federal law controls this policy's content. This policy contains an item on which impact 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 to use this alternative sentence:

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

Subject to an applicable collective bargaining agreement in effect on 6-13-11, a board that fills a "new or vacant teaching position" must select a candidate based on: (1) certifications, (2) qualifications, (3) merit and ability (including performance evaluation, if available), and (4) relevant experience, provided that the length of continuing service with the district must not be considered a factor, unless all other factors are determined by the school district to be equal. 105 ILCS 5/24-1.5. The statute does not define "new or vacant teaching positions." The requirement does not apply to filling vacant positions under 105 ILCS 5/24-12 (reduction in force and recall). Consult the board attorney about these issues.

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.

⁵ 775 ILCS 5/2-103.1 prohibits employers from using conviction records as a basis to refuse to hire or to take any adverse action against an applicant or employee unless: (1) otherwise authorized by law; (2) there is a *substantial relationship* between the criminal offense and the employment sought; or (3) granting the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. For the disqualifying offenses listed in 105 ILCS 5/21B-80, amended by P.A. 102-552, a district does not have to show a *substantial relationship* between the offense and the position or that hiring or continuing to employ the person would involve an unreasonable risk. However, the Ill. Dept. of Human Rights (IDHR) interprets the Ill. Human Rights Act (IHRA) to still require the employer to notify the applicant of the disqualification pursuant to law and to afford the applicant at least five business days to respond in case the applicant wants to dispute the accuracy of the conviction record. *Id.* at 5/2-103.1(C). See IDHR's *Conviction Record Protection – Frequently Asked Questions* (March 2021), at:

<https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html>.

Attorneys have different opinions as to whether the IHRA requires the *interactive assessment* outlined in 775 ILCS 5/2-103.1(c), which includes preliminary and final notices, when a disqualifying offense listed in 105 ILCS 5/21B-80 is found in a conviction record; **consult the board attorney for guidance on this issue**. See administrative procedure 5:30-AP2, *Investigations*, and its footnotes for more detail regarding the IHRA notice provisions and the need for districts to also comply with the seven-day notification requirement in the Ill. Uniform Conviction Information Act, 20 ILCS 2635/7. **Note:** The protections of 775 ILCS 5/2-103.1 do not cover *unpaid interns*, which may include student teachers in the K-12 context. The definition of *employee* in the IHRA only extends to include unpaid interns for civil rights violations involving sexual harassment. 775 ILCS 5/2-101(A)(1)(c) and 5/2-102(D).

105 ILCS 5/10-21.9(c); 105 ILCS 5/21B-80, amended by P.A. 102-552, allows individuals with criminal histories involving certain drug convictions to apply for or to reinstate their educator licenses seven years after their sentence for the criminal offense is completed. Consult the board attorney about whether the board wants to continue prohibiting employment for any individual who has a criminal history involving these exempted drug offenses.

All applicants must complete a District application in order to be considered for employment.⁶

Job Descriptions

The Board maintains the Superintendent's job description and directs, through policy, the Superintendent, in his or her charge of the District's administration.⁷

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.

For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, amended by P.A.s 102-552 and 102-702, eff. 7-1-23, see f/ns 5 and 6 in policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

⁶ 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 these positions 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.

Many districts ask applicants about disqualifying criminal convictions on their employment applications or at another point before a job offer is made. State law does not expressly prohibit this practice; however, guidance issued by IDHR regarding implementation of 775 ILCS 5/1-103(G-5) and 5/2-103.1 states "[u]nless authorized by law, an employer is prohibited from inquiring about an applicant's conviction record prior to making a job offer to the applicant." See *Conviction Record Protection – Frequently Asked Questions* guidance issued by IDHR (March 2021), at:

<https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html>.

While the School Code and Job Opportunities for Qualified Applicant Act do not prohibit districts from asking about disqualifying convictions before a job offer is made, it is unclear whether they affirmatively *authorize* such inquiries. The IDHR's guidance does not carry the force of law, but it may impact its handling of a discrimination charge based on a conviction record. It is also unclear if an applicant's mere disclosure of a disqualifying conviction on an application, absent results of a fingerprint-based criminal history records check, Ill. Sex Offender Registry check, or Violent Offender Against Youth Registry check, triggers the district's obligation to provide notice to the applicant under 775 ILCS 5/2-103.1(C); see also f/n 5, above. Consult the board attorney for advice on these issues and how they may affect application processes.

Any employer that asks applicants to record video interviews and uses an artificial intelligence (AI) analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/. Employers should also be careful that use of AI, software, and algorithms to assess applicants does not violate the Americans with Disabilities Act (ADA) (42 U.S.C. §12101 *et seq.*). See *The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees* technical assistance document issued by the U.S. Equal Employment Opportunity Commission (May 2022) at: www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence. Given the rapidly changing technologies in this area, please consult the board attorney.

⁷ 105 ILCS 5/10-16.7. The foundation for a productive employment relationship begins with a board's policy, a thoughtfully crafted employment contract and job description, and procedures for communications and ongoing assessment. See IASB's *Foundational Principles of Effective Governance*, **Principle 3. The board employs a superintendent**, at:

www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/.

See also 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*, for best practice discussions about establishing the board-superintendent employment relationship and contract.

⁸ Job descriptions will become the basis for categorizing a teacher into one or more positions that the teacher is qualified to hold for reduction in force (RIF) dismissal and recall purposes. 105 ILCS 5/24-12(b). A board should consult with its attorney to review its current list of job descriptions and discuss the district's specific responsibilities.

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 is performed on each applicant as required by State law.⁹ When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure that these checks are completed.¹⁰ The Superintendent or designee, or if the applicant is a successful superintendent candidate, then the Board President shall notify an applicant if the applicant is identified in either database.¹¹ The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the

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A job description is evidence of a position's essential functions. 29 C.F.R. §1630.2(n). The ADA 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 *et seq.*, 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). For a definition of essential functions see *Id.* at 1630.2(n). Whether a particular function is essential is a factual determination.

Important: The ADAAA made significant changes to the ADA's definition of disability that broadened the scope of coverage and overturned a series of U.S. Supreme Court decisions that made it difficult to prove that an impairment was a qualifying disability. There is information about the regulations and a link to them at: www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm. Consult the board attorney regarding how these amendments impact the district's hiring processes.

⁹ The policy's requirements on criminal records checks for applicants for employment are mandated by 105 ILCS 5/10-21.9, amended by P.A.s 102-552 and 102-702, eff. 7-1-23. See administrative procedure 5:30-AP2, *Investigations*, for the process, timing, and positions requiring criminal background investigation and what steps a district must take if it wants to disqualify an applicant based on a conviction record. The Statewide Sex Offender Database (a/k/a Sex Offender Registry) is available at: <https://isp.illinois.gov/Sor/Disclaimer>. The Statewide Murderer and Violent Offender Against Youth Database is available at: <https://isp.illinois.gov/MVOAY/Disclaimer>. For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, amended by P.A. 102-702, eff. 7-1-23, see f/n 5 in policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*. See policy 4:60, *Purchases and Contracts*, for requirements concerning (1) criminal background checks of employees of contractors who have *direct, daily contact* with students and (2) sexual misconduct related employment history reviews (EHRs) of employees of contractors of have *direct contact with children or students*.

¹⁰ *Id.* If a board wants to require additional background inquiries beyond the fingerprint-based criminal history records information check required by 105 ILCS 5/10-21.9, amended by P.A.s 102-552 and 102-702, eff. 7-1-23, and the EHR required by 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, including the federal *Rap Back Service* (20 ILCS 2630/3.3) and/or checks through consumer reporting agencies regulated by the Fair Credit Reporting Act (15 U.S.C. §1681 *et seq.*), consult the board attorney. For more detailed information, see the laws listed in sample exhibit 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*, under the checklist item entitled **Conditions of Employment**, in the **Other Background Check Laws** row.

¹¹ 105 ILCS 5/10-21.9(b) and 105 ILCS 5/21B-10. The School Code requires the board president to keep a conviction record confidential. It is impossible to know whether a fingerprint-based criminal history records check and a check of the Statewide Sex Offender and Violent Offender Against Youth Databases on a successful superintendent candidate will come back with a conviction record.

Therefore, in accordance with best practice (ensuring compliance and aligning with good governance principles), this policy does not assign a designee for the board president to complete this task. However, to balance the requirement to keep conviction records confidential with the practical implementation of ensuring a fingerprint-based criminal history records check and a check of the Statewide Sex Offender and Violent Offender Against Youth Databases are performed on each successful superintendent applicant, a board president may want to designate the duty to order these checks to the individuals otherwise listed in 105 ILCS 5/10-21.9(b). Those individuals include the board president, the superintendent or designee, regional superintendent (if the check was requested by the district), state superintendent of education, state Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for clarification purposes, the Ill. State Police and/or Statewide Sex Offender Registry.

hiring decision, the Ill. State Police and/or Statewide Sex Offender Database for purposes of clarifying the information, and/or the Teachers' Retirement System of the State of Illinois when required by law.¹² The Board reserves its right to authorize additional background inquiries beyond a fingerprint-based criminal history records check when it deems it appropriate to do so, in accordance with applicable laws.

Each newly hired employee must complete a U.S. Citizenship and Immigration Services 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 105 ILCS 5/21B-80¹⁴ or who falsifies, or omits facts from, his or her employment application or other employment documents. If an indicated finding of abuse or neglect of a child has been issued by the Ill. Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any District employee, then the Board must consider that person's status as a condition of employment.¹⁵

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following:¹⁶

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¹² *Id.* at 5/10-21.9(b) and 105 ILCS 5/21B-85, amended by P.A. 102-552. The School Code continues to define the board president's role in conducting criminal background investigations and receiving the results of these investigations, including the results for employees of district contractors. 105 ILCS 5/10-21.9. Many districts delegate this task in the hiring process to a human resources department.

105 ILCS 5/21B-85, amended by P.A. 102-552, requires a board to provide prompt written notice to the board of trustees of the Teachers' Retirement System of the State of Illinois (TRS) when it learns that any teacher has been convicted of a felony offense (which provides for a sentence of death or imprisonment for one year or more). The notice to TRS is limited to (1) the name of the license holder, (2) fact of conviction, (3) name and location of the court in which the conviction occurred, and (4) the assigned case number from the court. *Id.*

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermedial Service Center Executive Director."

For more discussion regarding responses to results obtained by criminal history records checks and screenings as required by 105 ILCS 5/10-21.9(e), amended by P.A. 102-702, eff. 7-1-23, see f/n 6 in policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

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 55/12. This statute 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 f/n 2 in 5:150-AP, *Personnel Records*, for a more detailed discussion of *E-Verify* issues.

¹⁴ See f/n 5, above.

¹⁵ 105 ILCS 5/10-21.9(c) and (g). See f/n 6 in 4:175, *Convicted Child Sex Offender; Screening; Notifications*, for further discussion.

¹⁶ As an alternative to describing the prohibited investigations, a board may substitute this sentence:

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law, including without limitation, investigation into or inquiry concerning: (1) credit history or report unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; (2) claim(s) made or benefit(s) received under Workers' Compensation Act; and (3) access to an employee's or applicant's social networking website, including a request for passwords to such sites.

The default policy provision and the alternative stated above – whichever is selected – may be made a prohibition rather than a duty of the superintendent; to do this, delete the stricken text as follows: "~~The Superintendent shall ensure that the District does not engage ...~~."

The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.¹⁷

The District does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria.¹⁸

The District does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation.¹⁹

The District does not request or require an applicant to disclose wage or salary history as a condition of employment.²⁰

The District does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation.²¹

The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.²²

The District does not request of an applicant or employee access in any manner to his or her personal online account, such as social networking websites, including a request for passwords to such accounts.²³

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¹⁷ Employee Credit Privacy Act, 820 ILCS 70/10. This Act allows inquiries 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.

¹⁸ 820 ILCS 112/10(b-5). If an employer violates this subsection, the employee may recover in a civil action any damages incurred, special damages up to \$10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5).

¹⁹ *Id.*

²⁰ *Id.*

²¹ 820 ILCS 112/10(b-10). **Note:** Attorneys caution that using the exceptions in 820 ILCS 112/10(b-10)(1) and (2) may trigger litigation. Violating this subsection entitles an employee to recover in a civil action any damages incurred, special damages up to \$10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5).

A school board that wishes to preserve these exceptions should consult its board attorney; then they may supplement number 5 by adding the following after "compensation":

unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer.

²² Right to Privacy in the Workplace Act, 820 ILCS 55/10(a).

²³ *Id.* at 55/10(b)(6)(B) (commonly known as the *Facebook Password Law*). A *personal online account* is defined as an online account used primarily by a person for personal purposes. *Personal online account* does not include an account created, maintained, used, or accessed for the business purpose of a person's employer or prospective employer. *Id.* at 55/10(b)(5). Bracketed explanations follow the statutory language:

"Nothing in this subsection shall prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring...provided that the password, account information, or access sought by the employer only relates to an online account that:

(A) an employer supplies or pays; or

(B) an employee creates or maintains on behalf of under the direction of an employer in connection with that employee's employment."

The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Sexual Misconduct Related Employment History Review (EHR) ²⁴

Prior to hiring an applicant for a position involving *direct contact with children or students*, the Superintendent shall ensure that an EHR is performed as required by State law. When the applicant is a superintendent candidate, the Board President shall ensure that the EHR is initiated before a successful superintendent candidate is offered employment by the Board.

Physical Examinations ²⁵

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, a licensed advanced practice registered nurse, or a licensed 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 performed no more than 90 days before submitting evidence of it to the District.

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, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising

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[Based on this explanation, it is implausible that an applicant would have an account, service, or profile for business purposes of a school employer.]

The statute specifically permits an employer to: (1) maintain workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use; and (2) monitor usage of the employer's (district's) electronic equipment and electronic mail. The statute also states that it does *not prohibit* an employer from obtaining information about an applicant or an employee that is in the public domain or that is otherwise obtained in compliance with the statute. Finally, the statute does not apply to all types of personal technology that employees may use to communicate with students or other individuals, such as text messages on a personal phone. Consult the board attorney about these issues.

²⁴ 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23. See administrative procedure 5:30-AP3, *Sexual Misconduct Related Employment History Review (EHR)*, for the process, timing, and positions requiring an EHR. See policy 4:60, *Purchases and Contracts*, and administrative procedure 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for EHR requirements for employees of contractors who have *direct contact with children or students*.

²⁵ 105 ILCS 5/24-5. According to this statute, a new or existing employee or substitute teacher employee may be subject to additional health examinations, including tuberculosis screening, as required by rules adopted by the Ill. Dept. of Public Health (IDPH) or by order of a local public health official. The IDPH does not require school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3).

The last sentence of the first paragraph exceeds State law requirements and may be deleted.

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.

Federal law limits pre-employment medical inquiries to whether the applicant is able to perform job-related functions; required medical examinations of applicants is forbidden. ADA, 42 U.S.C. §12112(d)(2); see also f/n 8 for an explanation regarding the ADA. 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.

physician to perform health examinations, if the examination is job-related and consistent with business necessity.²⁶ 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. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.: 42 U.S.C. §12112, Americans with Disabilities Act; 29 C.F.R. Part 1630.
15 U.S.C. § 1681 *et seq.*, Fair Credit Reporting Act.
8 U.S.C. §1324a *et seq.*, Immigration Reform and Control Act.
105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/10-22.34, 5/10-22.34b,
5/21B-10, 5/21B-80, 5/21B-85, 5/22-6.5, 5/22-94, and 5/24-5.
20 ILCS 2630/3.3, Criminal Identification Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
820 ILCS 70/, Employee Credit Privacy Act.
Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1st Dist. 1985),
aff'd in part and remanded 115 Ill.2d 482 (Ill. 1987).
Kaiser v. Dixon, 127 Ill. App. 3d 251 (2nd Dist. 1984).
Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1st Dist. 1945).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 3:50 (Administrative Personnel Other Than the Superintendent), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Duties and Qualifications)

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²⁶ The State law (105 ILCS 5/24-5) allowing boards to require physicals of current employees "from time to time," is superseded by the ADA. 42 U.S.C. §12112(d)(4). 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. §1630.2(r). See f/n 8 for an explanation regarding the ADAAA.

