

**ANTIOCH SCHOOL DISTRICT 34**  
**Regular**  
**Administrative Service Center**  
**964 Spafford Street**  
**Antioch, Illinois 60002**  
**Thursday, May 21, 2020**  
**9:00 AM**

**AGENDA**

1. Review of PRESS Memo 103
2. Development of Board Policy Recommendations
3. Board Requested Policy Review of 5:120, 5:125, and 6:235
4. Board Requested Review of Possible New Policy on Nepotism
5. Adjournment

## Update Memo

Please distribute to board members and appropriate staff.

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| Next Issue: Five-Year Reviews                                                         |      |

### Online Instructions

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

1. Go to [www.iasb.com](http://www.iasb.com) and click on the yellow **Member Login** button.  

2. Log in using 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.
  - 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 logging in to [www.iasb.com](http://www.iasb.com), please contact Kat Barone at [kbarone@iasb.com](mailto:kbarone@iasb.com).
3. 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 Kimberly Small, IASB General Counsel and PRESS Editor, 630/629-3776, ext. 1226; Maryam Brotine, Assistant General Counsel and Assistant PRESS Editor, 630/629-3776, ext. 1219; or Debra Jacobson, Assistant General Counsel and Assistant PRESS Editor, 630/629-3776, ext. 1211.

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** materials by striking out deleted words and underscoring new words.

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/](http://www.iasb.com/policy/) to view the **PRESS** video tutorial located under the header entitled: **PRESS – Policy Reference Education Subscription Service**.

### 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.

## Veto Session Updates

In November 2019, the Illinois General Assembly returned to Springfield for the Fall Veto Session to consider a mix of veto overrides, new proposals, and unfinished business from the spring. What resulted were three major pieces of legislation that impact school boards and the **PRM**.

First, the Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/, was amended by P.A. 101-593, a trailer bill related to the legalization of recreational cannabis, to clarify workplace drug testing and other issues, including protections for Illinois employers' drug testing policies. It clarifies that the CRTA allows employers to maintain zero-tolerance drug-free workplace policies (there was concern because the Right to Privacy in the Workplace Act prohibits employers from disciplining employees for their use of *lawful products* off-the-clock). It also clarifies that employers may do reasonable and nondiscriminatory pre- and post-hiring and random drug tests for cannabis.

Second, Illinois provided a pro-labor response to the United States Supreme Court's June 2018 *Janus* decision (finding that public employees cannot be compelled to pay *fair share* union dues) with legislation amending the following statutes:

1. The Ill. Educational Labor Relations Act (IELRA), 115 ILCS 5/, amended by P.A. 101-620, (a) expands union access to employees during the work day, (b) requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources, (c) prohibits districts from disclosing certain personal information of employees, and (d) requires districts to provide unions notice of any third party requests for such information.
2. The Freedom of Information Act, 5 ILCS 140/7.5, amended by P.A. 101-620, specifically exempts from disclosure the types of employee information now prohibited from disclosure under the IELRA.

Third, 10 ILCS 5/7-42 and 10 ILCS 5/17-15, amended by P.A. 101-624, eff. 6-1-20, provide that beginning on the 15th day before a primary, general, or special election or on the day of any such election, any student who is eligible to vote is entitled to be absent for two hours during the school day to vote. Districts may specify the hours during which eligible students may be absent from their schools.

The following **PRESS** materials make up this important bundle:

- 5:50, Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition
- 5:120-AP1, Statement of Economic Interests for Employees
- 5:150, Personnel Records
- 5:280, Duties and Qualifications
- 6:235, Access to Electronic Networks
- 7:70, Attendance and Truancy
- 7:90, Release During School Hours
- 8:30, Visitors to and Conduct on School Property
- 8:110, Public Suggestions and Concerns

## 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.**

## Grant Accountability & Transparency Act

As part of its grant oversight function, the Ill. State Board of Education (ISBE) plans to conduct field testing in the area of travel expenses under federal and State grants during the 2020-2021 school year. In anticipation of this monitoring activity, the **PRESS** Editors have collaborated with ISBE's Federal and State Monitoring Department to revise existing and develop new **PRESS** materials to ensure they reflect the policy and procedure requirements of the federal uniform guidance for grants and the Grant Accountability and Transparency Act (GATA). The **PRESS** Editors thank ISBE for its continuing collaboration on GATA-related issues.

The following **PRESS** materials are updated:

2:125, Board Member Compensation; Expenses  
2:125-E1, Board Member Expense Reimbursement Form  
- **REWRITTEN**  
2:125-E2, Board Member Estimated Expense Approval Form - **REWRITTEN**  
4:60-AP4, Federal and State Award Procurement Procedures  
5:60, Expenses  
5:60-AP, Federal and State Grant Travel Expense Procedures  
- **NEW**  
5:60-E1, Employee Expense Reimbursement Form  
- **REWRITTEN**  
5:60-E2, Employee Estimated Expense Approval Form  
- **REWRITTEN**

## Coordinating with Children's Advocacy Centers

As noted in **PRESS** Issue 102, a new School Code provision created by Public Act 101-531, 105 ILCS 5/22-85 (final citation pending), requires that districts within a county served by an accredited Children's Advocacy Center (CAC) coordinate with the CAC when an *alleged incident of sexual abuse* is reported to DCFS. Following consultation with the CAC, we have created new 5:90-AP, *Coordination with Children's Advocacy Center*, to assist districts with compliance. Districts

are encouraged to contact their local CAC to customize this procedure prior to implementation.

The following **PRESS** materials are included in this bundle:

2:150-AP, Superintendent Committees  
5:90-AP, Coordination with Children's Advocacy Center  
- **NEW**

## Miscellaneous

The following **PRESS** materials are updated due to miscellaneous legislative, administrative rule, clean-up, and/or continuous review changes. 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 included in this catch-all bundle:

5:35, Compliance with the Fair Labor Standards Act  
5:35-AP1, Fair Labor Standards Act Exemptions  
5:210, Resignations  
6:135, Accelerated Placement Program  
6:135-AP, Accelerated Placement Program Procedures  
6:280, Grading and Promotion  
7:190-E2, Student Handbook Checklist

## Five-Year Review Updates

**PRESS** Editors have a quality assurance goal to ensure that each piece of the 1000+ page IASB **PRESS PRM** is reviewed at least every five years. The **PRM** contains approximately 175 policies and procedures. 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:

2:160, Board Attorney  
2:160-E, Checklist for Selecting a Board Attorney  
- **REWRITTEN**  
4:50, Payment Procedures  
4:170-AP6, E1, School Staff AED Notification Letter  
6:120-AP1, Special Education Procedures Assuring the Implementation of Comprehensive Programming for 4  
Children with Disabilities

7:130, Student Rights and Responsibilities  
7:325, Student Fundraising Activities  
7:325-E, Application and Procedures to Involve Students in Fundraising Activities  
8:10, Connection with the Community  
8:30-E1, Letter to Parent Regarding Visits to School by Child Sex Offenders  
8:30-E2, Child Sex Offender's Request for Permission to Visit School Property  
8:80, Gifts to the District

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><b>Coronavirus COVID-19</b></p> <p>The Novel Coronavirus (COVID-19) outbreak in China has since spread throughout parts of the world, including the United States. The Centers for Disease Control and Prevention has guidelines on planning, preparing, and responding to COVID-19 for US Childcare Programs and K-12 Schools, found here: <a href="http://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html">www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html</a>. The Ill. Dept. of Public Health also maintains a COVID-19 webpage, with a subpage dedicated to Schools Guidance, at: <a href="http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/schools-guidance">www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/schools-guidance</a>.</p>                                         | <p>Refer to <b>PRESS</b> policy 4:180, <i>Pandemic Preparedness</i>, and its administrative procedures.</p>                                                                                                                                                                  |
| <p><b>Title IX Proposed Rules</b></p> <p>The U.S. Dept. of Education proposed revised regulations implementing Title IX of the Education Amendments Act of 1972 (Title IX) and accepted public comment on them through 1-31-19. Those comments are currently under review but there is no deadline by which the proposed regulations must be finalized.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>No <b>PRESS</b> materials are affected at this time. We will monitor the situation and update materials when necessary.</p>                                                                                                                                               |
| <p><b>Implementation Date Delayed for Amendments to 105 ILCS 5/14-8.02f(c)</b></p> <p>In August 2019, 105 ILCS 5/14-8.02f(c), amended by P.A. 101-515, required that no later than three (was five) days prior to an Individualized Education Program meeting, districts must provide parents/guardians with copies of all written material that will be considered during the meeting. During the veto session, 105 ILCS 5/14-8.02f(c), amended by P.A. 101-598, delayed the implementation date to 7-1-20.</p>                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>No <b>PRESS</b> materials are affected. Ill. Council of School Attorneys <i>Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities</i> (Revised May 2015, published by ICSEA) will be updated mid-2020.</p> |
| <p><b>Updated Asthma Medication Rules</b></p> <p>105 ILCS 5/22-33, amended by P.A. 100-726, made changes that permit schools to establish a policy providing for the stocking and use of undesignated asthma medication. ISBE responded by updating the rules governing undesignated medications at 23 Ill.Admin.Code §1.540. See 44 Ill. Reg. 1929.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>No <b>PRESS</b> materials are affected.</p>                                                                                                                                                                                                                               |
| <p><b>Time Out/Seclusion/Restraint</b></p> <p>In November 2019, ISBE issued emergency rules prohibiting the use of isolated time out and physical restraint. In December 2019, ISBE amended the emergency rules to allow the limited use of supine physical restraint. In February 2020, ISBE again amended the emergency rules to allow the limited use of isolated time out. The Special Education Committee of the Ill. Council of School Attorneys collaborated with ISBE on guidance regarding the emergency rules, at: <a href="http://www.isbe.net/Documents/Guidance-FAQs-Time-out-Restraint.pdf">www.isbe.net/Documents/Guidance-FAQs-Time-out-Restraint.pdf</a>.</p> <p>Permanent rules governing the use of time out, isolated time out, and restraint are pending via the administrative rulemaking process, and numerous bills related to time out, seclusion, and restraint are being considered by the General Assembly.</p> | <p>No <b>PRESS</b> materials are affected at this time. We will monitor the situation, collaborate with ISBE, and update materials when necessary.</p>                                                                                                                       |

## Progress Report — *continued*

| Topics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Our Response                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Transgender Task Force Report</b><br>On 1-10-20, the Affirming and Inclusive Schools Task Force delivered a report to the Governor detailing recommended procedures and best practices for K-12 schools to support transgender, nonbinary, and gender nonconforming students. The report is available online at: <a href="http://www2.illinois.gov/ISNews/21019-Affirming_and_Inclusive_Schools_Task_Force_Report.pdf">www2.illinois.gov/ISNews/21019-Affirming_and_Inclusive_Schools_Task_Force_Report.pdf</a> . ISBE non-regulatory guidance documents and resources are available here: <a href="http://www.isbe.net/supportallstudents">www.isbe.net/supportallstudents</a> . | No <b>PRESS</b> materials are affected at this time; please see footnote two of <b>PRESS</b> policy 7:10, <i>Equal Educational Opportunities</i> , for more information specific to this topic. We will monitor the situation, collaborate with ISBE, and update materials if necessary. |

### Revisions to Policies, Administrative Procedures, and Exhibits

| Number and Title                                         | Revision Descriptions                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |
|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 2:125, Board Member Compensation; Expenses               | The policy, Legal References, and footnotes are updated in response to the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/, and in anticipation of grant monitoring activity by the Ill. State Board of Education (ISBE) during the 2020-21 school year. A new subhead, <b>Additional Requirements for Travel Expenses Charged to Federal and State Grants</b> , is added. Continuous improvement updates and minor style changes are also made to the policy and footnotes. | <input type="checkbox"/>            |
| 2:125-E1, Board Member Expense Reimbursement Form        | <b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/>            |
| 2:125-E2, Board Member Estimated Expense Approval Form   | <b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/>            |
| 2:150-AP, Superintendent Committees                      | The procedure is updated to facilitate implementation of 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531, for the reasons discussed below in 5:90-AP, <i>Coordination with Children's Advocacy Center</i> .                                                                                                                                                                                                                                                                | <input type="checkbox"/>            |
| 2:160, Board Attorney                                    | The policy and footnotes are updated in response to a five-year review and <b>PRESS</b> Advisory Board (PAB) feedback.                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>            |
| 2:160-E, Checklist for Selecting a Board Attorney        | <b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:160, <i>Board Attorney</i> , above.                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>            |
| 4:50, Payment Procedures                                 | The policy is unchanged. A footnote is updated in response to a five-year review.                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>            |
| 4:60-AP4, Federal and State Award Procurement Procedures | The procedure is updated in response to GATA and federal procurement regulations that address the purchase of recovered (recycled) materials. Minor style changes are also made to the procedure.                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>            |
| 4:170-AP6, E1, School Staff AED Notification Letter      | The procedure is updated in response to a five-year review.                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>            |
| 5:35, Compliance with the Fair Labor Standards Act       | The policy is updated with minor style changes to align policy titles in the <b>PRM</b> . The footnotes are updated in response to: <ol style="list-style-type: none"> <li>29 C.F.R. Part 541, amended at 84 Fed.Reg. 51230, raising the salary threshold for non-exempt employees under the Fair Labor Standards Act.</li> <li>Continuous improvement updates.</li> </ol>                                                                                                                  | <input type="checkbox"/>            |

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

|                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                          |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 5:35-AP1, Fair Labor Standards Act Exemptions                                                                                   | The procedure is updated for the reasons discussed in 5:35, <i>Compliance with the Fair Labor Standards Act</i> , above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> |
| 5:50, Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition                                          | The policy is unchanged. Footnotes seven and nine are updated in response to the Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/10-35(a)(8), amended by P.A. 101-593. The law clarified several cannabis-legalization concerns that Illinois employers had, including discipline parameters for on and off-duty law enforcement officers. Footnote seven contains directions for boards that employ school resources officers (SROs) (as opposed to entering into contracts with local law enforcement agencies for SRO services) to consult their board attorneys regarding specific policy text that pertains to discipline of the SROs that the board employs. Other additions to the footnotes included reference to the Ill. Vehicle Code's legal presumptions for when an individual is under the influence of tetrahydrocannabinol (THC). See 635 ILCS 5/11-501.2(b-5). | <input type="checkbox"/> |
| 5:60, Expenses                                                                                                                  | The policy, Legal References, and footnotes are updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> |
| 5:60-AP, Federal and State Grant Travel Expense Procedures                                                                      | <b>NEW.</b> The procedure is created for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/> |
| 5:60-E1, Employee Expense Reimbursement Form                                                                                    | <b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> |
| 5:60-E2, Employee Estimated Expense Approval Form                                                                               | <b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> |
| 5:90-AP, Coordination with Children's Advocacy Center                                                                           | <b>NEW.</b> The procedure is created to facilitate implementation of 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531, which requires districts within a county served by an accredited Children's Advocacy Center (CAC) to coordinate with the CAC when investigating an <i>alleged incident of sexual abuse</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> |
| 5:120-AP1, Statement of Economic Interests for Employees                                                                        | The procedure is updated and its footnote deleted in response to 5 ILCS 420/4A-106.5, amended by P.A. 101-617, restoring February 1st as the annual date by which districts must provide to the county clerk a certified list of employees required to file a statement of economic interest. Minor style changes are also made to the procedure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> |
| 5:150, Personnel Records                                                                                                        | The Legal References are updated. The footnotes are updated in response to the Freedom of Information Act, 5 ILCS 140/7.5(oo), added by P.A. 101-620 (final citation pending), exempting from disclosure specific types of personal information about employees that the Ill. Educational Labor Relations Act (IELRA), 115 ILCS 5/3(d), added by P.A. 101-620, now prohibits from being disclosed to third parties. A Cross Reference is also updated.                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/> |
| 5:210, Resignations                                                                                                             | The policy is unchanged. Footnote two is updated in response to 105 ILCS 5/24-14, amended by P.A. 101-531, and ISBE non-regulatory guidance on the application of 105 ILCS 5/24-14 to teacher resignations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> |
| 5:280, Duties and Qualifications                                                                                                | The Legal References and footnotes are updated in response to amended ISBE rules governing educator licensure and for continuous improvement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> |
| 6:120-AP1, Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities | The procedure is updated in response to a five-year review.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> |