See f/n 25 for a discussion of examinations by spiritual leaders/practitioners.

General Personnel

Abused and Neglected Child Reporting¹

Any District employee who suspects or receives knowledge that a student may be an abused or neglected² child or, for a student aged 18 through 22, an abused or neglected individual with a

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¹ State or federal law controls this policy's content. The Abused and Neglected Child Reporting Act (ANCRA) (325 ILCS 5/) requires *education personnel* to immediately report to DCFS when they have reasonable cause to believe a child known to them in their professional or official capacities may be abused or neglected; *education personnel* includes school personnel (including administrators and certified and non-certified school employees) and educational advocates assigned to a child in accordance with the School Code. 325 ILCS 5/4(a)(4). *Education personnel* also includes board members; however, ANCRA does not require them to directly report to DCFS and instead states that a board member "shall direct or cause the school board to direct the superintendent" to report to DCFS. 325 ILCS 5/4(a)(4), (d). See the **Special School Board Member Responsibilities** subhead, below, and sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

If the report involves an *adult student with a disability*, employees should expect DCFS to instruct them to call the Ill. Dept. of Human Services Office (DHS) office of the Inspector General's statewide 24-hour toll-free telephone number at 1-800-368-1463. 325 ILCS 5/4.4a and 20 ILCS 1305/1-17(b). Reports involving an adult student with a disability 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 20 below) and the immunity for such disclosures, the sample policy directs the initial phone call to DCFS. The Dept. of Human Services Act (DHSA) (20 ILCS 1305/) allows a *required reporter* four hours to report after the initial discovery of the incident, allegation, or suspicion of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation. 20 ILCS 1305/1-17(k)(1). Only employees are required reporters. 20 ILCS 1305/1-17(a).

Any person required by law to report abuse and neglect who willfully fails to report is guilty of a Class A misdemeanor. 325 ILCS 5/4(m) and 20 ILCS 1305/1-17(k)(1).

A teaching license may be suspended or revoked for willful or negligent failure to report suspected child abuse or neglect as required by law and for *sexual misconduct*. 105 ILCS 5/21B-75, amended by P.A.s 102-552 and 102-702, eff. 7-1-23.

District employees who make a report in good faith 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.

Every two years, each district within an Illinois county served by an accredited Children's Advocacy Center (CAC) must review its sexual abuse investigation policies and procedures to ensure consistency with 105 ILCS 5/22-85. 105 ILCS 5/10-20.71. See sample policy 7:20, *Harassment of Students Prohibited*.

² ANCRA covers abuse and neglect of children. 325 ILCS 5/3. DHSA covers abuse and neglect of adult students with a disability. 20 ILCS 1305/1-17(b). Abuse may be generally understood as any physical or mental injury or sexual abuse inflicted on a child or adult student with a disability other than by accidental means or creation of a risk of such injury or abuse by a person who is responsible for the welfare of a child or adult student with a disability. Neglect may be generally understood as abandoning a child or adult student with a disability 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 adult student with a disability's welfare.

Abuse covered by ANCRA also includes *grooming* as defined in the Ill. Criminal Code of 2012 (720 ILCS 5/11-25). 325 ILCS 5/3(i), added by P.A. 102-676 (a/k/a *Faith's Law*).

The School Code goes further and prohibits school employees from engaging in *grooming behaviors* and *sexual misconduct*. 105 ILCS 5/10-23.13(b), amended by P.A. 102-610 (a/k/a *Erin's Law*); 105 ILCS 5/22-85.5(c), added by P.A. 102-676 (a/k/a *Faith's Law*). To streamline implementation, sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, defines prohibited *grooming behaviors* to include *sexual misconduct* and it explicitly prohibits employees from engaging in *grooming*, *grooming behaviors*, and *sexual misconduct*. While it is possible for low-level *grooming behaviors* and/or *sexual misconduct* to not amount to *grooming* prohibited by ANCRA, best practice is to report suspected *grooming behaviors* and *sexual misconduct* to DCFS.

disability³, shall: (1) immediately report or cause a report to be made to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873)(within Illinois); 1-217-524-2606 (outside of Illinois); or 1-800-358-5117 (TTY), and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.⁴ Any District employee who believes a student is in immediate danger of harm, shall first call 911. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made.⁵ The Superintendent or Building Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement.⁶ *Negligent failure to report* occurs when a District employee personally observes an instance of suspected child abuse or neglect and reasonably believes, in his or her professional or official capacity, that the instance constitutes an act of child abuse or neglect under the Abused and Neglected Child Reporting Act (ANCRA) and he or she, without willful intent, fails to immediately report or cause a report to be made of the suspected abuse or neglect to DCFS. ⁷

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 1-800-THE-LOST (1-800-843-5678) or online at

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³ State child and disabled adult protection laws define the same class of individuals differently, but with the same goal: to protect an adult student with a disability, not living in a DCFS licensed facility, who is still finishing school with an Individual Education Plan (IEP). The Dept. of Human Services Act (DHS Act) 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. 20 ILCS 1305/1-17(b). However, 105 ILCS 5/14-1.02, amended by P.A. 102-172, provides that a student who turns 22 years old during the school year shall be eligible for IEP services through the end of the school year. This statutory definition is the basis for this sample policy's language.

For elementary districts, delete the following phrase from the first sentence: "or, for a student aged 18 through 22, an abused or neglected individual with a disability, ."

⁴ 325 ILCS 5/7. For a board that wants to include what a DCFS report should contain, an optional sentence follows:

The report shall include, if known:

1. The name and address of the child, parent/guardian names, or other persons having custody;
2. The child's age;
3. The child's condition, including any evidence of previous injuries or disabilities; and
4. Any other information that the reporter believes may be helpful to DCFS for its investigation.

When two or more mandated reporters who work within the same workplace share a reasonable cause to believe that a student may be an abused or neglected child, one of them may be designated to make a single report. 325 ILCS 5/4(b). The report must include the name(s) and contact information for the other mandated reporter(s). Id.

⁵ ANCRA states that mandated reporters "may also notify the person in charge of [the] school[.]" 325 ILCS 5/4(e). This sample policy makes the report to the superintendent or building principal mandatory to keep the administration informed. The administration may not force the staff member to change or modify his or her report.

⁶ Optional. The sample policy makes coordination with DCFS, the SRO, and local law enforcement a step in the process of reporting, so the local agencies and school district are better able to prevent and manage the risks school officials and parents/guardians face when a DCFS report has been made, e.g., situations where parents/guardians, upon learning a DCFS report has been made involving their child(ren), commit an act of self-harm in response to the information.

For school districts in DuPage County, the DuPage County State's Attorney (SAO), Regional Office of Education (ROE), Police Dept. (PD), and DCFS have created a *Model Policy Reporting Abuse and Neglect for School Officials in DuPage County*, at: www.dupageroe.org/wp-content/uploads/Mandated_Reporting.pdf. Consult the board attorney about this reporting policy – its intent is for school officials to immediately inform the SAO that a report to DCFS has been made to allow the SAO to investigate and prevent evidence spoliation. **Note:** The DuPage SAO, ROE, and PD lack authority under ANCRA over school officials to enforce compliance with this "model reporting policy;" only DCFS has the authority under ANCRA to enforce penalties under ANCRA, not the "model reporting policy." The DuPage SAO, ROE, and PD did not consult school officials in the creation of its "model reporting policy."

⁷ 105 ILCS 5/10-23.12(c) (all district employees); 105 ILCS 5/21B-75(b) (teachers).

www.report.cybertip.org or www.missingkids.org. The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made. ⁸

Any District employee who observes any act of hazing that does bodily harm to a student must report that act to the Building Principal, Superintendent, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Superintendent or Building Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students. ⁹

Abused and Neglected Child Reporting Act (ANCRA), School Code, and Erin's Law Training

The Superintendent or designee shall provide staff development opportunities for District employees in the detection, reporting, and prevention of child abuse and neglect. ¹⁰

All District employees shall:

6. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Superintendent or designee shall ensure that the signed forms are retained.

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

⁸ ANCRA 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(b). 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 State 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(b), 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. 325 ILCS 5/4.5(e).

⁹ 720 ILCS 5/12C-50.1(b) creates a duty for *school officials* to report hazing. The term *school official* includes all school employees and volunteer coaches. 720 ILCS 5/12C-50.1(a). The duty to report hazing is triggered only when the employee/volunteer is fulfilling his or her responsibilities as a school official and observes hazing which results in bodily harm. 720 ILCS 5/12C-50.1(b). A report must be made to *supervising educational authorities*, which is not defined in the Act. *Id.* Common sense, however, would require the individual witnessing hazing to report it to the building principal or superintendent. Failure to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1(c). Failure to report hazing that resulted in death or great bodily harm is a Class A misdemeanor. *Id.* 7:190-API, *Hazing Prohibited*, uses the same definition of *hazing*; this definition is based on 720 ILCS 5/12C-50.

¹⁰ While it is unclear whether this is a duty or power, 105 ILCS 5/10-23.12(a), amended by P.A. 100-413, 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."

7. Complete mandated reporter training as required by law within three months of initial employment and at least every three years after that date. ¹¹
8. Complete an annual evidence-informed training related to child sexual abuse, grooming behaviors (including *sexual misconduct* as defined in *Faith's Law*)¹², and boundary violations as required by law and policy 5:100, *Staff Development Program*. ^{13 14}

Alleged Incidents of Sexual Abuse: Investigations ¹⁵

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity. ¹⁶

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

¹¹ ANCRA also requires staff members, within three months of employment, to complete mandated reporter training, including a section on implicit bias and racial and ethnic sensitivity. 325 ILCS 5/4(j), amended by P.A. 102-604. This training must be completed again at least every three years. *Id.* The initial ANCRA three-month training requirement applies to the first time staff engage in their professional or official capacity. *Id.* While the law allows an extension to six months, it is unclear when such an extension is permissible. Consult the board attorney for guidance. As a best practice, to ensure compliance with the requirement in 105 ILCS 5/22-85(c) that mandated reporters annually review Ill. State Board of Education (ISBE) materials regarding notification of DCFS (see f/n 17, below), and to ease the administrative burden to track employee training schedules, a district may consider requiring annual training for all employees.

To reduce liability and align with best practices, ANCRA training for existing district employees appears prudent; however, consult the board attorney about:

1. Whether mandating existing employees to participate in ANCRA training is 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. How to comply with both the new ANCRA training requirements and whether compliance with them would also satisfy the School Code's more limited district-provided training requirement discussed in f/n 10 above.

¹² Sexual misconduct under *Faith's Law* is defined in 105 ILCS 5/22-85.5(c), added by P.A. 102-676. See f/n 2, above, regarding the inclusion of sexual misconduct in the definition of *grooming behaviors* set forth in sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.

¹³ 105 ILCS 5/10-23.13, amended by P.A. 102-610 (a/k/a *Erin's Law*). For additional *Erin's Law* requirements and definitions, see policies and the f/ns in 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and 6:60, *Curriculum Content*.

¹⁴ 105 ILCS 5/10-23.12(b) permits DCFS to cooperate with school officials to distribute informational ANCRA materials in school buildings. The following optional sentence provides that information: "The Superintendent or designee will display DCFS-issued materials that list the DCFS toll-free telephone number and methods for making a report under ANCRA in a clearly visible location in each school building."

¹⁵ Delete this subhead if your school district is not within a county served by an accredited CAC. 105 ILCS 5/22-85 governs the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC. For a map of accredited CACs, and to identify a CAC that may serve your district, see www.childrensadvocacycentersofillinois.org/about/map. The law is silent about investigations in counties without CACs.

¹⁶ Though 105 ILCS 5/22-85(b) defines *alleged incident of sexual abuse*, its definition is circular, using the term *sexual abuse* without defining what that means. To provide boards with clarity, the definition of *sexual abuse* used in the Ill. Criminal Code of 2012 is used.

If a District employee reports an alleged incident of sexual abuse to DCFS¹⁷ and DCFS accepts the report for investigation, DCFS will refer the matter to the local Children’s Advocacy Center (CAC).¹⁸ The Superintendent or designee will implement procedures to coordinate with the CAC.

DCFS and/or the appropriate law enforcement agency will inform the District when its investigation is complete or has been suspended, as well as the outcome of its investigation.¹⁹ The existence of a DCFS and/or law enforcement investigation will not preclude the District from conducting its own parallel investigation into the alleged incident of sexual abuse in accordance with policy 7:20, *Harassment of Students Prohibited*.

Special Superintendent Responsibilities

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.²⁰

When the Superintendent has reasonable cause to believe that a license holder (1) committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child under ANCRA or an act of sexual misconduct under *Faith’s Law*, and (2) that act resulted in the license holder’s dismissal or resignation from the District, the Superintendent shall notify the State Superintendent and the Regional Superintendent in writing, providing the Ill. Educator Identification Number as well as a brief description of the misconduct alleged.²¹ The Superintendent must make the

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¹⁷ 105 ILCS 5/22-85(c) provides that if a mandated reporter within a school has knowledge of an alleged incident of sexual abuse, the reporter must call the DCFS hotline immediately after obtaining the minimal information necessary to make a report, including the names of the affected parties and the allegations. It further requires ISBE to make available materials detailing the information necessary to enable notification to DCFS of an alleged incident of sexual abuse, and that all mandated reporters annually review ISBE’s materials.

¹⁸ 105 ILCS 5/22-85(d).

¹⁹ 105 ILCS 5/22-85(j), (k).

²⁰ ANCRA 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. 325 ILCS 5/4(d). When a report involves an adult student with a disability, DCFS must instruct mandated reporters making these reports to call the DHS’ Office of the Inspector General’s statewide 24 hour toll-free telephone number: 1-800-368-1463 (325 ILCS 5/4.4a) to make a report under the DHS Act.

The DHS Act (20 ILCS 1305/1-17(l)) then requires a determination of whether a report involving an adult student with a disability should be investigated under it or the Abuse of Adults with Disabilities Intervention Act (20 ILCS 2435), however that Act was repealed by P.A. 99-049 (eff. 7-1-13). The DHS Act does not outline 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 amendments to 325 ILCS 5/4, a reasonable interpretation of the law 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 adult students with disabilities when DCFS redirects the reporter to DHS. For more information, see policy 5:150, *Personnel Records*.

See also ¶n 4 of policy 5:150, *Personnel Records*, discussing the Elementary and Secondary Education Act’s (ESEA) (20 U.S.C. §7926) requirement that school policies must explicitly prohibit school districts from providing a recommendation of employment for an employee, contractor, or agent that a district knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

²¹ Alternative for districts in suburban Cook County: replace “Regional Superintendent” with “appropriate Intermediate Service Center Executive Director.”

report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder. ²²

The Superintendent shall develop procedures for notifying a student's parents/guardians when a District employee, contractor, or agent is alleged to have engaged in sexual misconduct with the student as defined in *Faith's Law*. The Superintendent shall also develop procedures for notifying the student's parents/guardians when the Board takes action relating to the employment of the employee, contractor, or agent following the investigation of sexual misconduct. Notification shall not occur when the employee, contractor, or agent alleged to have engaged in sexual misconduct is the student's parent/guardian, and/or when the student is at least 18 years of age or emancipated. ²³

The Superintendent shall execute the recordkeeping requirements of *Faith's Law*. ²⁴

Special School Board Member Responsibilities

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 ANCRA, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with ANCRA's requirements concerning the reporting of child abuse. ²⁵

If the Board determines that any District employee, other than an employee licensed under 105 ILCS 5/21B, has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by ANCRA, the Board may dismiss that employee immediately. ²⁶

When the Board learns that a licensed teacher was convicted of any felony, it must promptly report it to the State agencies listed in policy 2:20, *Powers and Duties of the School Board; Indemnification*. ²⁷

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²² 105 ILCS 5/10-21.9(e-5), amended by P.A.s 102-552 and 102-702, eff. 7-1-23, requires these notifications and provides superintendents immunity from any liability, whether civil or criminal or that otherwise might result by complying with the statute.