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

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|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 6:135, Accelerated Placement Program                                              | The Legal References and footnotes are updated for continuous improvement and in response to amended ISBE rules implementing the Accelerated Placement Act, 105 ILCS 5/14A.                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/> |
| 6:135-AP, Accelerated Placement Program Procedures                                | The procedure and footnotes are updated for the reasons discussed above in 6:135, <i>Accelerated Placement Program</i> , above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> |
| 6:235, Access to Electronic Networks                                              | The policy is unchanged. The footnotes are updated for the reasons discussed in 8:110, <i>Public Suggestions and Concerns</i> , below.                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> |
| 6:280, Grading and Promotion                                                      | The policy and footnotes are updated in response to the ISBE discontinuing the <i>Partnership for Assessment of Readiness for College and Careers</i> (PARCC) as the State assessment and accountability measure back in 2019.                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> |
| 7:70, Attendance and Truancy                                                      | <p>The policy and Cross References are updated in response to the following laws:</p> <ol style="list-style-type: none"> <li>1. 105 ILCS 5/26-2a, amended by P.A. 100-810, which amended valid causes for absences to include a student's <u>mental, emotional, or physical</u> health <u>or safety</u>; and</li> <li>2. The Election Code, 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20, which created a valid cause for absence that applies to students who are eligible to vote.</li> </ol> <p>Other continuous improvement updates were made throughout the footnotes.</p> | <input type="checkbox"/> |
| 7:90, Release During School Hours                                                 | The policy, Legal References, and footnotes are updated in response to the Election Code, 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20. The policy contains an optional subhead entitled <b>Voting</b> for unit and high school districts that addresses the release of students who are eligible to vote.                                                                                                                                                                                                                                                                      | <input type="checkbox"/> |
| 7:130, Student Rights and Responsibilities                                        | The policy is unchanged. The footnotes are updated in response to U.S. Dept. of Education guidance on constitutionally protected prayer in public schools, and with minor continuous improvement changes after a five-year review.                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> |
| 7:190-E2, Student Handbook Checklist                                              | The exhibit and footnotes are updated in response to numerous legislative amendments regarding required and recommended notices to students and parents/guardians and for continuous improvement.                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> |
| 7:325, Student Fundraising Activities                                             | The policy is unchanged. Minor five-year review and continuous improvement updates are made to the footnotes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> |
| 7:325-E, Application and Procedures to Involve Students in Fundraising Activities | The exhibit is updated with minor continuous improvement changes after a five-year review.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> |
| 8:10, Connection with the Community                                               | The policy and footnotes are updated in response to a five-year review. Minor changes are made to align with present-day social media platform usage patterns along with other changes for continuous improvement.                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> |
| 8:30, Visitors to and Conduct on School Property                                  | The policy, Legal References, and footnotes are updated in response to the IELRA, 115 ILCS 5/3(c), added by P.A. 101-620, requiring districts to allow union representatives to meet with employees during the work day, without loss of pay or leave time, for certain reasons. Other continuous improvement updates are also made to the footnotes.                                                                                                                                                                                                                                               | <input type="checkbox"/> |

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

|                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                          |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 8:30-E1, Letter to Parent Regarding Visits to School by Child Sex Offenders   | The exhibit is updated with minor continuous improvement changes after a five-year review.                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> |
| 8:30-E2, Child Sex Offender's Request for Permission to Visit School Property | The exhibit is updated with minor continuous improvement changes after a five-year review.                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> |
| 8:80, Gifts to the District                                                   | The policy is unchanged. The footnotes are updated in response to a five-year review.                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> |
| 8:110, Public Suggestions and Concerns                                        | <p>The policy, Legal References, footnotes, and Cross References are updated in response to:</p> <ol style="list-style-type: none"><li>1. Ill. Educational Labor Relations Act (IELRA), 115 ILCS 5/14(c-5), added by P.A. 101-620, requiring districts to establish email policies in an effort to prohibit the use of their email systems by third parties.</li><li>2. Continuous improvement and minor style updates.</li></ol> | <input type="checkbox"/> |

### **PRESS Issue 103 Trivia**

122 PRM pages • 227 footnotes • 28,668 words • 39 PRM materials

## Office of General Counsel

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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The Policy Reference Education Subscription Service (**PRESS**) Advisory Board consists of a group of distinguished individuals, from the legal and education field. These individuals dedicate and volunteer their time to provide valuable input and suggestions on **PRESS** Issues. We appreciate their contributions and thank them sincerely.

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## School Board

### Board Member Compensation; Expenses <sup>1</sup>

#### Board Member Compensation Prohibited <sup>2</sup>

School Board members provide volunteer service to the community and may not receive compensation for services, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides.

#### Roll Call Vote <sup>3</sup>

All Board member expense requests for travel, meals, and/or lodging must be approved by roll call vote at an open meeting of the Board.

#### Regulation of School District Expenses <sup>4</sup>

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the District by resolution.<sup>5</sup> No later than approval of the annual budget and when necessary,<sup>6</sup> the Superintendent will

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

<sup>1</sup> State law controls this policy's content (105 ILCS 5/10-9, 5/10-10 and 5/22-1 (no compensation allowed, conflicts of interest prohibited); 105 ILCS 5/10-22.32 (expense advancements); ~~and the Local Government Travel Expense Control Act (ECA).~~ 50 ILCS 150/10, ~~added by P.A. 99-604, eff. 1-1-17 (regulation of travel expenses); and the Grant Accountability and Transparency Act, 30 ILCS 708/130 (regulation of travel expenses under grants).~~ ~~The deadline for implementation of this policy under the ECA is 7-1-17, but as a practical matter, see the third paragraph of f/n 3, below.~~

<sup>2</sup> The legal limit for board secretary compensation is \$500. ~~(105 ILCS 5/10-14).~~

<sup>3</sup> 50 ILCS 150/15, ~~added by P.A. 99-604, eff. 1-1-17.~~ 105 ILCS 5/10-7 also states, "[o]n all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board," i.e., a roll call vote.

Although the School Code has always required a roll call vote on public expenditures, ~~on and after 60 days after the effective date of the ECA requires,~~ a roll call vote ~~will also be required~~ for any:

1. Officer or employee of the board that exceeds the *maximum allowable reimbursement amount* (MARA) set by the board in its resolution to regulate expenses, ~~and or~~
2. Board member (50 ILCS 150/15, ~~added by P.A. 99-604, eff. 1-1-17).~~

~~A majority of school law firms agree that the "on or after 60 days" date discussed in the paragraph above is 3-2-17. Some school law firms will use the date 3-1-17. There is also a policy component deadline "[o]n and after 180 days after the effective date of [the ECA]." That date is 6-30-17. Many school law firms opine that, as a practical matter, boards should complete both the MARA and policy requirements of the ECA by late Feb. 2017 and no later than 3-1-17. Consult the board attorney about these dates. See f/n 13, below, for more discussion about amending or adopting another resolution when expenses exceed the MARA required by the ECA.~~

<sup>4</sup> 50 ILCS 150/10, ~~added by P.A. 99-604, eff. 1-1-17~~ requires boards to regulate the reimbursement of expenses by *resolution or ordinance*. Unlike like the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *policies*. ~~(105 ILCS 5/10-20.5).~~ Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. ~~(105 ILCS 5/10-20).~~ Therefore, to effectuate the intent of the ECA's requirement to *regulate* expenses with an ordinance or resolution and stay within the confines of the School Code and best practice (minimize liability while aligning with the IASB "Foundational Principles of Effective Governance"), the language in this subhead:

1. Retains with the board its duty to *regulate* expenses through policy with a reference to a resolution that will define and set the types of allowable expenses in the district through the adoption of board policies 2:125, *Board Member Compensation; Expenses*, and 5:60, *Expenses* (105 ILCS 5/10-20)(see f/n 5, below);
2. Delegates to the superintendent the duty to recommend an appropriate MARA to the board for adoption in its resolution to regulate expenses (see f/n 7, below).

recommend a maximum allowable reimbursement amount for expenses to be included in the resolution.<sup>7</sup> The recommended amount should be based upon the District's budget and other financial considerations.<sup>8</sup>

Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the Board member,<sup>9</sup> (2) anyone's personal expenses,<sup>10</sup> or (3) entertainment expenses.<sup>11</sup> Entertainment includes, but is not limited to, shows, amusements, theaters, circuses,

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<sup>5</sup> Id. For a sample resolution, see 2:125-E3, *Resolution to Regulate Expense Reimbursements*. Consult the board attorney about how often the board should adopt or revisit its resolution (see f/ns 6 and 8, below). For discussion about setting an annual time of year to adopt the resolution, see f/n 6, below.

<sup>6</sup> 50 ILCS 150/10, ~~added by P.A. 99-604, eff. 1-1-17~~ allows boards to determine this timeline locally.

While the ECA does not require boards to adopt an *annual* resolution to regulate expenses, an annual review provides a way for the board to monitor this policy's implementation and its duties under the ECA and policy 2:240, *Board Policy Development*.

This sample policy uses "No later than approval of the annual budget" to align with 105 ILCS 5/17-1 (annual budget adoption within the first quarter of each fiscal year). -The words *and when necessary* allow for flexibility in situations discussed in f/n 13, below (*emergency and/or an extraordinary circumstance*).

Consider consulting the board's auditors to assist with this decision. Other options for the timing of when boards should set the MARA include:

1. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each fiscal year"
2. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each school year"
3. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each calendar year" or
4. Deleting "~~No later than approval of the annual budget~~" and replacing it with "When presenting the proposed budget"

<sup>7</sup> For practical purposes, this duty is delegated to the superintendent because:

1. The School Code:
  - a. Allows the board to delegate duties to the superintendent (105 ILCS 5/10-16.7), and
  - b. Assigns to the superintendent the duty to make recommendations to the board concerning the budget (105 ILCS 5/10-21.4); and
2. The MARA should be based upon a district's financial resources and other considerations important to the local district.

<sup>8</sup> The ECA does not define MARA or how to determine it (see the first sentence of f/n 6, above). The board and superintendent should have a conversation that addresses at minimum the following topics:

1. Should the superintendent use and refer to line items from the current budget?
2. Would the board set per diems or set a very large number for the board and/or all of the district employees – both have their advantages and disadvantages.
3. Should the board categorize MARA by activity?
4. Will it categorize ~~4~~ by individual responsibilities to the district or job titles/classes?
5. Should there be an amount category for each type of travel: airfare, train, automobile, taxi, etc.?
6. Will there be a special category for recurring and/or required training opportunities for teachers and board members?

These choices will depend upon many factors, including the budget, perhaps an auditor's recommendation, the community's preferences, and advice from the board attorney.

Amend the language throughout this subhead and in the fourth WHEREAS paragraph in 2:125-E3, *Resolution to Regulate Expense Reimbursements*, to reflect local preferences. Consider that inserting the actual MARA into the policy would likely require more formal continual policy updates as opposed to amending the resolution if a board needs to increase its MARA for any reason. For example, see the discussion in f/n 13, below.

<sup>9</sup> 105 ILCS 5/10-22.32. The final paragraph of this law prohibits money for expenses from being advanced or reimbursed to any person other than a board member or employee of the district.

<sup>10</sup> Optional. *Personal expenses* are not defined in 50 ILCS 150/25, ~~added by P.A. 99-604, eff. 1-1-17~~ or 105 ILCS 5/10-22.32. Consult the board attorney about this term and delete it only at the direction of the board attorney. Excluding personal expenses from advancements, reimbursements, and purchase orders is a generally-accepted best practice. The practice also aligns well with the State's widely-accepted transparency movement. Reimbursing personal expenses is also a magnet for the media.

<sup>11</sup> 50 ILCS 150/25, ~~added by P.A. 99-604, eff. 1-1-17~~.

sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event. <sup>12</sup>

#### Exceeding the Maximum Allowable Reimbursement Amount(s)

All requests for expense advancements, reimbursements, and/or purchase orders that exceed the maximum allowable reimbursement amount set by the Board may only be approved by it when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting. <sup>13</sup>

#### Advancements

The Board may advance to its members actual and necessary expenses to be incurred while attending:<sup>14</sup>

1. Meetings sponsored by the Illinois State Board of Education or by the Regional Superintendent of Schools;<sup>15</sup>
2. County or regional meetings and the annual meeting sponsored by any school board association complying with Article 23 of the School Code; and
3. Meetings sponsored by a national organization in the field of public school education.

Expense advancement requests must be submitted to the Superintendent or designee on the Board's standardized estimated expense approval form. After spending expense advancements, Board members must use the Board's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. A Board member must return to the District any portion of an

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<sup>12</sup> *Id.*

<sup>13</sup> 50 ILCS 150/10 and 15, ~~added by P.A. 99-604, eff. 1-1-17~~. A board may need to revisit its resolution to regulate expenses more often than annually if (a) an expense reimbursement amount exceeds the MARA set in the board's resolution, and (b) an *emergency* or an *extraordinary circumstance* does not exist. Consult the board attorney in these circumstances to determine whether the board may need to revisit and amend its resolution to increase the MARA before approving the expenses exceeding it.

*Emergency* or an *extraordinary circumstance* is not defined by the ECA, but these terms are meant to allow boards flexibility when expenses exceed the MARA. Yet approving expense reimbursement requests that exceed the MARA as *emergencies* or *extraordinary circumstances* when the board or superintendent "did not plan well" or "an organization's conference fees went up more than expected this year after the board adopted its resolution," may open the board to public relations and other legal challenges. See *Laukhuf v. Board of Education*, 2003 WL 23936148 (Ill.Cir. 2003)(addressing what constitutes an *emergency* in the context of the Open Meetings Act ([OMA](#))(5 ILCS 120/), which similar to the ECA, also does not define the term, and holding an emergency meeting to cure a situation that a school board created itself is not an emergency within the confines of OMA).

While the ECA does not provide for specific legal penalties for the wrongful approval of expenses, it is not clear whether a court may find in circumstances of poor MARA planning, that an *emergency* or *extraordinary circumstance* under the ECA did not exist and grant relief requested by a challenger as allowed under State law.

<sup>14</sup> 105 ILCS 5/10-22.32 authorizes advancements for the listed items. This advancement language pre-dates the ECA and is narrower than the ECA. A reasonable interpretation is that the MARA required in the ECA would apply to any advancement amount. This policy seeks to reconcile and highlight the differences between the School Code and the ECA requirements by separating School Code advancements into a separate subhead from ECA reimbursements (estimated and actual). For more distinctions between these laws and further discussion, see f/n 20, below.

<sup>15</sup> Use this alternative for districts in suburban Cook County: replace "Regional Superintendent of Schools" with "appropriate Intermediate Service Center." ~~The Ill. Gen. Assembly abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.~~

expense advancement not used.<sup>16</sup> If an expense advancement is not requested, expense reimbursements may be issued by the Board to its members for the activities listed in numbers one through three, above, along with registration fees or tuition for a course(s) that allowed compliance with the mandatory trainings described in policy 2:120, *Board Member Development* and other professional development opportunities that are encouraged by the School Code (see the **Reimbursements and Purchase Orders** subhead, below).<sup>17</sup> Expense advancements and vouchers shall be presented to the Board in its regular bill process.

#### Reimbursements and Purchase Orders

Expense reimbursement is not guaranteed and, when possible, Board members should seek pre-approval of expenses<sup>18</sup> by providing an estimation of expenses on the Board's standardized estimated expense approval form, except in situations when the expense is diminutive. When pre-approval is not sought, Board members must seek reimbursement on the Board's standardized expense reimbursement form. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

#### Credit and Procurement Cards <sup>19</sup>

Credit and procurement cards shall not be issued to Board members.