²³ 105 ILCS 5/22-85.10, added by P.A. 102-702, eff. 7-1-23. See sample procedure 5:90-AP2, *Parent/Guardian Notification of Sexual Misconduct*.

²⁴ 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23. See sample procedure 5:150-AP, *Personnel Records*.

²⁵ 325 ILCS 5/4(d). 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.

²⁶ 105 ILCS 5/10-23.12(c). See f/n 7, above, and f/n 3 in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

²⁷ 105 ILCS 5/21B-85(a) and (b), amended by P.A. 102-552. Because felony charges often arise out of abuse and neglect investigation, this board duty is listed here for convenience. See the discussion in the f/ns tied to these duties in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

LEGAL REF.: 20 U.S.C. §7926, Elementary and Secondary Education Act.
105 ILCS 5/10-21.9, 5/10-23.13, 5/21B-85, 5/22-85.5, and 5/22-85.10.
20 ILCS 1305/1-1 et seq., Department of Human Services Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/12C-50.1, Criminal Code of 2012.

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:60 (Administrative Responsibility of the Building Principal), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

General Personnel

Personal Technology and Social Media; Usage and Conduct ¹

Definitions

Includes - Means “includes without limitation” or “includes, but is not limited to.”

Social media - Media for social interaction, using highly accessible web-based and/or mobile technologies that allow users to share content and/or engage in interactive communication through online communities.² This includes, but is not limited to, services such as *Facebook, LinkedIn, Twitter, Instagram, TikTok, Snapchat, and YouTube*.³

Personal technology - Any device that is not owned or leased by the District or otherwise authorized for District use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes computers, tablets, smartphones, and other devices.⁴

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

¹ This policy is optional. Consult the board attorney because personal technology, social media, and public employees’ First Amendment rights involve unprecedented and unsettled areas of the law. In addition, personal technology and social media platforms change continually.

Therefore, instead of prohibiting specific actions, this sample policy focuses on what will not change - maintaining appropriate behavior as outlined in 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, the Ill. Educators’ Code of Ethics at 23 Ill.Admin.Code §22.20, and 105 ILCS 5/21B-75, amended by P.As. 102-552 and 102-702, eff. 7-1-23 (allows suspensions or revocations of licenses, endorsements, or approvals for abuse or neglect of a child, willful or negligent failure to report suspected child abuse or neglect, *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c), *immorality*, and *unprofessional conduct*, among other things). *Immoral* has been defined by one court to mean “shameless conduct showing moral indifference to the opinions of the good and respectable members of the community.” See *Ahmad v. Bd. of Educ. of City of Chicago*, 365 Ill.App.3d 155 (1st Dist. 2006).

Consult the board attorney when a board wants to prohibit more specific actions and/or specific speech, e.g., *friending* students on Facebook or similar social media, *tweeting* or otherwise communicating with students on Twitter or similar social media sites, and text messaging or emailing students. See also the discussion in f/ns 5 & 6 below.

This policy also 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. When a policy’s subject matter is superseded by a bargaining agreement, the board policy can state, “Please refer to the applicable collective bargaining agreement(s).”

² Several definitions of social media exist, and a board may wish to use another definition or create its own with the board attorney. This sample policy’s definition is very broad. It is adapted from Merriam-Webster’s definition at: www.merriam-webster.com/dictionary/social%20media.

³ Optional. A board may want to add other sites. As of January 2023, the publication *eBizMBA Inc.* lists the top four social networking sites as Facebook, YouTube, Instagram, and Twitter respectively.

⁴ Optional.

Usage and Conduct ⁵

All District employees who use personal technology and/or social media shall: ⁶

1. Adhere to the high standards for **Professional and Appropriate Conduct** required by policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policies 5:20, *Workplace Harassment Prohibited*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 6:235, *Access to Electronic Networks*; and 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a District-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Inform their immediate supervisor if a student initiates inappropriate contact with them via any form of personal technology or social media.
5. Report instances of suspected abuse or neglect discovered through the use of social media or personal technology pursuant to a school employee's obligations under policy 5:90, *Abused and Neglected Child Reporting*.
6. Not disclose confidential information, including but not limited to school student records (e.g., student work, photographs of students, names of students, or any other personally identifiable information about students) or personnel records, in compliance with policy 5:130,

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⁵ Whether to discipline an employee for his or her speech is always highly fact sensitive and should always occur after a consultation with the board attorney. See f/n 1 and 12. The discipline will require careful balancing of the district's obligations to protect its students with employees' rights. Further, a board may not discipline its employees for discussing the terms and conditions of their employment with co-workers and others or otherwise interfere with their employees' efforts to work to improve the terms and conditions of their workplace. 29 U.S.C. §151 *et seq.* (Illinois courts have looked to the National Labor Relations Act for guidance on what is protected activity under the Ill. Educational Labor Relations Act, 115 ILCS 5/).

⁶ The following list is optional and may contain items on which collective bargaining may be required. See f/n 1. To ensure that the listed expectations match local conditions, boards may want to initiate a conversation with the superintendent about these expectations. Expectations will be most effective when they reflect local conditions and circumstances. This conversation provides an additional opportunity for the board and superintendent to examine all current policies, collective bargaining agreements, and administrative procedures applicable to this subject. See f/n 6 of sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, for more discussion about how to initiate this conversation, f/n 4 of sample policy 5:100, *Staff Development Program*, and the discussion in f/n 2 of sample policy 8:10, *Connection with the Community*, related to excluding followers and purging critics from social media accounts that are considered public forums. Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. After discussing these issues, the board may have further expectations and may choose to reflect those expectations here.

Responsibilities Concerning Internal Information. For District employees, proper approval may include implied consent under the circumstances.⁷

7. Refrain from using the District's logos without permission and follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.⁸
8. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.⁹
9. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.¹⁰
10. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.¹¹

Superintendent Responsibilities

The Superintendent shall:¹²

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⁷ Inherent dangers exist when district employees use personal technology and social media without understanding how the information is used within the chosen platform and what choices are available within the platform to control it. Some examples of laws that require the safekeeping of district and school records include: the Federal Educational Rights and Privacy Act, 20 U.S.C. §1232g, and the Ill. School Student Records Act, 105 ILCS 10/ (both prohibit the unauthorized disclosure of student school records); 5 ILCS 140/7 (exempts personnel information and other items such as school security and response plans and maps from disclosure); 45 C.F.R. §164.502 (protects the employees' health information); and 820 ILCS 40/ (governs the release of an employee's disciplinary action). For district employees, implied consent may be sufficient in some circumstances, e.g., teachers taking pictures of each other at a birthday party in the teachers' lounge or at a social event off school grounds and later posting those pictures on social media.

⁸ 17 U.S.C. §101 *et seq.*

⁹ 105 ILCS 5/24-9; Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* See also f/ns 1 and 5 above.

¹⁰ The Children's Internet Protection Act (CIPA) (47 U.S.C. §254(l)) requires school districts to maintain a policy and provide Internet access that protects against access to websites containing material that is obscene, pornographic, or harmful to minors. See sample policy 6:235, *Access to Electronic Networks*. Because a district cannot subject its employees' usage of personal technology and social media to the same measures required under CIPA (i.e., content filters, blocking lists, or district monitoring of Internet website traffic for patterns of usage that could indicate inappropriate network usage), this statement seeks to balance the district's duty by shifting responsibility for inappropriate behavior to the individual employee.

¹¹ The Ill. Human Rights Act makes it a civil rights violation to fail to take remedial action, or to fail to take appropriate disciplinary action against any employee, when the district knows that the employee committed or engaged in sexual harassment of a student. 775 ILCS 5/5A-102. Sexual harassment of a student is also prohibited by sample policy 7:20, *Harassment of Student Prohibited*, and of an employee by sample policy 5:20, *Workplace Harassment Prohibited*.

¹² 105 ILCS 5/10-16.7. The school board directs, through policy, the superintendent in his or her charge of the district's administration. One logical method for a board to address the issue of district employees' use of personal technology and social media is to include its expectations during its in-service trainings required by 105 ILCS 5/10-22.39. Many experts in social media risk management advocate training employees about the expectations concerning social media usage. For boards that do not want to include this as a part of the in-service, delete the phrase "during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest.*"

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.
2. Direct Building Principals to annually:
 - a. Provide their building staff with a copy of this policy.
 - b. Inform their building staff about the importance of maintaining high standards in their school relationships.
 - c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
3. Build awareness of this policy with students, parents, and the community.
4. Ensure that neither the District, nor anyone on its behalf, commits an act prohibited by the Right to Privacy in the Workplace Act, 820 ILCS 55/10; i.e., the *Facebook Password Law*.¹³
5. Periodically review this policy and any implementing procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

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Public employee First Amendment issues involve the balance between the importance of the speech and the district's interest in maintaining order and effective school operations. The First Amendment "does not entitle primary and secondary teachers, when conducting the education of captive audiences, to cover topics, or advocate viewpoints, that depart from the curriculum adopted by the school system." See *Maver v. Monroe Cnty. Cmty. Sch. Corp.*, 474 F.3d 477 (7th Cir. 2007). Nor is the First Amendment likely to entitle a teacher to protection for purely personal speech that does not touch on a matter of public concern. See *Pickering v. High Sch. Dist.* 205, 391 U.S. 563 (1968). However, when public employees speak as private citizens on their own time about matters of public concern, they may face only those speech restrictions that are necessary for their employers to operate efficiently and effectively. *Garcetti v. Ceballos*, 547 U.S. 410 (2006).

¹³ Right to Privacy in the Workplace Act, 820 ILCS 55/10(b) (also known as the *Facebook Password Law*). The exception for *professional accounts* is unlikely to be available to school districts; see the explanation in f/n 24 in sample policy 5:30, *Hiring Process and Criteria*. The statute specifically permits an employer to: (1) maintain workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use; and (2) monitor usage of the employer's electronic equipment and electronic mail.

The statute does not prohibit an employer from (1) obtaining information about an applicant or an employee that is in the public domain or that is otherwise obtained in compliance with the statute, and (2) requesting or requiring an applicant or employee to share specific content that is reported to the employer to: (a) ensure compliance with laws and regulatory requirements, (b) investigate certain allegations as outlined in the law, and (c) prohibit certain outlined behaviors in the law. Finally, the statute does not apply to other types of personal technology that employees may use to communicate with students or other individuals, such as personal email or text messages on a personal phone. However, employers may access online accounts that the employer pays for or that an employee creates or maintains on behalf of the employer in connection with the employee's employment. Consult the board attorney about these issues.

- LEGAL REF.: 105 ILCS 5/21B-75 and 5/21B-80.
775 ILCS 5/5A-102, Ill. Human Rights Act.
820 ILCS 55/10, Right to Privacy in the Workplace Act.
23 Ill.Admin.Code §22.20, Code of Ethics for Ill. Educators.
Garcetti v. Ceballos, 547 U.S. 410 (2006).
Pickering v. High School Dist. 205, 391 U.S. 563 (1968).
Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007).
- CROSS REF.: 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:130 (Responsibilities Concerning Internal Information), 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

General Personnel

Personnel Records ¹

Maintenance and Access to Records

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

Access to personnel records is available as follows:

9. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. ²
10. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
11. Anyone having the respective employee's written consent may have access.
12. Access will be granted to anyone authorized by State or federal law to have access.
13. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*. ³

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

¹ State or federal law 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 is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the applicable collective bargaining agreement(s)."

² An employee has the right to view his or her personnel file contents, with a few exceptions. Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/. Thus, personnel files should contain only factual and accurate job-related information. Additionally, 105 ILCS 5/22-94(e), *a/k/a Faith's Law*, added by P.A. 102-702, eff. 7-1-23, requires a district to maintain as part of an employee's personnel file a form including sexual misconduct related information; the form is completed at the time of separation of employment or at the request of the employee. See 5:150-AP, *Personnel Records*. Finally, the PRRA identifies records that may not be kept: a record of an employee's associations, political activities, publications, communications, or non-employment activities (820 ILCS 40/9) and records identifying an employee as the subject of an investigation by the Ill. Dept. of Children and Family Services (DCFS) if the investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act (820 ILCS 40/13). See f/n 5.

³ Unless a specific exemption is available, personnel file information is available to anyone making a FOIA request. 5 ILCS 140/. Specific exemptions protect the following:

1. *Private information* meaning "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b); 5 ILCS 140/2(c)-5.
2. *Personal information* "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7(1)(c).

Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance.⁴ The Superintendent shall:⁵

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

3. *Information prohibited from being disclosed under the Illinois Educational Labor Relations Act (IELRA).* 5 ILCS 140/7.5(yy); 115 ILCS 5/3(d). The prohibitions in the IELRA overlap with some categories of private information identified in FOIA and include: (a) the employee's home address (including ZIP code and county); (b) the employee's date of birth; (c) the employee's home and personal phone number; (d) the employee's personal email address; (e) any information personally identifying employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization or a labor federation; and (f) e-mails or other communications between a labor organization and its members. Unless a specific exception in the IELRA applies, if a district receives a third-party request for any of these six categories of information about an employee, the district must provide the union with a copy of the written request (or written summary of an oral request), as well as a copy of the district's response within five business days of sending the response. If the employee is not in a bargaining unit, then these notices must be given directly to the employee. 115 ILCS 5/3(d). **Note:** It is best practice to maintain union-related documents, such as grievances, separately from an employee's personnel file.
4. *Information prohibited from being disclosed by the PRRA.* 5 ILCS 140/7.5(q). The PRRA prohibits the disclosure of a performance evaluation under FOIA. 820 ILCS 40/11. The treatment of a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record. If the responsive record is more than four years old and is not related to an incident or 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 disclosure is permitted by the Act. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A. 102-702, eff. 7-1-23. 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. 102-702, eff. 7-1-23. If the responsive record is four years old or less (regardless of its nature), the district should provide the record and must notify the employee in written form or through email, if available. 820 ILCS 40/7 and 40/8, amended by P.A. 102-702, eff. 7-1-23.

The School Code prohibits the disclosure of school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws. 105 ILCS 5/24A-7.1. Finally, sexual misconduct employment history review (EHR) information received pursuant to 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, is not deemed a public record under the School Code. However, P.A. 102-702, eff. 7-1-23, did not specifically amend or reference FOIA. Districts should consult their board attorneys if they receive FOIA requests for EHR information regarding current or former employees.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub.L. 104-191) created national standards to protect individuals' medical records and other personal health information. If a district is a *covered entity* (i.e., offers a self-insured group health plan or flexible spending account), it must establish clear procedures to protect the employee's health information. 45 C.F.R. §164.502. Such districts should consult their attorneys and insurance provider for assistance.

⁴ The Employment Record Disclosure Act (745 ILCS 46/10) provides conditional immunity to employers responding to a reference request; it states: "Any employer or authorized employee or agent acting on behalf of an employer who, upon inquiry by a prospective employer, provides truthful written or verbal information, or information that it believes in good faith is truthful, about a current or former employee's job performance is presumed to be acting in good faith and is immune from civil liability for the disclosure and the consequences of the disclosure." This immunity statute does not, however, create an exemption to the requirements in the PRRA. The PRRA requires an employer to give an employee written notice before divulging a "disciplinary report, letter of reprimand, or other disciplinary action to a third party." 820 ILCS 40/7. An employment application may contain a waiver of this notice. *Id.*

⁵ 325 ILCS 5/4(d) requires a superintendent, upon being asked 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. For more information, see 5:150-AP, *Personnel Records*.

Required by the Elementary and Secondary Education Act (ESEA) (20 U.S.C. §7926). On 6-27-2018, the U.S. Dept. of Education issued a *Dear Colleague Letter* stating that school policies must explicitly state this requirement. See the resources portion for the letter at: www2.ed.gov/policy/elsec/leg/essa/index.html. See also sample procedure 2:265-AP1, *Title IX Sexual Harassment Response*, at f/n 7.

14. Execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for 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 Ill. Dept. of Children and Family Services (DCFS); and
15. Comply with the federal law prohibiting the District from providing a recommendation of employment for an employee, contractor, or agent that District knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law,⁶ but the Superintendent or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.
16. Manage the District's responses to employer requests for sexual misconduct related employment history review (EHR) information in accordance with *Faith's Law*.⁷

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

LEGAL REF.: 20 U.S.C. §7926.
 105 ILCS 5/22-94.
 325 ILCS 5/4, Abused and Neglected Child Reporting Act.
 745 ILCS 46/10, Employment Record Disclosure Act.
 820 ILCS 40/, Personnel Record Review Act.
 23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District Public Records), 5:90 (Abused and Neglected Child Reporting), 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.

Consult the board attorney about what “or has probable cause to believe, has engaged in sexual misconduct” means. For guidance, sample policy 5:90, *Abused and Neglected Child Reporting*, and its f/n 14 analysis define an “alleged incident of sexual abuse” as an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

⁶ Consult the board attorney in these situations for help about what the superintendent may or may not say. Questions exist whether the superintendent says nothing, provides a neutral reference, or whether a *recommendation* could mean positive or negative statements.

⁷ 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23.

General Personnel

Copyright¹

Works Made for Hire²

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

Copyright Compliance

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

Copyright Infringement; Designation of District Digital Millennium Copyright Act (DMCA) Agent³

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

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. Creators of original materials, including materials posted on the Internet, are granted exclusive rights, known as *copyrights* (17 U.S.C. §101 *et seq.*). These exclusive rights include reproducing and publicly performing the work. Congress granted some exceptions to exclusive rights for schools, including §107 on fair use, §108 on library reproduction and archiving, §109 on first sale, and §110 on classroom performance and display. If not covered by an exception, the copyright owner's permission must be sought before a work can be copied or performed. The fine for failing to comply with copyright law is steep making the cost of consulting with the board attorney a bargain. Fair use determinations are very fact specific. See 5:170-AP1, *Copyright Compliance*, for more information and resources, and consult the board attorney as needed for guidance.

² In evaluating a work made for hire claim, courts consider a non-exhaustive list of factors, including: (1) the hiring party's right to control the manner and means by which the product is accomplished; (2) the skill required to create the material; (3) the location of the work; (4) the duration of the relationship between the parties; (5) whether the hiring party has the right to assign additional projects to the hired party; and (6) the provision of employee benefits. *Shanton v. St. Charles Community Unit Sch. Dist.* 303, 2017 WL 4865536 (N.D.Ill. 2017)(citing *Community for Creative Non-Violence v. Reid*, 490 U.S. 730 (1989)). See also *Works Made for Hire (Circular 30)*, at: www.copyright.gov/circs/circ30.pdf.

³ Optional. Before using this text, **consult the board attorney to first identify whether the District is an online service provider (OSP) under the DMCA.** The DMCA is an amendment to 17 U.S.C. §101 *et seq.* The amendment provides limitations on OSP liability for storage, at the direction of a user, of copyrighted material residing on a system or network controlled or operated by or for the OSP. This liability limitation is called the *Safe Harbor Provision (SHP)*. **If a district is an OSP, the SHP provision will only apply if the district designates, publicizes, and registers a DMCA Agent with the federal Copyright Office (at publication time, registration was \$6).**

District DMCA Agent:

Name

Address

Email

Telephone

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

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

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

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

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. No individual who has been convicted of a criminal offense that would subject him or her to license suspension or revocation pursuant to Section 5/21B-80 of the School Code² or who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987 is permitted to student teach.

Before permitting an individual to student teach or begin a required internship in the District, the Superintendent or designee shall ensure that: ³

1. The District performed a *105 ILCS 5/10-21.9(g) Check* as described below; and
2. The individual furnished evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5. ⁴

A *105 ILCS 5/10-21.9(g) Check* shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);

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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 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 applicable collective bargaining agreement(s)."

² 105 ILCS 5/21B-80, amended by 102-552. 105 ILCS 5/10-21.9, 5/21B-15, and 5/21B-80(b) carve out an exception allowing individuals with convictions involving certain drug offenses to obtain educator licensure or reinstate a license suspension/revocation seven years after the end of an individual's sentence for these certain drug offenses. See 5:30-AP2, *Investigations*, for a list of these carved-out drug offenses. Consult the board attorney for guidance regarding whether student teachers or interns, who are typically unpaid, qualify as *employees* who must also undergo the sexual misconduct related employment history review (EHR) required by 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23. Whether or not a student or intern is paid by a district may be determinative. See 5:30-AP3, *Sexual Misconduct Related Employment History Review (EHR)*. If a district has an agreement with a post-secondary institution for the placement of student interns, consult the board attorney regarding whether the institution qualifies as a *contractor* under 105 ILCS 5/22-94(b) that must perform an EHR of the intern. See 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*.

³ 105 ILCS 5/10-21.9(g). A student teacher or individual beginning a required internship must undergo a fingerprint-based State and national criminal history records information check and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database prior to participating in any field experiences in the school.

For boards that want to include students participating in any field or clinical experience, amend the introductory phrase to state "Before permitting an individual to student teach, or begin a required internship, or participate in any field or clinical experience in the District," For information about screenings or fingerprint-based criminal history records information checks for students doing field or clinical experience other than student teaching, see number two in the subhead titled **Screening Individuals Who are Likely to Have Contact with Students at School or School Events** in 4:175-API, *Criminal Offender Notification Laws; Screening*.

⁴ 105 ILCS 5/24-5.

2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-105).

The School Code requires each individual student teaching or beginning a required internship to provide the District with written authorization for, and pay the costs of, his or her 105 ILCS 5/10-21.9(g) check (including any applicable vendor's fees).⁵ Upon receipt of this authorization and payment, the Superintendent or designee will submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Ill. State Police (ISP), to the ISP.⁶ The Superintendent or designee will provide each student teacher with a copy of his or her report.⁷

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.

LEGAL REF.: 34 U.S.C. §20901 et seq., Adam Walsh Child Protection and Safety Act, P.L. 109-248.
20 ILCS 2635/1, Uniform Conviction Information Act.
105 ILCS 5/10-21.9, 5/10-22.34, and 5/24-5.

CROSS REF.: 4:175 (Convicted Child Sex Offender; Screening; Notifications), 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.

⁵ 105 ILCS 5/10-21.9(g). See also 20 ILCS 2635/7(A)(1).

⁶ 105 ILCS 5/10-21.9(g). As a condition of employment, each school board must consider the status of a person to student teach who has an indicated finding of abuse or neglect of a child by the Ill. Dept. of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction. See f/n 6 in 4:175, *Convicted Child Sex Offender; Screening; Notifications*, for further discussion.

⁷ 20 ILCS 2635/7(A)(2). *LiveScan* is the recommended equipment for criminal history records checks. The language in this policy does not distinguish whether the district uses an authorized LiveScan vendor or owns or leases its own LiveScan equipment. Delete "(including applicable vendor's fees)" if the district owns or leases its own LiveScan equipment.

For more guidance and information on navigating the records laws surrounding criminal history records checks, along with a LiveScan vendor directory, see the Ill. State Board of Education's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/Documents/guidance_chr.pdf.

**IASB POLICY REFERENCE MANUAL
TABLE OF CONTENTS
SECTION 6 - INSTRUCTION**

Philosophy and Goals

- 6:10 Educational Philosophy and Objectives
- 6:15 School Accountability

Educational Calendar and Organization

- 6:20 School Year Calendar and Day
 - 6:20-AP Administrative Procedure – Remote and/or Blended Remote Learning Day Plan(s)
- 6:30 Organization of Instruction

Curriculum

- 6:40 Curriculum Development
 - 6:40-AP Administrative Procedure - Curriculum Development
- 6:50 School Wellness
- 6:60 Curriculum Content
 - 6:60-AP1 Administrative Procedure - Comprehensive Health Education Program
 - 6:60-AP1, E1 Exhibit - Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs
 - 6:60-AP1, E2 Exhibit - Resources for Biking and Walking Safety Education
 - 6:60-AP2 Administrative Procedure - Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))
 - 6:60-AP3 Administrative Procedure - Developmentally Appropriate Consent Education
- 6:65 Student Social and Emotional Development
- 6:70 Teaching About Religions
 - 6:70-AP Administrative Procedure - Teaching About Religions
- 6:80 Teaching About Controversial Issues
- 6:90 OPEN
- 6:100 Using Animals in the Educational Program
 - 6:100-AP Administrative Procedure - Dissection of Animals
 - 6:100-E1 Exhibit - Guidelines and Application for Using Animals in School Facilities for Educational Purposes
 - 6:100-E2 Exhibit - Student Permission for Exposure to Animals

Special Programs

- 6:110 Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program
- 6:120 Education of Children with Disabilities
 - 6:120-AP1 Administrative Procedure - Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities
 - 6:120-AP1, E1 Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights
 - 6:120-AP1, E2 Exhibit - Special Education Required Notice and Consent Forms
 - 6:120-AP2 Administrative Procedure - Access to Classrooms and Personnel
 - 6:120-AP2, E1 Exhibit - Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes
 - 6:120-AP3 Administrative Procedure - Service Animals
 - 6:120-AP3, E1 Exhibit - Guidelines for Service Animals in School Facilities
 - 6:120-AP4 Administrative Procedure - Care of Students with Diabetes
- 6:130 Program for the Gifted
- 6:135 Accelerated Placement Program
 - 6:135-AP Administrative Procedure - Accelerated Placement Program Procedures
- 6:140 Education of Homeless Children
 - 6:140-AP Administrative Procedure - Education of Homeless Children
- 6:145 Migrant Students
- 6:150 Home and Hospital Instruction
- 6:160 English Learners
- 6:170 Title I Programs
 - 6:170-AP1 Administrative Procedure - Checklist for Development, Implementation, and Maintenance of Parent and Family Engagement Compacts for Title I Programs
 - 6:170-AP1, E1 Exhibit - District-Level Parent and Family Engagement Compact
 - 6:170-AP1, E2 Exhibit - School-Level Parent and Family Engagement Compact
 - 6:170-AP2 Administrative Procedure - Notice to Parents Required by Elementary and Secondary Education, McKinney-Vento Homeless Assistance, and Protection of Pupil Rights Laws
 - 6:170-AP2, E1 Exhibit - District Annual Report Card Required by Every Student Succeeds Act (ESSA)
- 6:180 Extended Instructional Programs
- 6:185 Remote Educational Program

- 6:190 Extracurricular and Co-Curricular Activities
 - 6:190-AP Administrative Procedure - Academic Eligibility for Participation in Extracurricular Activities

Instructional Resources

- 6:200 OPEN
- 6:210 Instructional Materials
- 6:220 Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct
 - 6:220-E1 Exhibit - Authorization to Participate in the Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct Agreement
 - 6:220-E2 Exhibit - Bring Your Own Technology (BYOT) Program Student Guidelines
- 6:230 Library Media Program
 - 6:230-AP Administrative Procedure - Responding to Complaints About Library Media Resources
 - 6:230-AP, E Exhibit - Library Media Resource Objection Form
- 6:235 Access to Electronic Networks
 - 6:235-AP1 Administrative Procedure - Acceptable Use of the District's Electronic Networks
 - 6:235-AP1, E1 Exhibit - Student Authorization for Access to the District's Electronic Networks
 - 6:235-AP1, E2 Exhibit - Staff Authorization for Access to the District's Electronic Networks
 - 6:235-AP2 Administrative Procedure - Web Publishing Guidelines
 - 6:235-E3 Exhibit - Online Privacy Statement
 - 6:235-E4 Exhibit - Keeping Yourself and Your Kids Safe On Social Networks
 - 6:235-E5 Exhibit - Children's Online Privacy Protection Act
- 6:240 Field Trips
 - 6:240-AP Administrative Procedure - Field Trip Guidelines
- 6:250 Community Resource Persons and Volunteers
 - 6:250-AP Administrative Procedure – Resource Persons and/or School Volunteers; Screening
 - 6:250-E Exhibit - Resource Person and Volunteer Information Form and Waiver of Liability
- 6:255 Assemblies and Ceremonies
- 6:260 Complaints About Curriculum, Instructional Materials, and Programs

6:260-AP Administrative Procedure - Responding to Complaints About Curriculum, Instructional Materials, and Programs

6:260-AP, E Exhibit - Curriculum Objection Form

Guidance and Counseling

6:270 Guidance and Counseling Program

Achievement

6:280 Grading and Promotion

6:280-AP Administrative Procedure - Evaluating and Reporting Student Achievement

6:290 Homework

6:300 Graduation Requirements

6:300-E1 Exhibit - Application for a Diploma for a Service Member Killed in Action or for Veterans of WW II, the Korean Conflict, or the Vietnam Conflict

6:300-E2 Exhibit - State Law Graduation Requirements

6:300-E3 Exhibit - Form for Exemption from Financial Aid Application Completion

6:310 High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students

6:310-E Exhibit - Class Substitution Request

6:315 High School Credit for Students in Grade 7 or 8

6:320 High School Credit for Proficiency

6:330 Achievement and Awards

6:340 Student Testing and Assessment Program

Instruction

Accelerated Placement Program ¹

The District provides an Accelerated Placement Program (APP). The APP advances the District’s goal of providing educational programs with opportunities for each student to develop to his or her maximum potential.² The APP provides an educational setting with curriculum options usually reserved for students who are older or in higher grades than the student participating in the APP.³ APP options include, but may not be limited to: (a) accelerating a student in a single subject; (b) other grade-level acceleration; and (c) early entrance to kindergarten or first grade.⁴ Participation in the APP is open to all students who demonstrate high ability and who may benefit from accelerated placement. It is not limited to students who have been identified as gifted and talented.⁵ Eligibility to participate in the District’s APP shall not be conditioned upon the protected classifications identified in School Board policy 7:10, *Equal Educational Opportunities*, or any factor other than the student’s identification as an accelerated learner.⁶

The Superintendent or designee shall implement an APP that includes:

1. Decision-making processes that are fair, equitable, and involve multiple individuals, e.g. District administrators, teachers, and school support personnel, and a student’s parent(s)/guardian(s);⁷
2. Notification processes that notify a student’s parent(s)/guardian(s) of a decision affecting a student’s participation in the APP;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 requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A (the Accelerated Placement Act (APA)); 23 Ill.Admin.Code Part 227. Ill. State Board of Education (ISBE) rules require this policy to be posted on the district website, if available. 23 Ill.Admin.Code §227.60(a). ISBE rules also require districts to annually report, by July 31, demographic information regarding students participating in accelerated placement. 23 Ill.Admin.Code §227.60(c).

² Optional. Ensure this statement matches the board’s current educational philosophy and objectives. See policy 6:10, *Educational Philosophy and Objectives*.

³ 105 ILCS 5/14A-17; 23 Ill.Admin.Code §227.5.

⁴ ~~Id.~~ For high school districts, delete “; and (c) early entrance to kindergarten or first grade” and insert the word “and” between (a) and (b).

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age*). The APA requires accelerated placement to include “early entrance to kindergarten or first grade.” 105 ILCS 5/14A-17. 105 ILCS 5/10-20.12 *permits* districts to offer early entrance to kindergarten or first grade “based upon an assessment of the student’s readiness to attend school.” 105 ILCS 5/10-20.12 also states that students may enter first grade early when they: (1) are assessed for readiness; (2) have attended a non-public preschool and continued their education at that school through kindergarten; (3) were taught in kindergarten by an appropriately certified teacher; and (4) will attain the age of 6 years on or before December 31. ~~Id.~~ See sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. **Consult the board attorney for guidance.**

⁵ 105 ILCS 5/14A-32(a)(1); 23 Ill.Admin.Code §227.5.

⁶ 105 ILCS 5/14A-25.

⁷ 105 ILCS 5/14A-32(a)(2) requires that the accelerated placement policy include “a fair and equitable decision-making process that involves multiple persons and includes a student’s parents or guardians” but does not specify what individuals are to be involved or limit those individuals to district employees. Amend this listing to align with the local board’s preference.