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<sup>16</sup> 105 ILCS 5/10-22.32 requires the return of excess advancements that are issued.

<sup>17</sup> Boards have this power under 105 ILCS 5/10-20; this statute specifies that the grant of powers to school boards is not exclusive and that school boards may exercise other powers that are not inconsistent with duties. A board may expand this provision's scope by amending and adding to the sentence as follows:

~~“and other professional development opportunities that are encouraged by the School Code, and other training provided by one of the entities described in the above list.”~~

See also f/n 8 in policy 2:120, *Board Member Development* for an example of a board member professional development opportunity that is encouraged by the School Code.

<sup>18</sup> Optional. Consult the board attorney to determine whether a pre-approval process is appropriate for the district. Neither 105 ILCS 5/10-22.32 (expense advancements) nor 50 ILCS 150/ (expense reimbursements and estimates) address expense *pre-approvals*. 50 ILCS 150/20 states: “an *estimate* if expenses have not been incurred ...” **or** “a *receipt* ... if the expenses have already been incurred.” suggesting no pre-approval is necessary. However, pre-approval is a best practice, and a board member who incurs expenses without pre-approval may run the risk that his or her expenses will not be approved. On the other hand, submitting estimated expenses for approval begs a pre-approval process, and some attorneys may read the law to require pre-approval of expenses. The pre-approval process also provides school officials with better information for financial planning.

Consult the board attorney to determine whether a pre-approval process is appropriate for the district. If it is required, ensure that 2:125-E3, *Resolution to Regulate Expense Reimbursements*, reflects the district's specific pre-approval requirements. For an example of a standardized *estimated* expense form that could be used as a form of pre-approval, see 2:125-E2, *Board Member Estimated Expense Approval Form*. The form provides three methods for board members to submit estimated expenses: providing estimated expenses (50 ILCS 150/), expense advancements for the specific activities (105 ILCS 5/10-22.32), or a purchase order.

<sup>19</sup> Optional. Consult the board attorney about issuing credit and procurement cards to board members. See f/n 1 of policy 4:55, *Use of Credit and Procurement Cards*.

If in consultation with the board attorney credit and procurement cards will be issued to board members, delete “~~Credit and procurement cards shall not be issued to Board members~~” and insert “Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.”

## Standardized Expense Form(s) Required 20

All requests for expense advancement, reimbursement, and/or purchase orders in the District must be submitted on the appropriate itemized, signed standardized form(s). The form(s) must show the following information:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and office of the Board member who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants. <sup>21</sup>
3. The date(s) of the official business on which the expense advancement or reimbursement will be or was expended.
4. The nature of the official business conducted when the expense advancement or reimbursement will be or was expended.

## Types of Official Business for Expense Advancements, Reimbursements, and Purchase Orders

1. Registration. When possible, registration fees will be paid by the District in advance.
2. Travel. The least expensive method of travel will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for:
  - a. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. [Fees for the first checked bag will be reimbursed.](#)<sup>22</sup> Copies of airline tickets [and baggage receipts](#) must be attached to the expense form.
  - b. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
  - c. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
  - d. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
  - e. Taxis, airport limousines, [ride sharing](#) or other local transportation costs.
3. Meals. Meals charged to the School District should represent mid-fare selections for the hotel/meeting facility or general area, consistent with the maximum allowable reimbursement

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<sup>20</sup> 50 ILCS 150/20, ~~added by P.A. 99-604, eff. 1-1-17~~. The School Code uses the term *voucher* for expense advancements (105 ILCS 5/10-22.32). The **PRESS** materials on expenses marry the School Code's advancement voucher requirement into the ECA's requirement for a standardized estimated expense form. For an example, see 2:125-E2, *Board Member Estimated Expense Approval Form*, and 5:60-E2, *Employee Estimated Expense Approval Form*. These forms provide three methods for board members or district employees to submit anticipated/estimated expenses:

1. Providing estimated expenses under 50 ILCS 150/ [\(including for grant-related travel, see f/n 24, below\)](#),
2. Requesting expense advancements for the activities listed under 105 ILCS 5/10-22.32, or
3. Obtaining a purchase order (highly unlikely for anticipated board member expenses but possible).

<sup>21</sup> [50 ILCS 150/20\(2\) ~~Id.~~ at \(2\)](#) and (3).

<sup>22</sup> [Optional. This language reflects the standard for expenses permitted for federal and State grants. 41 C.F.R. §301-12.2. If the board does not reimburse baggage fees, delete this sentence and ~~and baggage receipts~~ from the next sentence.](#)

amount set by the Board.<sup>23</sup> Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

4. Lodging. Board members should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Board members should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.
5. Miscellaneous Expenses. Board members may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

#### Additional Requirements for Travel Expenses Charged to Federal and State Grants <sup>24</sup>

All Board member expenses for travel charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must comply with Board policy 5:60, *Expenses*, and its implementing procedures. Travel expenses include costs for transportation, lodging, meals, and related items.

LEGAL REF.: 105 ILCS 5/10-20 and 5/10-22.32.  
30 ILCS 708/, Government Accountability and Transparency Act.  
Local Government Travel Expense Control Act, 50 ILCS 150/, Local Government Travel Expense Control Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:120 (Board Member Development), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 5:60 (Expenses)

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<sup>23</sup> Alternatively, a board could set a daily limit on meal costs, such as:

Board members will be reimbursed for meal costs and tips up to \$\_\_\_\_\_ per day consistent with the maximum allowable reimbursement amount(s) set by the Board.

But see also f/n 8, above and ensure this amount is consistent with the MARA set by the board resolution.

<sup>24</sup> Required by 30 ILCS 708/130. See policy 5:60, *Expenses*, and its f/ns 22-36 for details. Federal travel regulations state that requests for authorization for actual expense reimbursement should be made in advance of travel. 2 C.F.R. §301-11.302. 2:125-E2, *Board Member Estimated Expense Approval Form*, can be used as a form for pre-approval.

## School Board

### Board Attorney 1

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

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

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to be informed of and/or consider the matter.

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

<sup>2</sup> ~~This is a restatement of~~ Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct, at [www.illinoiscourts.gov/supremecourt/rules/art\\_viii/default\\_new.asp](http://www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp). address concurrent conflicts of interest. Board presidents, superintendents, and board attorneys should be prepared to ask potential board attorneys whether they will have the ability to declare that representation of the board and district will be to the exclusion of all other clients having potential conflicts with the board and district's interests. See exhibit 2:160-E, Checklist for Selecting a Board Attorney.

<sup>3</sup> There is no general format for an agreement for legal services or an engagement letter. To help monitor its legal fees, a board should require a written agreement or an engagement letter with the board attorney or law firm that details the services, fees, expenses, and billing format. See ~~Board~~ exhibit 2:160-E, *Checklist for Selecting a Board Attorney*.

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

The attorney will:

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

<sup>4</sup> Depending on the fee arrangement, contacting the board attorney generates fees owed by the district. Thus, to avoid excessive attorney fees, the board ~~should consider~~ needs to limiting individuals who ~~are~~ is authorized to contact the board attorney ~~to avoid excessive attorney fees~~. Additional individuals may be added to this sentence as in the alternative below:

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

Individual board members should refrain from discussing their board attorney's advice outside of a board meeting. Disclosing legal advice can waive the attorney-client privilege. Individual board members possess none of the board's powers and are not authorized to individually waive attorney-client privilege on behalf of the board as an entity.

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

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

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

Draft

## Operational Services

### Payment Procedures <sup>1</sup>

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

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

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

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

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

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

<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> 105 ILCS 5/8-16 and 5/10-20.19.

<sup>3</sup> 105 ILCS 5/10-7.

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

[The Local Government Prompt Payment Act \(50 ILCS 505/\) governs the timelines for a board's approval and payment of bills and potential penalties for late payment. Unless otherwise agreed to between the board and a vendor/contractor, bills must be approved or disapproved within 30 days after receipt of the bill or 30 days after the date on which the goods or services are received, whichever is later, and payment is due within 30 days after the date of approval. 50 ILCS 505/3, 505/4, and 505/6.](#)

<sup>5</sup> 105 ILCS 5/8-16 and 5/10-20.19.

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

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## General Personnel

### Compliance with the Fair Labor Standards Act 1

#### Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non-exempt.”<sup>2</sup> “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

#### Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday.<sup>3</sup> Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours.<sup>4</sup> “Overtime” is time worked in excess of 40 hours in a single workweek.

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

<sup>1</sup> 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, or 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.

The Illinois Minimum Wage Law, 820 ILCS 105/4a, covers all school employees, although many are exempt from overtime requirements. The federal Fair Labor Standards Act (FLSA) (29 U.S.C. §201 *et seq.*) also covers school employees. The law offering the greatest benefits to employees will control specific issues. However, under both State and federal law, non-exempt employees who work over 40 hours in a single workweek are entitled to overtime pay of a rate not less than one and one-half times the employees’ regular rate of pay. 29 U.S.C. §207; 820 ILCS 105/4a.

School districts in several states are experiencing widespread action by non-exempt employees to recoup unpaid overtime wages. Many of these actions have been successful because the school district did not strictly comply with overtime requirements or recordkeeper’s requirements. See 29 C.F.R. Part 785 (Hours Worked) and 29 C.F.R. Part 516, (Records to Be Kept by Employers). The U.S. Dept. of Labor (DOL) frequently finds employees misclassified as independent contractors or exempt employees. School officials are strongly encouraged to seek assistance from their attorney when making decisions involving wage and hour issues.

<sup>2</sup> “Exempt” employees are exempt from overtime requirements. An exempt employee, according to Illinois law, is “any employee employed in a bona fide executive, administrative or professional capacity, ... , as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [in the current rules].” 820 ILCS 105/4a. By referring to the definitions in the former federal rules, the Illinois legislature rejected the DOL’s effort to expand the number of employees who are exempt from overtime requirements. To qualify for exemption in Illinois, employees generally must meet certain tests regarding their job duties and be paid on a “salary basis” at not less than \$684~~455~~ per week. 29 C.F.R. Part 541. To check compliance, districts should review their list of exempt employees with their attorneys.

<sup>3</sup> Employers must identify the workweek, but may designate any seven-day period. **Boards should ascertain what is currently used as a workweek to avoid inadvertently adopting a policy containing a different designation.** The workweek in this sample policy allows supervisors to adjust employee schedules at the end of the week if an employee was required to work the weekend.

<sup>4</sup> Setting the workweek at 40 hours avoids having to pay an employee additional “straight time” compensation for the extra hours up to 40.

## Overtime

A non-exempt employee shall not work overtime without his or her supervisor's express approval.<sup>5</sup> All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.<sup>6</sup>

## Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status.<sup>7</sup> Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel—Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Educational Support Personnel—Employment Termination and Suspensions*.

## Implementation <sup>8</sup>

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

|             |                                                                                                                                 |
|-------------|---------------------------------------------------------------------------------------------------------------------------------|
| LEGAL REF.: | 820 ILCS 105/4a.<br>Fair Labor Standards Act, 29 U.S.C. §201 <u>et seq.</u> , 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785. |
| CROSS REF.: | 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)                               |

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<sup>5</sup> This policy requires a supervisor's express approval as a best practice. However, employers will also be liable for work time when the employer knows or has reason to know work is continuing on or offsite. See 29 C.F.R. §785.11 and 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*. Employees must be compensated for all time worked, even if it is unauthorized overtime. However, employees who intentionally work unauthorized overtime may be subject to disciplinary action.

<sup>6</sup> Optional. The FLSA regulates the use of *comp-time*. 29 C.F.R. §§553.22-553.28. Before offering comp-time, a board must have a compensatory time-off policy or the topic must be covered in an applicable collective bargaining agreement. See 5:310, *Compensatory Time-Off* and 5:310-E, *Agreement to Receive Compensatory Time-Off*.

<sup>7</sup> Docking an exempt employee's salary (e.g., for a disciplinary suspension) may result in the loss of the exemption unless the deduction was specifically authorized. Teachers, however, are not covered by this restriction.

<sup>8</sup> The FLSA is administered by the Wage and Hour Division of the DOL. Its website contains compliance guidance, posters, and e-tools ([www.dol.gov/WHD/flsa/index.htm](http://www.dol.gov/WHD/flsa/index.htm)).

## General Personnel

### Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition 1

All District workplaces are drug- and alcohol-free workplaces. 2

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. The Right to Privacy in the Workplace Act (RPWA) allows employers to regulate employees' use of lawful products that impair an employee's ability to perform his or her assigned duties. 820 ILCS 55/5(b), amended by P.A. 101-27. The Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/10-35(a)(8), amended by P.A. 101-593, allows penalties issued by employers of law enforcement officers for consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances while on or off-duty to be collectively bargained; districts that employ school resource officers should consult their board attorneys about this provision of the CRTA.

The federal Drug-Free Workplace Act applies only to the specific programs receiving federal funds. 41 U.S.C. §8101 *et seq.* For ease of administration, this policy makes its requirements applicable to all employees to avoid confusion during implementation and to avoid complications when obtaining and maintaining federal funds. The ~~Cannabis Regulation and Tax Act (CRTA)~~, 410 ILCS 705/, added by P.A. 101-27 and amended by P.A. 101-593, legalized cannabis, but it remains a *Schedule I* (c)(17) controlled substance under federal law, meaning that it has no currently accepted medical use in addition to a high potential for abuse. 21 U.S.C.A. §812 (exempting hemp as defined at 7 U.S.C.A. §1639o). 41 U.S.C. §§8101, 8102 and 8103. While not law, in June 2019, the U.S. House of Representatives, in a voice vote, voted in favor of an amendment to H.R. 3055, which was introduced by Reps. Earl Blumenauer (D-OR), Tom McClintock (R-CA), and Eleanor Holmes Norton (D-D.C.), prohibiting the U.S. Dept. of Justice (DOJ) from interfering with a state's decision to implement laws governing the legalization of cannabis (recreational and medicinal). This marked the first time that either branch of the U.S. Congress has voted to protect state recreational cannabis laws from federal enforcement actions. If the amendment becomes law, it would block the DOJ from using funds to intervene in state and territory cannabis legalization laws. This policy continues to prohibit employees from using cannabis as allowed by the CRTA. See f/n 9, below.

The federal Safe and Drug-Free Schools and Communities Act provides funds, upon application, for drug and violence prevention programs; it does not contain policy mandates. Illinois also has a Drug Free Workplace Act (30 ILCS 580/) that applies to districts with 25 or more employees working under a state contract or a grant of \$5,000 or more.

2 Replace this sentence with the district's drug- and alcohol- free policy goal(s), if any.

With the passage of the CRTA, 410 ILCS 705/, added by P.A. 101-27 and amended by P.A. 101-593, each board and superintendent may wish to engage in a risk-management conversation about the district's drug- and alcohol- free policy enforcement and discipline goals. Enforcement and discipline goals depend upon a board's risk-level tolerance and community expectations. Risk-level-tolerance decisions will depend upon many factors, including, but not limited to: (1) the board attorney's recommendations, (2) the district's budget parameters, if any, for reasonable suspicion training on identification of symptoms of impairment and/or being under the influence, (3) drug testing, and (4) the community's expectations. Answers to the following questions might structure this risk-management conversation:

1. Does the board want to implement a reasonable suspicion program (or any other type of *just cause* provisions in an applicable collective bargaining agreement) to identify employees suspected of being impaired and/or under the influence to enhance its ability to discipline?

2. Does the board want the superintendent to secure training for designated district employees to educate them to identify symptoms of impairment or being under the influence of the substances prohibited in this policy?

3. How does the board want to address employees in positions of leadership, e.g., the superintendent and/or building principal(s), who are perpetually on call due to the nature of their positions and responsibilities (see f/n 3, below)?

4. How will the district manage its duty to educate students about the dangers of drugs and alcohol against the reality that employees are allowed to use lawful products off-duty and off the district's premises (820 ILCS 55/5(b), amended by P.A. 101-27)?

5. Will licensed educators be held to a higher standard than non-licensed employees due to their professional code of conduct expectations?

6. Will employees working directly with students be held to a higher standard than employees not working directly with students?