⁸ ~~Id.~~ at (a)(3).

3. Assessment processes that include multiple valid, reliable indicators; and ⁹
4. The automatic enrollment, in the following school term, of a student into the next most rigorous level of advanced coursework offered by the high school if the student meets or exceeds State standards in English language arts, mathematics, or science on a State assessment administered under 105 ILCS 5/2-3.64a-5, as follows: ¹⁰
 - a. A student who meets or exceeds State standards in English language arts shall be automatically enrolled into the next most rigorous level of advanced coursework in English, social studies, humanities, or related subjects.
 - b. A student who meets or exceeds State standards in mathematics shall be automatically enrolled into the next most rigorous level of advanced coursework in mathematics.
 - c. A student who meets or exceeds State standards in science shall be automatically enrolled into the next most rigorous level of advanced coursework in science.

The Superintendent or designee shall annually notify the community, parent(s)/guardian(s), students, and school personnel about the APP, the process for referring a student for possible evaluation for accelerated placement, and the methods used to determine whether a student is eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework.¹¹ Notification may: (a) include varied communication methods, such as student handbooks and District or school websites; and (b) be provided in multiple languages, as appropriate. ¹²

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

⁹ *Id.* at (a)(4).

¹⁰ Required only for districts with grades 9-12 by 105 ILCS 5/14A-32(a-5), amended by P.A. 102-209. Delete for elementary school districts. Though not set forth explicitly in the statute, ISBE asserts this provision is limited to “[d]istricts with grades 9-12.” See ISBE *Accelerated Placement Policy Guidance for Districts Frequently Asked Questions* (September 2022), at: www.isbe.net/Documents/Accelerated-Placement-Act-FAQ.pdf. The FAQ further explains that districts must “have the automatic enrollment policy in place prior to the start of the school year 2023-24 and districts will use scores from that school year to automatically enroll students during school year 2024-25.” *Id.*

A district must provide the parents/guardians of a student eligible for automatic enrollment with the option to instead enroll in alternative coursework that better aligns with the student’s postsecondary education or career goals. For a student entering grade 12, the next most rigorous level of advanced coursework in English language arts or mathematics must be a *dual credit course* (as defined in the Dual Credit Quality Act, 110 ILCS 27/5), an *Advanced Placement course* (as defined in the College and Career Success for All Students Act, 105 ILCS 302/10), or an International Baccalaureate course. The same is true for all other subjects, except that the next most rigorous level of advanced coursework may also include an honors class, an enrichment opportunity, a gifted program, or another program offered by the district. 105 ILCS 5/14A-32(a-5), amended by P.A. 102-209. See 6:135-AP, *Accelerated Placement Program Procedures*.

¹¹ Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require “procedures for annually informing the community at-large, including parents or guardians, community-based organizations, and providers of out-of-school programs, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework[.]”

¹² Optional. 105 ILCS 5/14A does not require this but it is a recommended best practice and aligns with sample policy 7:10, *Equal Educational Opportunities*.

LEGAL REF.: 105 ILCS 5/14A.
23 Ill.Admin.Code Part 227, Gifted Education.

CROSS REF.: 6:10 (Educational Philosophy and Objectives), 6:130 (Program for the Gifted),
7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student
Transfers To and From Non-District Schools)

Instruction

Library Media Program¹

The Superintendent or designee shall manage the District’s library media program to comply with (1) State law and Ill. State Board of Education (ISBE) rule and (2) the following standards:

1. The program includes an organized collection of resources available to students and staff to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served.
2. Financial resources for the program’s resources and supplies are allocated to meet students’ needs.
3. Students in all grades served have equitable access to library media resources.
4. The advice of an individual who is qualified according to ISBE rule is sought regarding the overall direction of the program, including the selection and organization of materials, provision of instruction in information and technology literacy, and structuring the work of library paraprofessionals.
5. Staff members are invited to recommend additions to the collection.

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

¹ ISBE rule controls some aspects of this policy’s content; however, districts are not required to adopt a policy on any subject matter covered in it. Standards #1-4 restate requirements in 23 Ill.Admin.Code §1.420(o). Standard #2 implements the rule’s requirement that each “district’s annual budget shall include an identifiable allocation for resources and supplies for the program.” However, the rule allows a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students to forego the allocation requirement; thus, they may use the following alternative to standard #2: “Resources are sufficient to meet students’ needs.” Standards #5, #6, and #7 may be customized or deleted, and other standards may be added. For optional Standard #7, the American Library Association’s (ALA) *Library Bill of Rights* includes the following:

5. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
6. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
7. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
8. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
9. A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.
10. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
11. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.
12. Libraries should advocate for, educate about, and protect people’s privacy, safeguarding all library use data, including personally identifiable information.

See <https://www.ala.org/advocacy/intfreedom/librarybill> and its interpretation for school libraries at: <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accessresources>. The ALA’s interpretation of its *Library Bill of Rights* acknowledges that the educational level and program of the school necessarily shape the resources and services of a school library, but it states that the principles of the *Library Bill of Rights* apply equally to all libraries, including school libraries.

6. Students may freely select resource center materials as well as receive guided selection of materials appropriate to specific, planned learning experiences.
7. The program is guided by the principles of the American Library Association's *Library Bill of Rights* and its interpretation for school libraries.

Parents/guardians, employees, and community members who believe that library media program resources violate rights guaranteed by any law or Board policy may file a complaint using Board policy 2:260, *Uniform Grievance Procedure*.²

The Superintendent or designee shall establish criteria consistent with this policy for the review of objections. Parents/guardians, employees, and community members with suggestions or complaints about library media program resources may complete a *Library Media Resource Objection Form*. The Superintendent or designee shall inform the parent/guardian, employee, or community member, as applicable, of the District's decision.³

LEGAL REF.: 23 Ill.Admin.Code §1.420(o).

CROSS REF.: 6:60 (Curriculum Content), 6:170 (Title I Programs), 6:210 (Instructional Materials)

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

² Limiting the scope of complainants in this policy to parents/guardians, employees, and community members aligns with sample policy 2:260, *Uniform Grievance Procedure*.

³ The issue of school library book removals is an unsettled area of law that is often litigated; consult the board attorney for advice regarding challenges to school library books or other library resources. In the only U.S. Supreme Court case to address this issue, *Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 852 (1982), the Court issued a plurality (not a majority) opinion finding a board could not remove books it had characterized as "anti-American, anti-Christian, anti-Semitic, and just plain filthy," if the removal was motivated by partisan or political reasons; to do so would violate students' Constitutional right to receive information and ideas. Four dissenting justices, however, disagreed that students have a right to receive information and ideas under the First Amendment and would have deferred to the judgment of the local school board.

Community Relations

Community Use of School Facilities ¹

School facilities are available to community organizations during non-school hours when such use does not: (1) interfere with any school function or affect the safety of students or employees, or (2) affect the property or liability of the School District. The use of school facilities for school purposes has precedence over all other uses. The District reserves the right to cancel previously scheduled use of facilities by community organizations and other groups. The use of school facilities requires the prior approval of the Superintendent or designee and is subject to applicable procedures. ²

Persons on school premises must abide by the District's conduct rules at all times. ³

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

¹ State or federal law controls this policy's content. If a board wants to allow community organizations to use school facilities, it must adopt a policy. 105 ILCS 5/10-20.41. The policy must "prohibit such use if it interferes with any school functions or the safety of students or school personnel or affects the property or liability of the school district." This policy may be implemented using 8:20-E, *Application and Procedures for Use of School Facilities*. A board should discuss the implications of any access to school facilities policy with its attorney.

This policy concerns an area that is frequently litigated because of its many complex legal and practical issues. The U.S. Constitution's Free Speech and Equal Protection Clauses, as well as the federal Equal Access Act, are triggered. As a general rule, school officials can avoid constitutional problems and still open facilities to community groups by treating requests to use school facilities according to uniform rules that do not discriminate against a group on the basis of its viewpoint.

A board may avoid constitutional controversy over community use of its facilities by refusing to permit such use by all non-school groups (thereby creating a closed forum). A board may also avoid triggering the constitutional clauses and the Equal Access Act by allowing all non-school groups to use its facilities (thereby creating an open forum). If the board creates an open forum, it may still impose reasonable time, place, and manner restrictions on the use as long as the restrictions are the same for all groups. However, practically speaking, it is difficult for a board to either completely close its facilities to non-school groups or to open its facilities to all non-school groups. Most boards decide to create a limited open forum.

This policy creates a limited open public forum by allowing public use of school facilities provided the use is consistent with the public interest. See Widmar v. Vincent, 454 U.S. 263 (1981). A public school district may not discriminate on the basis of a group's purpose, message, or goal. Thus, any restrictions on the use by non-school groups must not discriminate against speech on the basis of viewpoint. Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993); Good News Club v. Milford Central School, 533 U.S. 98 (2001). A board must show neutrality to all viewpoints.

A board runs afoul of showing viewpoint neutrality if it prohibits single sex youth organizations, even those that discriminate against homosexuals, to use school facilities. Note the U.S. Supreme Court refused to apply the N.J.'s public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scout's freedom of expressive association. Boy Scouts of America v. Dale, 530 U.S. 640 (2000).

This constitutional jurisprudence was codified as the Boy Scouts of America Equal Access Act, 20 U.S.C. §7905. Schools are prohibited from denying equal access to school facilities to the Boy Scouts or any other youth group "for reasons based on membership or leadership criteria or oath of allegiance to God and country."

See sample policy 7:330, *Student Use of Buildings - Equal Access*, for a discussion of the Equal Access Act, 20 U.S.C. §4071 *et seq.*

² However, at the request of election officers, any publicly owned building must be made available for use as a polling place. 10 ILCS 5/11-4.1. For the day of the election, a school district is encouraged to (a) close the school, or (b) hold a teachers institute on that day with students not in attendance. 10 ILCS 5/11-4.1. Election officers must place markers 100 horizontal feet from a polling room's voter entrance and, if the 100 feet marker ends within the building's interior, the markers must be placed outside of the building at each entrance used by voters. The area within where the markers are placed is a campaign free zone where electioneering is prohibited. The area on polling place property beyond the campaign free zone is a public forum for the time that the polls are open on an election day and may be used for campaigning and to place temporary signs. 10 ILCS 5/17-29. A child sex offender is permitted to vote early or by absentee ballot when his or her polling place is a school. 10 ILCS 5/11-4.1.

³ See sample policy 8:30, *Visitors to and Conduct on School Property*.

Student groups, school-related organizations, government agencies, and non-profit organizations are granted the use of school facilities at no costs during regularly staffed hours.⁴ Fees and costs shall apply during non-regularly staffed hours and to other organizations granted use of facilities at any time.⁵ A fee schedule and other terms of use shall be prepared by the Superintendent and be subject to annual approval by the School Board.

LEGAL REF.: 20 U.S.C. §7905, Boy Scouts of America Equal Access Act.
10 ILCS 5/11-4.1, Election Code.
105 ILCS 5/10-20.41, 5/10-22.10, and 5/29-3.5.
Good News Club v. Milford Central School, 533 U.S. 98 (2001).
Lamb’s Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993).
Rosenberger v. Rector and Visitors of Univ. of Va., 515 U.S. 819 (1995).

CROSS REF.: 7:330 (Student Use of Buildings - Equal Access), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities), 8:30 (Visitors to and Conduct on School Property)

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

⁴ The decisions concerning facility-use fees are at the local board’s discretion. However, the general rule applies: school officials can avoid constitutional problems by treating requests to use school facilities according to uniform rules that do not discriminate against a group on the basis of its viewpoint.

⁵ This option adds an additional restriction: “Facilities and grounds will not be made available to individuals for personal or social reasons or to business enterprises for commercial gain.”

This option recognizes that districts should require bodily injury liability insurance and property damage liability in specified amounts as recommended by the district’s own insurance carrier: “All non-school sponsored groups, before using the facilities during non-regularly staffed hours, must provide a certificate of insurance naming the District as an *additional insured* or otherwise show proof of insurance.”

Governance

Qualifications, Term, and Duties of Board Officers

The officers of both the Board of Control and the Governing Board shall be a Chairperson, a Vice Chairperson, and Secretary. Officers shall be elected to one (1) year terms at a meeting held in May of each year. Either Board shall establish such other officers as it deems necessary. No officer shall receive any compensation. Upon advance approval and upon submission of an itemized statement thereafter, any officer may be reimbursed for cash actually expended by him/her in the performance of his/her duties in connection with SASED.

Chairperson

Each Board elects a Chairperson from its members for a one-year term. The duties of the Chairperson are:

1. Preside at all meetings;
2. Focus the Board meeting agendas on appropriate content;
3. Attend and observe any Board committee meeting at his or her discretion;
4. Sign official SASED documents requiring the Chairperson's signature, including Board minutes;
5. Call special meetings of the Board;
6. Serve as *the head of the public body* for purposes of the Open Meetings Act and Freedom of Information Act;
7. Ensure that a quorum of the Board is physically present at all Board meetings; and
8. The Chairperson of the Board of Control shall serve as or appoint SASED's official spokesperson to the media.; and
9. Except when the Board Chairperson is the subject of a complaint of sexual harassment, a witness, or otherwise conflicted, appoint a qualified outside investigator to conduct an independent review of allegations of sexual harassment made against a Board member by another Board member.
10. Ensure that all fingerprint-based criminal history records information checks, screenings and sexual misconduct related employment history reviews (EHRs) required by State Law and policy 5:30, Hiring Process and Criteria, are completed for the Executive Director.

The Chairperson 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 Chairperson fills a vacancy in the Chairpersonship.

Vice Chairperson

Each Board elects a Vice Chairperson from its members for a one-year term. The Vice Chairperson performs the duties of the Chairperson if:

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

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

Secretary

Each Board elects a Secretary who serves a one-year term. The duties of the Secretary are to:

1. Keep meeting 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 Chairperson;
4. Arrange public inspection of the budget before adoption;
5. Publish required notices;
6. Sign official SASSED documents requiring the Secretary's signature; and
7. Maintain Board policy, and other such official documents as directed by the Board.

A permanent vacancy in the office of Secretary is filled by special Board election.

Recording Secretary

The Administrative Assistant to the Executive Director shall serve as the Recording Secretary to both the Governing Board and the Board of Control.

For each Board 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 Executive Director receives notification from Board members who desire to attend a Board meeting by video or audio means.

Treasurer

The SASSED Director of Business Services/CSBO shall serve as the Treasurer to both the Governing Board and the Board of Control. He or she will receive no remuneration over and above his or her regular salary for these duties.

The Treasurer shall:

1. Furnish a bond, which shall be approved by a majority of the full Board of Control;
2. Maintain custody of school funds;
3. Maintain records of school funds and balances;
4. Prepare a monthly reconciliation report for the Executive Director and Board of Control; and
5. Receive, hold, and expend SASSED funds only upon the order of the Board of Control.

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, 5/21B-85, and 5/22-94.

CROSS REF.: 2:80 (Board Member Conduct), 2:105 (Ethics and Gift Ban), 2:150 (Committees),
2:210 (Organizational Board of Control Meeting) 2:220 (Board of Control Meeting
Procedure), 5:30 (Hiring Process and Criteria)

ADOPTED: June 21, 2023

General Administration

Executive Director

Duties and Authority

The Executive Director is SASED's executive officer and is responsible for the administration and management of SASED's programs and services in accordance with Board policies and directives, and State and federal law. SASED management duties include, without limitation, preparing, submitting, publishing, and posting reports and notifications as required by State and federal law.

In the absence of specific written policy, the Executive Director shall act according to his or her best judgment, keeping in mind the best interests of SASED and its member districts and the spirit of any established policy Board policies that are related to the matter under consideration. The Executive Director is authorized to develop administrative procedures and take other action as needed to implement Board policy and otherwise fulfill his or her responsibilities.

The Executive Director may delegate to other SASED staff members the exercise of any powers and the discharge of any duties imposed upon the Executive Director by Board policies or by Board vote. The delegation of power or duty, however, shall not relieve the Executive Director of responsibility for the action that was delegated.