All employees are prohibited from engaging in any of the following activities while on District premises or while performing work or being *on call*<sup>3</sup> for the District: <sup>4</sup>

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance. <sup>5</sup>
2. Distribution, consumption, use, possession, or being impaired by or under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectable, regardless of when and/or where the use occurred. <sup>6</sup>
3. Distribution, consumption, possession, use, or being impaired by or under the influence of cannabis; being present on District premises or while performing work for the District when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to *Ashley's Law*, 105 ILCS 5/22-33.<sup>7</sup> The District considers

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<sup>3</sup> An employee is *on call* when the employer schedules him or her with at least 24 hours' notice to be on standby or otherwise responsible for performing employment-related tasks either at the employer's location or another previously-designated location. 820 ILCS 55/5, amended by P.A. 101-27. Consult the board attorney regarding how the board wants to treat employees who may be considered on call, e.g., superintendents, principals, coaches, and/or maintenance workers, etc.

For boards that do not want this text, delete ~~or being on call~~.

<sup>4</sup> To align with best practices for identifying and subsequently initiating discipline of employees for violating this policy (especially with the passage of the CRTA) and any possible collective bargaining agreement provisions, the superintendent may want to convene the **Employee Substance Abuse Prevention Committee** (see 2:150-AP, *Superintendent Committees*).

<sup>5</sup> These actions are prohibited by both federal (41 U.S.C.A. §§8101, 8102 and 8103) and State Workplace Acts. See f/n 12, ~~below~~. These laws do not address *under the influence* but a board may add: “, or being impaired by or under the influence of any illegal substance or any detectable use of any illegal substance regardless of when or where the use occurred.” This option is limited to *illegal* substances to avoid prohibiting employees from using lawfully prescribed controlled substances. See f/n 12. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. This policy's ~~third~~ paragraph addresses prescribed medications other than cannabis.

<sup>6</sup> Optional; alcohol is not addressed in either the federal or State Drug-Free Workplace Acts. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. The Ill. Court of Appeals held that when the policy defines *under the influence* as any “mental, emotional, sensory or physical **impairment** due to the use of drugs or alcohol,” the school district must prove that the teacher showed signs of impairment even though she registered 0.056 blood-alcohol level on a Breathalyzer. *Kinsella v. Bd. of Ed. of the City of Chicago*, 27 N.E.3d 226 (Ill.App.1st, 2015).

<sup>7</sup> “[R]egardless of when and/or where the use occurred” is intended to mean that an employer may reach an employee's conduct on or off-duty depending upon the facts of the disciplinary situation; however, the CRTA contains a specific requirement that law enforcement employers adopt a policy outlining penalties for discipline of law enforcement employees for their on or off-duty conduct involving consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances. *Id.* at 10-35(a)(8), amended by P.A. 101-593. See also f/ns 1, above, and 9, below. Consult the board attorney if the district employs a school resource officer(s) (SRO(s)) as opposed to contracting with a local law enforcement agency for SRO services.

410 ILCS 130/25(b) prohibits discipline or arrest of school nurses and/or administrators for acting in accordance with *Ashley's Law*, 105 ILCS 5/22-33, amended by P.A. 101-370, ~~eff. 1-1-20~~. Employers may enforce drug-free workplace policies when they are applied in a nondiscriminatory manner. 410 ILCS 705/10-50(a), added by P.A. 101-27, includes disciplining employees – even those who are ~~a~~ *registered qualifying patients* – for violating ~~a~~ drug-free workplace policies (410 ILCS 130/50 and 705/10-35(a)(1), added by P.A. 101-27). Contact the board attorney for advice concerning the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)).

employees impaired by or under the influence of cannabis when there is a good faith belief that an employee manifests the specific articulable symptoms<sup>8</sup> listed in the Cannabis Regulation and Tax Act (CRTA). <sup>9</sup>

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

For purposes of this policy, *District premises*<sup>10</sup> means workplace as defined in the CRTA in addition to District and school buildings, grounds, and parking areas; vehicles used for school purposes; and

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<sup>8</sup> Specific articulable symptoms listed in 410 ILCS 705/10-50(d), added by P.A. 101-27, include: the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. In contrast to the CRTA, the MCPA, while listing the same specific, articulable, symptoms, does not require an employer to have a *good faith belief* that a *registered qualifying patient* is under the influence of cannabis. 410 ILCS 130/50(f), and scheduled to be repealed on 7-1-20.

<sup>9</sup> 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 allows reasonable, nondiscriminatory, zero-tolerance policies. If the district seeks to discipline an employee on the basis that he or she is under the influence of or impaired by cannabis, it must afford the employee a reasonable opportunity to contest the basis of the determination. *Id.* at 10-50(d), added by P.A. 101-27. **See also f/n 7, above. Contact the board attorney for advice concerning this provision and whenever the district seeks disciplinary action or dismissal of an employee on the basis of the cannabis prohibitions in the policy.**

**See also the Ill. Vehicle Code 625 ILCS 5/11-501.2(b-5) number one: when an individual's tetrahydrocannabinol concentration (THC) is five nanograms or more in whole blood or 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), a presumption under Illinois law exists that the individual is under the influence of cannabis. Under 625 ILCS 5/11-501.2(b-5) number two: when an individual's [THC] is less than five nanograms in whole blood or less than 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), the individual may still be considered impaired.**

In addition to a zero-tolerance policy, the CRTA also allows civil, criminal, or other penalties for:

1. Engaging in tasks under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct (410 ILCS 705/10-35(a)(1));
2. Possessing cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(2)(A)-(B) unless permitted under the MCPA);
3. Using cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(3)(A)-(B) unless permitted under the MCPA);
4. [Using cannabis] in a public place [while impaired or under the influence of cannabis](*Id.* at 10-35(a)(3)(F));
5. Knowingly being [impaired by or under the influences of cannabis] in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the MCPA (*Id.* at 10-35(a)(3)(G));
6. Smoking [and/or *vaping* (see f/n 18, below for a definition of *vaping*)] it in any place where smoking is prohibited under the Smoke Free Illinois Act (*Id.* at 10-35(a)(4));
7. Using [cannabis] as an on-duty law enforcement officer, corrections officer, probation officer, or firefighter (*Id.* at 10-35(a)(8)), **or consuming, possessing, selling, purchasing, or delivering cannabis or a cannabis-infused substance(s) while on or off-duty [only if a policy has been adopted] *Id.* at 10-35(a)(8), amended by P.A. 101-593;** or
8. [Using cannabis while [b]]eing on duty as an individual holding a school bus permit or Commercial Driver's License (*Id.* at 10-35(a)(9)).

any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. *School grounds* means the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. "Vehicles used for school purposes" means school buses or other school vehicles.

As a condition of employment, each employee shall: **11**

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than five calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired. **12**

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following: **13**

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted. **14**
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations. **15**
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.

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

**10** 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 and amended by P.A. 101-593, allows employers to prohibit cannabis in the *workplace*. Many attorneys agree it is a best practice for employers to define workplace in policies that prohibit cannabis. 410 ILCS 705/10-50(h), added by P.A. 101-27, defines *workplace* as the employer's premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in performance of the employee's job duties, and vehicles, whether leased, rented, or owned – and may be further defined by the employer's written policy when it is consistent with this definition.

This policy's definition of workplace expands the above CRTA definition to areas that board policy and/or the School Code impose duties upon districts to keep students safe, including:

1. The *school property* definition from policy 8:30, *Visitors to and Conduct on School Property*;
2. The *school grounds* definition at 105 ILCS 5/10-27.1A(d); and
3. Places that school districts must prevent and respond to bullying, including vehicles used for school purposes. 105 ILCS 5/27-23.7(a).

**11** Required by the State and federal Drug-Free Workplace Acts.

**12** This optional paragraph is not addressed in State or federal drug-free workplace acts. An employer should generally not ask an employee about his or her use of medication. See rules implementing the Americans with Disabilities Act, 29 C.F.R. §1630.14. Consult the board attorney if an employee is suspected of working while impaired or under the influence.