Qualifications

The Executive Director must be of good character and of unquestionable morals and integrity. The Executive Director shall have the experience and the skills necessary to work effectively with the SASED Governing Board, Board of Control, SASED employees, students, and the community. The Executive Director shall have a valid administrative certificate and Director of Special Education endorsement issued by the State Certification Board.

When the office of the Executive Director becomes vacant, the Board of Control will collaborate with the Governing Board-to conduct a search and fill the position.

Performance Evaluation of the Executive Director

The Board of Control will evaluate, at least annually, the Executive Director's performance, using standards and objectives developed by the Executive Director and Board that are consistent with the Board's policies and the Executive Director's contract. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement. The Executive Director shall annually present evidence of professional growth through attendance at educational conferences, in-service training, or similar continuing education pursuits.

The Chairperson shall secure from each of the members of the Board of Control an individual appraisal of the Executive Director's performance and a statement as to how well the goals for the year have been satisfied. A compilation of the appraisals and a summary of the comments will be reviewed by the Board of Control. The agreed upon combined evaluation will be presented in writing to the Executive Director no later than the June meeting of the Board. By the June Board meeting, the Board of Control and the Executive Director will review the combined evaluation, determine the duration of his/her contract, and establish the compensation for the ensuing fiscal year. The goals and

areas of work emphasis for the coming year shall be established by the July meeting of the Board of Control.

Compensation and Benefits

The Board of Control and the Executive Director shall enter into an employment agreement that conforms to Board policy and State law. This contract shall govern the employment relationship between the Board of Control and the Executive Director. The terms of the Executive Director's employment agreement, when in conflict with this policy, will control.

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-23.8, ~~5/21-7.1~~, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.
23 Ill.Admin.Code §§1.310, 1.705, and ~~29.130~~ 25:355.

CROSS REF: 2:20 (Powers and Duties of the Board of Control), 2:130 (Board- Executive Director Relationship), 2:240 (Board Policy Development), 3:10 (Goals and Objectives)

ADOPTED: June 21, 2023

Operational Services

Purchases and Contracts

The Executive Director or designee shall manage SASED's purchases and contracts in accordance with the law, the standards set forth in this policy, and other applicable policies.

Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with Illinois law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board of Control.

All purchases and contracts should support a recognized SASED function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law. No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Executive Director or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency.

When presenting a contract or purchase for Board of Control approval, the Executive Director or designee shall ensure that it complies with applicable State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for SASED in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21(b-5). The Executive Director or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Executive Director or designee shall report this information to the Board of Control by completing the necessary forms that must be attached to SASED's annual budget.
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*.
8. Each contractor with SASED is bound by each of the following:
 - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c) to have direct, daily contact at a SASED property or SASED-related activity with one or more student(s); (2) prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B80(b) (certain drug offenses) until seven years

following the end of the employee's sentence for the criminal offense; and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during SASSED's fingerprint-based criminal history records check on him or her.

- b. In accordance with 105 ILCS 5/22-94: (1) prohibit any of its employees from having direct contact with children or students if the contractor has not performed a sexual misconduct related employment history review (EHR) of the employee or if SASSED objects to the employee's assignment based on the employee's involvement in an instance of sexual misconduct as provided in 105 ILCS 5/22-94(j)(3), which the contractor is required to disclose; (2) discipline, up to and including termination or denial of employment, any employee who provides false information or willfully fails to disclose information required by the EHR; (3) maintain all records of EHRs and provide SASSED access to such records upon request; and (4) refrain from entering into any agreements prohibited by 105 ILCS 5/22-94(g).
- c. In accordance with 105 ILCS 5/24-5: (1) concerning each new employee of a contractor that provides services to students or in schools, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease ~~if the employee will have direct, daily contact with one or more student(s);~~ and (2) require any new or existing employee who ~~has and will have direct, daily contact with one or more~~ provides services to student(s) or in schools to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Ill. Dept. ~~artment~~ of Public Health rules or order of a local health official.
9. ~~After 1-1-23, a~~ Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act.
10. Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award.

The Executive Director or designee shall: (1) execute the reporting and website posting mandates in State law concerning SASSED contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

LEGAL REF.: 2 C.F.R. Part 200.
105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-21.9, 5/10-22.34c, and 5/19b-1 et seq.,
5/22-94, and 5/24-5.
30 ILCS 708/, Grant Accountability and Transparency Act.
410 ILCS 170/, Coal Tar Sealant Disclosure Act.
820 ILCS 130/.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150 (Facility Management and Building Programs), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screening; Notifications), 5:90 (Abused and Neglected Child Reporting)

ADOPTED: June 21, 2023

General Personnel

Hiring Process and Criteria

SASED hires the most qualified personnel consistent with budget and staffing requirements and in compliance with Board of Control policy on equal employment opportunities and minority recruitment. The Executive Director ~~or designee~~ is responsible for recruiting personnel and making hiring recommendations to the Board of Control. No individual will be employed who has been convicted of a criminal offense listed in 105 ILCS 5/21B-80(c).

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

Job Descriptions

The Board maintains the Executive Director's job description and directs, through policy, the Executive Director, in his or her charge of SASED's administration.

The Executive Director or designee 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.

Investigations

The Executive Director 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 is performed on each applicant as required by State law. When the applicant is a successful Executive Director candidate who has been offered employment, the Governing Board Chairperson shall ensure that these checks are completed. The Executive Director or designee or if the applicant is a successful Executive Director candidate, the Governing Board Chairperson shall notify an applicant if the applicant is identified in either database. The School Code requires the Board of Control Chairperson to keep a conviction record confidential and share it only with the Executive Director, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, or any other person necessary to the hiring decision, or for purposes of clarifying the information, the Ill. Department of State Police and/or Statewide Sex Offender Database. The Board of Control and Governing Board reserve their right to authorize additional background inquiries beyond a fingerprint-based criminal history records check, when they deem it appropriate to do so, in accordance with applicable laws.

Each newly hired employee must complete an U.S. Citizenship and Immigration and Naturalization Services Form as required by federal law.

SASED 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 105 ILCS 5/21B-80 or who falsifies, or omits facts from, his or her employment application or other employment documents. If an indicated finding of abuse or neglect of a child has been issued by the Ill. Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any District employee, then the Board must consider that person's status as a condition of employment.

The Executive Director shall ensure that SASED does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. SASED uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a

particular position.

2. SASSED does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria.
3. SASSED does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation.
4. SASSED does not request or require an applicant to disclose wage or salary history as a condition of employment.
5. SASSED does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation.
6. SASSED does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
7. SASSED does not request of an applicant or employee access in any manner to his or her personal online accounts, such as social networking websites, including a request for passwords to such accounts.
8. SASSED provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Sexual Misconduct Related Employment History Review (HER)

Prior to hiring an applicant for a position involving direct contact with children or students, the Executive Director shall ensure that an EHR is performed as required by State law. When the applicant is an Executive Director candidate, the Board Chairperson shall ensure that the EHR is initiated before a successful Executive Director candidate is offered employment by the Board.

Physical Examinations

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. A Tuberculin test may be required depending upon the specific position. The physical fitness examinations—must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, a licensed advanced practice registered nurse, or a licensed 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 performed no more than 90 days before submitting evidence of it to the Board of Control.

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, a licensed advanced practice registered nurse, or a licensed 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. The Board of Control will pay the expenses of any such examination.

Orientation Program

SASSED's staff will provide an orientation program for new employees to acquaint them with SASSED's policies and procedures, the school's rules and regulations, and the responsibilities of their position. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-10, 5/21B-80, 5/10-22.34, 5/10-22.34b, 5/22-6.5, ~~and~~ 5/24-5 and 5/22-94.

20 ILCS 2630/3.3, Criminal Identification Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
820 ILCS 70/, Employee Credit Privacy Act.
Americans with Disabilities Act, 42 U.S.C. §12112, and 29 C.F.R. Part 1630.
Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1st Dist. 1985), *aff'd in part and remanded* 115 Ill.2d 482(III. 1987).
Kaiser v. Dixon, 127 Ill. App. 3d 251 (2nd Dist. 1984).
Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1st Dist. 1945).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 3:50 (Administrative Personnel Other Than the Executive Director), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and Neglected Child Reporting), [5:120 \(Employee Ethics, Code of Professional Conduct; and Conflict of Interest\)](#), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Educational Support Personnel - Duties and Qualifications)

ADOPTED: June 21, 2023

General Personnel

Abused and Neglected Child Reporting

Any SASED 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 disability, shall immediately: (1) report such a case to the Ill. Department of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-/25-ABUSE (1-800-252-2873)(within Illinois); 1-217/-524-2606 (outside of Illinois); or 1-800-358-5117 (TTY), and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. Any SASED employee who believes a student is in immediate danger of harm, shall first call 911. The employee shall also promptly notify the Executive Director or Program Administrator that a report has been made. The Executive Director or Program Administrator shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement. *Negligent failure to report* occurs when a SASED employee personally observes an instance of suspected child abuse or neglect and reasonably believes, in his or her professional or official capacity, that the instance constitutes an act of child abuse or neglect under the Abused and Neglected Child Reporting Act (ANCRA) and he or she, without willful intent, fails to immediately report or cause a report to be made of the suspected abuse or neglect to DCFS.

Any SASED 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 1-800-THE-LOST (1-800-/843-5678), or online at report.cybertip.org/ or www.missingkids.org. The Executive Director or Program Administrator shall also be promptly notified of the discovery and that a report has been made.

Any SASED employee who observes any act of hazing that does bodily harm to a student must report that act to the Program Administrator, Executive Director, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Executive Director or Program Administrator. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.

Abused and Neglected Child Reporting Act (ANCRA), School Code, and *Erin's Law* Training

The Executive Director or designee shall provide professional development opportunities for school personnel, in the detection, reporting, and prevention of child abuse and neglect.

All SASED employees shall:

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Executive Director or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within three months of initial employment and at least every three years after that date.
3. Complete an annual evidence-informed training related to child sexual abuse, grooming behaviors, and boundary violations as required by law and policy 5:100, *Staff Development Program*.

Alleged Incidents of Sexual Abuse; Investigations

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

If a SASED employee reports an alleged incident of sexual abuse to DCFS and DCFS accepts the report for investigation, DCFS will refer the matter to the local Children's Advocacy Center (CAC). The Executive Director or designee will implement procedures to coordinate with the CAC.

DCFS and/or the appropriate law enforcement agency will inform SASED when its investigation is complete or has been suspended, as well as the outcome of its investigation. The existence of a DCFS and/or law enforcement investigation will not preclude SASED from conducting its own parallel investigation into the alleged incident of sexual abuse in accordance with policy 7:20, *Harassment of Students Prohibited*.

Special Executive Director Responsibilities

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

When the Executive Director has reasonable cause to believe that a license holder committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child under ANCRA, or an act of sexual misconduct under *Faith's Law*, and (2) that act resulted in the license holder's dismissal or resignation from SASED, he or she shall notify the State Superintendent and the Regional Superintendent in writing, providing the Ill. Educator Identification Number as well as a brief description of the misconduct alleged. The Executive Director must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder.

The Executive Director shall develop procedures for notifying a student's parents/guardians when a SASED employee, contractor, or agent is alleged to have engaged in *sexual misconduct* with the student as defined in *Faith's Law*. The Executive Director shall also develop procedures for notifying the student's parents/guardians when the Board takes action relating to the employment of the employee, contractor, or agent following the investigation of *sexual misconduct*. Notification shall not occur when the employee, contractor, or agent alleged to have engaged in *sexual misconduct* is the student's parent/guardian, and/or when the student is at least 18 years of age or emancipated.

The Executive Director shall execute the recordkeeping requirements of *Faith's Law*.

Special School Board Member Responsibilities

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

If the Board of Control determines that any SASED employee, other than an employee licensed under 105 ILCS 5/21B, has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by ANCRA, the Board may dismiss that employee immediately.

When the Board of Control learns that a licensed teacher was convicted of any felony, it must promptly report it to the State agencies listed in policy 2:20, *Powers and Duties of the School Board; Indemnification*.

LEGAL REF.: 20 U.S.C. §7926, Elementary and Secondary Education Act.
105 ILCS 5/10-21.9, 5/10-23.13, ~~and~~ 5/21B-85, [5/22-85.5](#), and [5/22-85.10](#).
20 ILCS 1305/1-1 et seq., Department of Human Services Act.
~~20 ILCS 2435/.~~
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/12C-50.1, Criminal Code of 2012.

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 3:40 (Executive Director), 3:50 (Administrative Personnel Other Than the Executive Director), 3:60 (Administrative Responsibility of the Program Administrator), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Ethics and Conduct), 5:150 (Personnel Records), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Terminations and Suspensions), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

UPDATED: June 21, 2023

General Personnel

Personal Technology and Social Media; Usage and Conduct

Definitions

Includes - Means “includes without limitation” or “includes, but is not limited to.”

Social media - Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes *Facebook, LinkedIn, MySpace, Twitter, Instagram, TikTok, Snapchat, YouTube* and *blogs*.

Personal technology - Any device that is not owned or leased by SASED or otherwise authorized for SASED use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes laptop computers (e.g., laptops, ultrabooks, and chromebooks), tablets (e.g., iPads®, Kindle®, Microsoft Surface®, and other Android® platform or Windows® devices), smartphones (e.g., iPhone®, BlackBerry®, Android® platform phones, and Windows Phone®), and other devices (e.g., iPod®).

Usage and Conduct

All SASED employees who use personal technology and social media shall:

1. Adhere to the high standards for appropriate school relationships required by policy 5:120, ~~*Ethics and Conduct*~~ *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, at all times, regardless of the ever-changing social media and personal technology platforms available. This includes SASED employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policy 5:20, *Workplace Harassment Prohibited*; *5:100, Staff Development Program*, 5:120, ~~*Ethics and Conduct*~~ *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 6:235, *Access to Electronic Networks*; 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a SASED-provided or supported method to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Comply with policy 5:130, *Responsibilities Concerning Internal Information*. This means that personal technology and social media may not be used to share, publish, or transmit information about or images of students and/or SASED employees without proper approval. For SASED employees, proper approval may include implied consent under the circumstances.
5. Report instances of suspected abuse or neglect discovered through the use of social media or personal technology pursuant to a school employee’s obligations under policy 5:90, *Abused and Neglected Child Reporting*.
6. Not disclose confidential information, including but not limited to school student records (e.g., student work, photographs of students, names of students, or any other personally identifiable information about students) or personnel records, in compliance with policy

5:130, Responsibilities Concerning Internal Information. For SASED employees, proper approval may include implied consent under the circumstances.

7. Refrain from using SASED's logos without permission and follow Board policy 5:170, *Copyright*, and all SASED copyright compliance procedures.
8. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
9. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through SASED employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
10. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of SASED for any losses, costs, or damages, including reasonable attorney fees, incurred by SASED relating to, or arising out of, any violation of this policy.

The Executive Director shall:

1. Inform SASED employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Board policy 5:120, *Ethics and Conduct*.
2. Direct SASED Administrators/Building Principals to annually:
 - a. Provide their staff with a copy of this policy.
 - b. Inform their staff about the importance of maintaining high standards in their school relationships.
 - c. Remind their staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including termination.
3. Build awareness of this policy with students, parents, and the community.
4. Ensure that no one for SASED, or on its behalf, requests of an employee or applicant access in any manner to his or her social networking website or requests passwords to such sites.
5. Periodically review this policy and any procedures with SASED employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

LEGAL REF.: 105 ILCS 5/21B-75 and 5/21B-80.
Ill. Human Rights Act, 775 ILCS 5/5A-102.
[820 ILCS 55/10, Right to Privacy in the Workplace Act.](#)
Code of Ethics for Ill. Educators, 23 Ill.Admin.Code §22.20.
[Garcetti v. Ceballos](#), 547 U.S. 410 (2006).
[Pickering v. High School Dist. 205](#), 391 U.S. 563 (1968).
[Mayer v. Monroe County Community School Corp.](#), 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: [4:165 \(Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors\)](#), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), [5:100 \(Staff Development Program\)](#), 5:120 (~~Ethics and Conduct~~ [Employee Ethics; Code of Professional Conduct; and Conflict of Interest](#)), 5:130 (Responsibilities Concerning Internal Information), 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

ADOPTED: June 21, 2023

General Personnel

Personnel Records

Maintenance and Access to Records

The Executive Director or designee shall manage the maintenance of personnel records in accordance with State and federal law and Board of Control policy and any applicable collective bargaining agreements. Records, as determined by the Executive Director, are retained for all employment applicants, employees, and former employees given the need for SASED to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in SASED's administrative office, under the Executive Director's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Executive Director.
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*.

Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance

The Executive Director or designee shall manage a process for responding to inquiries by a prospective employer concerning current or former employee's job performance. The Executive Director or designee shall: ~~execute the requirements in the Abused and Neglected Child Reporting Act whenever another special education cooperative or school district requests a reference concerning an applicant who is or was a SASED employee and was the subject of a report made by a SASED employee to DCFS. The fact of a DCFS report shall be disclosed unless DCFS has informed the Executive Director that the allegations were unfounded.~~

1. Execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a SASED employee and was the subject of a report made by a SASED employee to Ill. Dept. of Children and Family Services (DCFS);
2. Comply with the federal law prohibiting SASED from providing a recommendation of employment for an employee, contractor, or agent that SASED knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law, but the Executive Director or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.
3. Manage SASED's responses to employer requests for sexual misconduct related employment history review (EHR) information in accordance with Faith's Law

When information is requested about a current or former employee by an entity other than a prospective employer, SASED will only confirm position and employment dates unless the employee has submitted a written request to the Executive Director or designee.

LEGAL REF.: [20 U.S.C. §7926.](#)
[105 ILCS 5/22-94.](#)
325 ILCS 5/4, Abused and Neglected Child Reporting Act.
745 ILCS 46/10, [Employment Record Disclosure Act.](#)
820 ILCS 40/1 et seq., [Personnel Record Review Act.](#)
23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to SASSED's Public Records), [5:90 \(Abused and Neglected Child Reporting\).](#) 7:340 (Student Records)

ADOPTED: June 21, 2023

General Personnel

Copyright

Works Made for Hire

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

Copyright Compliance

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

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

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

District DMCA Agent:

Dr. Melinda McGuffin

Name

2900 Ogden Avenue, Lisle, IL 60532

Address

mmcguffin@sased.org

Email

630-778-4500

Telephone

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

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

ADOPTED: June 21, 2023

Professional Personnel

Student Teachers, Interns and Practicum Students

SASED recognizes its responsibility to contribute to the general welfare of public education by providing opportunities for teacher and other professional/certified trainees and interns to gain direct experience in our learning environments.

The Executive Director or designee is authorized to accept students from university-approved Teaching, Speech Pathology, Audiology, School Psychology, Social Work, School Nursing, Occupational and Physical Therapy training programs to do student teaching, practicum, or internships with SASED. No individual who has been convicted of a criminal offense listed in Section 5/21B-80 of the School Code is permitted to student teach or complete field or other clinical experience.

Before permitting an individual to student teach, do a practicum, internship or participate in any field experience in SASED, the Executive Director or designee shall ensure that:

1. SASED performed a *complete criminal history records check* as described below; and
2. The individual furnished evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5.

A *complete criminal history records check* pursuant to 105 ILCS 5/10-21.9 shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by 97-154).
4. A background check with the Department of Children and Family Services as authorized with CANTS form CFS-689.

Each student teacher, intern or practicum student must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees), and the Executive Director or designee will provide each student teacher with a copy of his or her report.

Student teachers, practicum, and intern candidates should be assigned to supervising employees whose qualifications are acceptable to SASED and the students' respective colleges or universities.

LEGAL REF.: 34 U.S.C. §20901 et seq., Adam Walsh Child Protection and Safety Act, P.L. 109-248. Uniform Conviction Information Act, 20 ILCS 2635/1. 105 ILCS 5/21-14(e)(3)(E)(viii), 5/10-22.34, and 5/24-5. ~~23-III.Admin.Code §25.875.~~

CROSS REF.: 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications), 5:190 (Teacher Qualifications),

ADOPTED: June 21, 2023

Community Relations

Community Use of SASED Facilities

SASED's solely owned or operated school facilities are available to community organizations during non-school hours when such use does not: (1) interfere with any SASED function or the safety of students or employees, or (2) affect the property or liability of SASED. The use of school facilities for school purposes has precedence over all other uses. SASED reserves the right to cancel previously scheduled use of facilities by community organizations and other groups. The use of school facilities requires the prior approval of the Executive Director or designee and is subject to applicable procedures. Persons on school premises must abide by SASED's conduct rules at all times.

Student groups and SASED-related organizations, government agencies, and non-profit organizations are granted the use of school facilities at no costs during regularly staffed hours. Fees and costs shall apply during non-regularly staffed hours and to other organizations granted use of facilities at any time. A fee schedule and other terms of use shall be prepared by the Executive Director and be subject to annual approval by the Board of Control.

The Executive Director shall develop procedures to manage community use of SASED facilities. Use of school facilities requires the Executive Director's approval and is subject to the procedures.

LEGAL REF.: 20 U.S.C. §7905, [Boy Scouts of America Equal Access Act](#),
~~10 ILCS 5/19-2.2.~~
[19 ILCS 5/11-4.1, Election Code](#),
105 ILCS 5/10-20.41, 5/10-22.10, and 5/29-3.5.
[Good News Club v. Milford Central School](#), 121 S.Ct. 2093 (2001).
[Lamb's Chapel v. Center Moriches Union Free School District](#), 113 S.Ct. 2141
(1993).
[Rosenberger v. Rector and Visitors of Univ. of Va.](#), 515 U.S. 819 (1995).

CROSS REF.: 7:330 (Student Use of Building - Equal Access), 8:25 (Advertising and
Distributing Materials in Schools Provided by Non-School Related Entities),
8:30 (Visitors to and Conduct on SASED Property)

ADOPTED: June 21, 2023

General Personnel

Religious Holidays

~~The Executive Director or designee may grant to any employee a request for leave with or without pay at the discretion of the employee for the observation of a religious holiday of the employee's faith. These days will be used as personal leave days. Once two personal leave days have been used for religious observance, a third personal day will be granted for additional religious observance. Employees hired mid-year or part-time may receive this benefit on a pro-rata basis.~~ Shall grant an employee's request for time off to observe a religious holiday if the employee gives at least five days prior notice and the absence does not cause an undue hardship.

Employees may use earned vacation time or personal leave to make up the absence, provided such time is consistent with SASED's organizational needs. A per diem deduction may also be requested by the employee.

LEGAL REF.: 775 ILCS 5/2-101 AND 5/2-102, Ill. Human Rights Act.
775 ILCS 35/155, Religious Freedom Restoration Act.

ADOPTED: June 21, 2023

General Personnel

Professional Development Program

~~The Board of Control's commitment to quality instruction includes hiring well-qualified employees and encouraging professional growth. Therefore.~~ The Executive Director or designee shall implement a professional development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction.

The staff development program shall include the Abused and Neglected Child Reporting Act (ANCRA), School Code, and awareness and prevention of child sexual abuse and grooming behaviors (*Erin's Law*) training as follows (see policies 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, and 5:90, *Abused and Neglected Child Reporting*):

1. Staff development for local school site personnel who work with students in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect.
2. Within three months of employment, each staff member must complete mandated reporter training from a provider or agency with expertise in recognizing and reporting child abuse. Mandated reporter training must be completed again at least every three years.
3. By January 31, 2023, and every year after, all school personnel must complete evidence-informed training on preventing, reporting, and responding to child sexual abuse, grooming behaviors, and boundary violations.

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

The staff development program shall provide, at a minimum, once every two years, the in-service training of all personnel who work with students which shall include training on educator ethics, teacher-student conduct, and school employee-student conduct.

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

All staff members are encouraged to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automatic external defibrillator, in accordance with a nationally recognized certifying organization. The professional development program may include training and services of experts in life-saving techniques to instruct teachers and other school personnel.

Staff Meetings

~~The Executive Director or designee shall plan and conduct professional meetings according to the conditions of the applicable collective bargaining agreement, assignment and/or school calendar. All employees shall be required to attend orientation days, institute meetings, in-service training sessions, workshops, and parent teacher meetings as appropriate to their assignment. Failure to attend such meetings without prior approval shall be considered an absence without pay.~~

SASED Meetings/Conferences

~~The Executive Director or designee will plan SASED meetings/conferences as far in advance as possible. The purposes of such meetings/conferences shall be consistent with goals of SASED, and to the greatest extent possible, part of an ongoing, comprehensive staff development plan. All such meetings will have a specific agenda and anticipated outcomes.~~

Professional Growth

~~With the approval of the Executive Director or designee, staff members may be released to attend national, state, and local professional meetings, conferences or workshops. The Executive Director or designee will determine on an individual basis:~~

- ~~→ The appropriateness and professional benefit of the meeting~~
- ~~→ Financial considerations~~
 - ~~→ Number of released days from the staff member's work assignment~~

Reimbursement

~~SASED will reimburse employees for attendance at professional meetings, conferences, or workshops which have been pre-approved as outlined above.~~

~~A request from an employee for expense reimbursement will be subject to the provisions of the accompanying regulations regarding the reimbursement of expenses.~~

Professional Organizations

~~Membership in specialized professional organizations can be of value to assist the staff in keeping abreast of new knowledge, instructional materials, and pedagogical developments.~~

~~Therefore, the annual budget will provide a sum of money for the purpose of paying membership fees, either instructional or individual as appropriate, in selected specialized professional organizations as determined by the Executive Director or designee.~~

~~A request from an employee for such board-paid membership shall be subject to the approval of his/her immediate supervisor and the Executive Director and the limitations of the budget allocation.~~

~~For the purposes of this policy, the National Education Association, Illinois Education Association, American Federation of Teachers, local teacher organizations, and any similar teacher or employer organization shall not be considered specialized professional organizations.~~

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.
42 U.S.C. §1758b, Pub. L. 111-296, Healthy, Hunger-Free Kids Act of 2010;
7 C.F.R. Parts 210 and 235.
105 ILCS 5/2-3.62, 5/10-20.17a, 5/10-20.610, 5/10-22.6(c-5), 5/10-22.39, 5/10-23.12, 5/22-80(h), and 5/24-5.
105 ILCS 25/1.15, Interscholastic Athletic Organization Act.
105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.
325 ILCS 5/4, Abused and Neglected Child Reporting Act.
745 ILCS 49/1 Good Samaritan Act.
23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.

CROSS REF.: 2:265 (Title IX Sexual Harassment Grievance Procedure), 3:40 (Executive Director), 3:50 (Administrative Personnel Other Than the Executive Director), 4:160 (Hazardous and Infectious Materials), 5:20 (Workplace Harassment Prohibited), 5:90 (General Personnel - Abused and Neglected Child Reporting), 5:120 (Ethics and Conduct), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 7:20 (Harassment of

Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:285 (Food Allergy Management Program)

ADOPTED: June 21, 2023

General Personnel

Employee Ethics, Code of Professional Conduct, and Conflict of Interest

All SASED employees are expected to maintain high standards in job performance, demonstrate integrity and honesty, be considerate and cooperative, and maintain professional relationships with students, parents, staff members, and others.

The Executive Director or designee shall provide this policy to all SASED staff, and students, and/or parents/guardians in their respective handbooks, and ensure its posting on SASED's website.

Professional and Appropriate Conduct

Professional and appropriate employee conduct are important Board goals that impact the quality of a safe learning environment and the school community, increasing students' ability to learn and SASED's ability to educate. To protect students from sexual misconduct by employees, and employees from the appearance of impropriety, State law also recognizes the importance for SASED employees to constantly maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries. Many breaches of employee-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety and impact the quality of a safe learning environment. Repeated violations of employee-student boundaries may indicate the grooming of a student for sexual abuse. As bystanders, employees may know of concerning behaviors that no one else is aware of, so their training on: (1) preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior; (2) this policy; and (3) federal and state reporting requirements is essential to maintaining the Board's goal of professional and appropriate conduct.

The Executive Director or designee shall identify employee conduct standards that define appropriate employee-student boundaries, provide training about them, and monitor the SASED employees for violations of employee-student boundaries. The employee conduct standards will require that, at a minimum:

1. Employees who are governed by the Code of Ethics for Illinois Educators, adopted by the Ill. State Board of Education (ISBE), will comply with its incorporation by reference into this policy.
2. Employees are trained on educator ethics, child abuse, grooming behaviors, and employee-student boundary violations as required by law and policies 2:265, *Title IX Sexual Harassment Grievance Procedure*; 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:90, *Abused and Neglected Child Reporting*; and 5:100, *Staff Development Program*.
3. Employees maintain professional relationships with students, including maintaining employee-student boundaries based upon students' ages, grade levels, and developmental levels and following SASED-established guidelines for specific situations, including but not limited to:
 - a. Transporting a student;
 - b. Taking or possessing a photo or video of a student; and
 - c. Meeting with a student or contacting a student outside the employee's professional role.

4. Employees report prohibited behaviors and/or boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Sexual Harassment Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*.
5. Discipline up to and including dismissal will occur for any employee who violates an employee conduct standard or engages in any of the following:
 - a. Violates expectations and guidelines for employee-student boundaries.
 - b. Sexually harasses a student.
 - c. Willfully or negligently fails to follow reporting requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/), Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), or the Elementary and Secondary Education Act (20 U.S.C. § 7926).
 - d. Engages in grooming as defined in 720 ILCS 5/11-25.
 - e. Engages in grooming behaviors. Prohibited grooming behaviors include, at a minimum, sexual misconduct. Sexual misconduct is any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include, but are not limited to:
 - i. A sexual or romantic invitation.
 - ii. Dating or soliciting a date.
 - iii. Engaging in sexualized or romantic dialog.
 - iv. Making sexually suggestive comments that are directed toward or with a student.
 - v. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
 - vi. A sexual, indecent, romantic, or erotic contact with the student.

Statement of Economic Interests

The following employees must file a Statement of Economic Interests as required by the Ill. Governmental Ethics Act:

1. ~~Superintendent~~; **Executive Director**;
2. ~~Building Principal~~; **Program Administrators and Coordinators**;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts, including collective bargaining agreement(s), 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.

Ethics and Gift Ban

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

Prohibited Interests; Conflict of Interest; and Limitation of Authority

In accordance with 105 ILCS 5/22-5, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or

teacher may be connected,” except when the employee is the author or developer of instructional materials listed with ISBE and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of SASED nor shall an employee act as an agent of any business in any transaction with SASED. This includes participation in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) when the employee has a real or apparent conflict of interest. A conflict of interest arises when an employee or any of the following individuals has a financial or other interest in or a tangible benefit from the entity selected for the contract:

1. A member of the employee’s immediate family;
2. An employee’s partner ; or
3. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above.

Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or subcontracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, Ethics and Gift Ban.

Guidance Counselor Gift Ban

Guidance counselors are prohibited from intentionally soliciting or accepting any gift from a prohibited source or any gift that would be in violation of any federal or State statute or rule. For guidance counselors, a prohibited source is any person who is (1) employed by an institution of higher education, or (2) an agent or spouse of or an immediate family member living with a person employed by an institution of higher education. This prohibition does not apply to:

1. Opportunities, benefits, and services available on the same conditions as for the general public.
2. Anything for which the guidance counselor pays market value.
3. A gift from a relative.
4. Anything provided by an individual on the basis of a personal friendship, unless the guidance counselor believes that it was provided due to the official position or employment of the guidance counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the guidance counselor must consider the circumstances in which the gift was offered, including any of the following:
 - a. The history of the relationship between the individual giving the gift and the guidance counselor, including any previous exchange of gifts between those individuals.
 - b. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.
 - c. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.
5. Bequests, inheritances, or other transfers at death.
6. Any item(s) during any calendar year having a cumulative total value of less than \$100.
7. Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.

A guidance counselor does not violate this prohibition if he or she promptly returns the gift to the prohibited source or donates the gift or an amount equal to its value to a 501(c)(3) tax-exempt charity.

Outside Employment

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.

EMPLOYEE CODE OF PROFESSIONAL CONDUCT – SASED

All SASED 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. In addition, the *Code of Ethics for Illinois Educators*, adopted by the ISBE, is incorporated into this Code of Professional Conduct. Any employee who sexually harasses a student, willfully or negligently fails to report an instance of suspected child abuse or neglect, as required by the Abused and Neglected Child Reporting Act (325 ILCS 5/1 et. seq.), engages in grooming as defined by 720 ILCS 5/11-25, engages in grooming behaviors, violates boundaries for appropriate school employee student conduct, engages in sexual misconduct as defined in 105 ILCS 5/22-85.5, or otherwise violates an employee conduct standard will be subject to discipline, up to and including, dismissal.

Standards and Expectations Related to School Employee Student Conduct

1. All employee conduct must comply with the *Code of Ethics for Illinois Educators*, adopted by ISBE, to the extent applicable.
2. Prohibited grooming behaviors and “sexual misconduct” include, but are not limited to, any verbal, nonverbal, written, or electronic, or physical activity, by an employee or agent of SASED with direct student contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to:
 - a. A sexual or romantic invitation;
 - b. Dating or soliciting a date;
 - c. Engaging in sexualized or romantic dialogue;
 - d. Making sexually suggestive comments that are directed toward or with a student;
 - e. Self disclosure or physical exposure of a sexual, romantic, or erotic nature;
 - f. A sexual, indecent, romantic, or erotic contact with a student.
3. Employees are expected to maintain professional relationships and appropriate boundaries with students.
 - a. Communications with students
 - 1) Employees are strictly prohibited from using any form of communication with students, including but not limited to, emails, letters, notes, text messages, phone calls, social media, and conversations that include any subject matter that would be deemed unprofessional and inappropriate between an employee and student. Employees must use a school provided or supported method to communicate with students whenever possible and are prohibited from using personal email, text messaging, direct messaging or other forms of communication that are similar in nature.
 - b. Transportation of students
 - 1) Employees are not permitted to transport students in their privately owned vehicles, unless they have obtained prior approval from the Executive Director or designee. Transportation of students in SASED vehicles requires approval from the Executive Director or designee,

and ideally should include at least two people.

~~e. Photographs of students~~

- ~~1) Employees are prohibited from taking or possessing photos of a student on their personal devices.~~

~~d. Contact with students~~

- ~~1) Employees are prohibited from meeting or contacting a student outside of their professional role. Some exceptions would be for situations where there is another established appropriate relationship (i.e. religious ed teacher, cub scout master, family relationship, etc.). Employees are expected to avoid situations which could result in an actual or perceived inappropriate relationship between the employee and the student.~~

- ~~4. Employees are mandated reporters and required to comply with all reporting requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/1 et seq.) and the Title IX of the Education Amendments of 1972 (20 USC 1681 et. seq.) and related Board policies, including Board policy 5:90, Abused and Neglected Child Reporting, policy 2:265, Title IX Sexual Harassment Grievance Procedure.~~
- ~~5. Employees, students, parents/guardians, and any third party can report prohibited behaviors, including prohibited grooming and sexual misconduct, and/or boundary violations pursuant to Board policy 2:260, Uniform Grievance Procedure and policy 2:265, Title IX Sexual Harassment Grievance Procedure, or to any staff member to whom the person feels comfortable reporting.~~
- ~~6. Employees are required to complete training related to educator ethics, mandated reporting, child abuse, grooming behaviors, and boundary violations as required by law.~~
- ~~7. Employees who violate this Code of Professional Conduct or who fail to report a violation may be subject to disciplinary action up to and including dismissal from employment.~~

Incorporated

by reference: 5:120-E (Code of Ethics for Ill. Educators)

LEGAL REF.: U.S. Constitution, First Amendment.

2 C.F.R. §200.318(c)(1).

5 ILCS 420/4A-101, Ill. Governmental Ethics Act.

5 ILCS 430/, State Officials and Employee Ethics Act.

30 ILCS 708/, Grant Accountability and Transparency Act.

50 ILCS 135/, Local Governmental Employees Political Rights Act.

105 ILCS 5/10-22.39, 5/10-23.13, 5/22-5, 5/22-85.5, and 5/22-93.

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

720 ILCS 5/11-25, Criminal Code of 2012.

775 ILCS 5/5A-102, Ill. Human Rights Act.

23 Ill.Admin.Code Part 22, Code of Ethics for Ill. Educators.

Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).

Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Terminations and Suspensions), 7:20 (Harassment of Students Prohibited)

ADOPTED: June 21, 2023

Educational Support Personnel

Each provision, term, and condition of the following policy shall apply to all SASED employees except where a collective bargaining agreement offers a specific differing provision, term, or condition to a bargaining unit employee. In such case, the specific differing provision, term, or condition shall apply to the bargaining unit employee. In the absence of a specific differing provision, term, or condition, the policy shall be fully applicable to a bargaining unit employee.

Employment Termination and Suspensions

Resignation and Retirement

An employee is requested to provide 2 weeks' notice of a resignation. A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

Non-RIF Dismissal

SASED may terminate an at-will employee at any time for any reason, subject to State and federal law.

Employees who are employed annually or have a contract, or who otherwise have a legitimate expectation of continued employment, may be dismissed: (1) at the end of the school year or at the end of their respective contract after being provided appropriate notice and after compliance with any applicable contractual provisions, or (2) mid-year or mid-contract provided appropriate due process procedures are provided.

The Executive Director is responsible for making dismissal recommendations to the Board of Control consistent with the Board's goal of having a highly qualified, high performing staff. This includes recommending a non-licensed employee for immediate dismissal for willful or negligent failure to report an instance of suspected child abuse or neglect as required by 325 ILCS 5/.

Reduction in Force and Recall

The Board may, as necessary or prudent, decide to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, dismiss or reduce the hours of one or more educational support employees. When making decisions concerning reduction in force and recall, the Board will follow Sections 10-22.34c (outsourcing non-instructional services) and 10-23.5 (procedures) of the School Code, to the extent they are applicable and not superseded by legislation or an applicable collective bargaining agreement.

~~The Board of Control shall use a seniority list to determine the order of dismissal or removal. The seniority list, categorized by positions, shall show the length of continuing service of each full time educational support employee. The employee with the shorter length of continuing service within the respective category of position shall be dismissed first.~~

~~Except as provided below, written notice will be given the employee by certified mail, return receipt requested, at least 30 days before the employee is removed or dismissed, or his or her hours are reduced, together with a statement of honorable dismissal and the reason therefore if applicable. The prior written notice will be extended to at least 90 days if the lay-off is due to SASED entering into a contract with a third party for non-instructional services. The prior written notice will be shortened to at least 5 days before an employee's hours are reduced as a result of an unforeseen reduction in the student population.~~

~~Any vacancies for the following school term or within one calendar year from the beginning of the following school term, shall be offered to the employees so removed or dismissed from that category or any other category of position provided they are qualified to hold such positions.~~

Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the third business day following the last day of employment.

Suspension

Except as provided below, the Executive Director is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Executive Director's judgment, the employee's presence is detrimental to SASSED. A disciplinary suspension shall be with pay: (1) when the employee is exempt from the overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees. Upon receipt of a recommendation from the Ill. Dept. Children and Family Services (DCFS) that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the District, the Board or Superintendent or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended, proceeding with:
 - a. A suspension with pay; or
 - b. A suspension without pay.

Any criminal conviction resulting from the investigation or allegations shall require the employee to repay to SASSED all compensation and the value of all benefits received by the employee during the suspension. The Executive Director will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 105 ILCS 5/10-22.34c and 5/10-23.5.
5 ILCS 430 et seq., State Officials and Employees Ethics Act.
325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.
820 ILCS 105/4a, Minimum Wage Law.

CROSS REF.: 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:240 (Suspension), 5:270 (Employment At-Will, Compensation, and Assignment)

ADOPTED: June 21, 2023

Instruction

Guidance and Counseling Program

SASED provides a guidance and counseling program for students in conjunction with their resident districts. The Executive Director or designee shall direct SASED's guidance and counseling program. School counseling services, as described by State law, may be performed by a qualified guidance specialist or any certificated staff member.

Each staff member is responsible for effectively guiding students under his/her supervision in order to provide early identification of intellectual, emotional, social, or physical needs, diagnosis of any learning disabilities, and development of educational potential. SASED's counselors, and other qualified staff (i.e. school psychologists, school social workers, etc.) shall offer counseling to those students who require additional assistance.

The guidance program will assist students to identify career options consistent with their abilities, interests, and personal values. In collaboration with resident districts, students shall be encouraged to seek the help of counselors to develop specific curriculum goals that conform to the student's career objectives. High school juniors and seniors will have the opportunity to receive career-oriented information through resident district and/or SASED. Representatives from colleges and universities, occupational training institutions and career-oriented recruiters, including the military, may be given access to the resident district or SASED campus in order to provide students and parents/guardians with information.

LEGAL REF.: 105 ILCS 5/10-22.24a and 5/10-22.24b,
23 Ill.Admin.Code §1.420(q).

CROSS REF.: 6:50 (School Wellness), 6:65 (Student Social and Emotional Development), 6:120 (Education of Children with Disabilities), 6:130 (Program for the Gifted), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:250 (Student Support Services), 7:290 (Suicide and Depression Awareness and Prevention)

ADOPTED: June 21, 2023

Students

Attendance and Truancy

Compulsory School Attendance

This policy applies to individuals who have custody or control of a child: (a) between the ages of 6 (on or before September 1) and 17 years (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.

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, and (5) any child absent because of religious reasons, including to observe a religious holiday, for religious instruction, or because his or her religion forbids secular activity on a particular day(s) or time of 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 in a SASED program must authorize all absences from school and notify SASED in advance or at the time of the student's absence. A valid cause for absence includes illness (including mental or behavioral health of the student), observance of a religious holiday, death in the immediate family, [attendance at a civic event](#), family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15),, other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional or physical health or safety, or other reason as approved by the Executive Director or designee. Students absent for a valid cause may make up missed homework and classwork assignments in a reasonable timeframe.

Absenteeism and Truancy Program

The Executive Director or designee shall, in collaboration with the member districts, manage absenteeism and truancy in accordance with The School Code and 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 Executive Director or designee is authorized to determine when the student's absence is justified. A student may be excused, at the Executive Director's or designee'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 Executive Director or designee.
2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran.
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings.
4. 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. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in 105 ILCS5/26-2a, and inform the member district of the student's status.
6. 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.
7. 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. See board policy 6:110 *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.
8. A process for the collection and review of chronic absence data and to:
 - a. Determine what systems of support and resources are needed to engage chronically absent students and their families, and
 - b. Encourage the habit of daily attendance and promote success.
9. Reasonable efforts to provide ongoing professional development to teachers, administrators, Board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement.
10. 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.
11. A protocol for cooperating with non-SASED 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 student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning student records.
12. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a chronic truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student.
13. 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 Executive Director or designee believes qualifies.
14. A process for a 17-year-old resident to participate in the District's various programs and resources for truants. The student must provide documentation of his/her dropout status for the previous six 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, *School Admissions and Student Transfers To and From Non-District Schools*.
15. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student.

Monitoring

Pursuant to State Law and policy 2:240, *Board Policy Development*, the Board updates this policy at least once every two years. The Executive Director or designee shall assist the Board with its update.

LEGAL REF.: 105 ILCS 5/~~22-92~~ and 5/26-1 through 18.
705 ILCS 405/3-33.5. Juvenile Court Act of 1987.
23 Ill.Admin.Code §§1.242 and ~~1.290~~ Part 207.

CROSS REF.: 5:100 (Staff Development Program), ~~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/Eligibility for Services), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Discipline), 7:340 (Student Records)

UPDATED: June 21, 2023

Students

Prevention of and Response to Bullying, Intimidation, and Harassment

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

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

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

Definitions from 105 ILCS 5/27-23.7

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

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

Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

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

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.

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

Bullying Prevention and Response Plan

The Executive Director or designee shall develop and maintain a bullying prevention and response plan that advances SASSED's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12.

1. SASSED uses the definition of *bullying* as provided in this policy.
2. Bullying is contrary to State law and the policy of SASSED. However, nothing in SASSED's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, ~~Building Principal~~ **Program Director or Coordinator**, ~~Assistant Building Principal, Dean of Students~~, a Complaint Manager, or any SASSED staff member with whom the student is comfortable speaking. Anyone, including SASSED staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to SASSED named officials or any SASSED staff member. SASSED named officials and all SASSED staff members are available for help with a bully or to make a report about bullying. Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

Nondiscrimination Coordinator:

Julie Grohn
Name
2900 Ogden Avenue, Lisle, IL 60532
Address
jpgrohn@sased.org
Email
630-778-4500
Telephone

Complaint Managers:

Matthew Layton
Name
2900 Ogden Avenue, Lisle, IL 60532
Address
mlayton@sased.org
Email
630-778-4500
Telephone

Christine Martin
Name
2900 Ogden Avenue, Lisle, IL 60532
Address
cmartin@sased.org
Email
630-778-4500
Telephone

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

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

6. The Executive Director or designee shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.
7. A reprisal or retaliation against any person who reports an act of bullying is prohibited. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion with regard to students.
8. A student will not be punished for reporting bullying or supplying information, even if SASED's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.
9. SASED's bullying prevention and response plan is based on the engagement of a range of SASED stakeholders, including students and parents/guardians.
10. The Executive Director or designee shall post this policy on SASED's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and SASED personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.
11. Pursuant to State law and policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Executive Director or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation:
 - a. The frequency of victimization;
 - b. Student, staff, and family observations of safety at a school;
 - c. Identification of areas of a school where bullying occurs;
 - d. The types of bullying utilized; and
 - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that SASED already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

- 1) An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- 2) If no revisions are deemed necessary, a copy of board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary; or
- 3) A signed statement from the Board Chairperson indicating that the Board re-evaluated the policy and no changes to it were necessary.

The Executive Director or designee must post the information developed as a result of the policy re-evaluation on SASED's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and

students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. The Executive Director or designee shall fully implement the Board policies, including without limitation, the following:
 - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
 - b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
 - c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
 - d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
 - e. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
 - f. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
 - g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
 - h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
 - i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6(b-20), 5/24-24, and 5/27-23.7.
405 ILCS 49/, Children’s Mental Health Act.
775 ILCS 5/1-103, Ill. Human Rights Act.
23 Ill.Admin.Code §§1.240, 1.280, and 1.295.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

ADOPTED: June 21, 2023

Students

Bus Conduct

All students must follow SASED/member/[resident](#) district School Bus Safety Guidelines.

School Bus Suspensions

The Executive Director, or any designee as permitted in [The School Code](#), is authorized to suspend a student from riding the school bus for up to 10 consecutive school days for engaging in gross disobedience or misconduct, including, but not limited to, the following:

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

If a student is suspended from riding the bus for gross disobedience or misconduct on a bus, in collaboration with the district of residence, SASED may suspend the student from riding the school bus for a period in excess of 10 days for safety reasons. SASED/member/[resident](#) district's regular suspension procedures shall be used to suspend a student's privilege to ride a school bus.

Academic Credit for Missed Classes During School Bus Suspension

A student suspended from riding the bus who does not have alternate transportation to school shall have the opportunity to complete or make up work for equivalent academic credit. It shall be the responsibility of the student's parent or guardian to notify the school that the student does not have alternate transportation.

Electronic Recordings on School Buses

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

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

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.105 ILCS 5/10-20.14, 5/10-22.6, and 10/1 et seq.
720 ILCS 5/14-3(m).
23 Ill.Admin.Code Part 375, Student Records.

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

ADOPTED: June 21, 2023