**13** Numbers one through five in this paragraph are required by the State and federal Drug-Free Workplace Acts. 30 ILCS 580/3.

**14** As an alternative, replace the phrase "in a place where other information for employees is posted" with the district's local method, e.g., staff intranet, Internet, etc.

**15** Grants may be available from the Ill. State Board of Education for developing a drug-free awareness program. 105 ILCS 5/2-3.93. The drug-free awareness program requirement can be met by developing a brochure on drug abuse or by contacting local, State, or national anti-drug abuse organizations for materials. The materials should be distributed to employees along with a list of places employees may call for assistance.

5. Establish a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace,
  - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
  - c. The penalties that the District may impose upon employees for violations of this policy.
6. Remind employees that policy 6:60, *Curriculum Content*, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence. **16**

#### E-Cigarette, Tobacco, and Cannabis Prohibition **17**

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of e-cigarettes,<sup>18</sup> tobacco, and cannabis products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location.

*Tobacco* shall have the meaning provided in 105 ILCS 5/10-20.5b.

*Cannabis* shall have the meaning provided in the CRTA, 410 ILCS 705/1-10.

*E-Cigarette* is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah,

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**16** Optional. This statement serves as a display of good judgement and a reminder to employees that 105 ILCS 5/27-13.2 and 23.4 (provided it can be funded by private grants or the federal government) require districts to educate students about the dangers of substance abuse.

**17** 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act, 410 ILCS 82/, and the CRTA, 410 ILCS 705/10-35(a)(4)(smoking anyplace where smoking is prohibited under the Smoke Free Illinois Act). Federal law prohibits smoking inside schools. 20 U.S.C. §6083(a).

The prohibition in 8:30, *Visitors to and Conduct on School Property*, referred to here, applies "on school property or at a school event." Here, "at a school event" is clarified with the phrase "while ... performing work for the District" in order to align with this policy's other prohibitions.

**18** While 720 ILCS 675, amended by P.A. 101-2, excludes e-cigarettes from its definition of tobacco, it does not address vaporization. Prohibiting *e-cigarettes* aligns with the district's obligation to maintain a safe, smoke-free environment and is logical extension of 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act (410 ILCS 82/), and The Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675, amended by P.A. 101-2 (raising the legal age to buy tobacco and e-cigarette products to 21 years of age). In addition, the U.S. Food and Drug Administration now regulates e-cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143, amended by 81 Fed.Reg. 28973.

E-Cigarettes may resemble cigarettes but contain a battery-operated heating element that turns a liquid into an aerosol (or vapor) that sometimes includes nicotine, flavorings, and other chemicals. The act of inhaling and exhaling the aerosol is known as *vaping*. See [www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping](http://www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping). For ease of administration, this policy treats *vaping*, whether tobacco products or not, and smoking tobacco the same due to the outbreaks of lung disease associated with the use of e-cigarettes and vaping. Some e-cigarettes do not look like tobacco products; they are designed to resemble other objects, such as USB flash drives, to be more easily concealed. Like smoking tobacco, vaporization products may include nicotine, which is derived from and is the addictive drug in tobacco, and other potentially harmful chemicals. See *Tobacco/Nicotine and E-Cigs* at: [www.drugabuse.gov/drugs-abuse/tobacconicotine-e-cigs](http://www.drugabuse.gov/drugs-abuse/tobacconicotine-e-cigs). Unlike smoking tobacco, vaping does not produce smoke, but rather the aerosol, often mistaken for water vapor and consisting of fine particles. Many of these particles contain varying amounts of toxic chemicals, which have been linked to cancer and respiratory and heart disease. An outbreak of lung disease has been associated with e-cigarette use and vaping. See articles at:

[www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease.html](http://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html); and  
[www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease/health-departments/index.html](http://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease/health-departments/index.html).

vape pen, or similar product or device, and any components or parts that can be used to build the product or device. <sup>19</sup>

#### District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. <sup>20</sup> In addition or alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction. <sup>21</sup>

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction. <sup>22</sup>

#### Disclaimer <sup>23</sup>

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies** subhead in policy 2:240, *Board Policy Development*.

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

<sup>19</sup> Optional. If a district does not want to include the statutory example that includes the term *vape pen*, which provides notice that vaping products are also prohibited through the term e-cigarette, replace ~~includes but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device~~ with “shall have the meaning provided in the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675/1(a-9).”

<sup>20</sup> An employee who currently uses *illegal* drugs is not protected under the Americans With Disabilities Act (ADA) when the district acts on the basis of such use. 42 U.S.C. §12114. Legal drug abusers and alcoholics may still be protected as *handicapped* under the Rehabilitation Act of 1973 (29 U.S.C. §706 et seq.) or the Ill. Human Rights Act (IHRA). 775 ILCS 5/1-101 et seq. and 56 Ill.Admin.Code §2500.20. The Rehabilitation Act, however, excludes from protection “an alcohol or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment ... would constitute a direct threat to the property or the safety of others.” 29 U.S.C. §706-(7)(B).

The ADA neither authorizes nor prohibits drug testing; it allows the results of such tests to be used as the basis for disciplinary action. ~~(42 U.S.C. §12114; 29 C.F.R. §1630.16 (c)).~~ Drug tests may still violate other laws, e.g., Title VI and the Rehabilitation Act. ~~(42 U.S.C. §2000e et seq.; and 29 U.S.C. §706 et seq.).~~ Drug tests may also be a subject of collective bargaining. See paragraph one of f/n 1, above. Consult the board attorney before implementing a drug testing program to enforce this policy.

<sup>21</sup> Required by both the federal and State Drug-Free Workplace Acts.

<sup>22</sup> Id.

<sup>23</sup> Optional best practice text.

- LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12114.  
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.  
Drug-Free Workplace Act of 1988, 41 U.S.C. §8101 et seq.  
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.  
30 ILCS 580/, Drug-Free Workplace Act.  
105 ILCS 5/10-20.5b.  
410 ILCS 82/, Smoke Free Illinois Act.  
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.  
410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.  
720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.  
820 ILCS 55/, Right to Privacy in the Workplace Act.  
21 C.F.R. Parts 1100, 1140, and 1143.  
23 Ill.Admin.Code §22.20.
- CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 8:30 (Visitors to and Conduct on School Property)

## General Personnel

### Expenses <sup>1</sup>

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution.<sup>2</sup> Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee,<sup>3</sup> (2) anyone's personal expenses,<sup>4</sup> or (3) entertainment expenses.<sup>5</sup> Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event.<sup>6</sup> The District is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District's negligence.<sup>7</sup> Employees must submit the appropriate itemized, signed, standardized form(s) to support any requests for expense advancements, reimbursements, or purchase orders that show the following: <sup>8</sup>

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

<sup>1</sup> State law controls this policy's content. 105 ILCS 5/10-9, 5/10-10, and 5/22-1 (no compensation allowed, conflicts of interest prohibited); 105 ILCS 5/10-22.32 (expense advancements); 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~ (regulation of employee expenditures under the Ill. Wage Payment and Collection Act)(WPCA); ~~and the Local Government Travel Expense Control Act (ECA) 50 ILCS 150/10, added by P.A. 99-604~~ (regulation of travel expenses); ~~and the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/130 (regulation of travel expenses under grants)~~. See ~~the third paragraph in f/n 13 of policy 2:125, Board Member Compensation; Expenses.~~

105 ILCS 5/10-22.32 states that "[t]he school board may advance to teachers and other certified employees the anticipated actual and necessary expenses incurred in attending meetings that are related to that employee's duties and will contribute to the professional development of that employee." This policy expands beyond those two categories (105 ILCS 5/10-20) of employees, and the limited purpose of attending meetings, to reimburse all employees for approved expenses necessary for the employee to perform his or her duties.

The WPCA, 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~, defines *necessary expenditures* as all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of the employer.

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. If a local collective bargaining agreement contains a provision on expenses, consult the board attorney about how this policy may impact it.

<sup>2</sup> 50 ILCS 150/10, ~~added by P.A. 99-604~~. See f/ns 4 through 8 in policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

For a sample resolution, see 2:125-E3, *Resolution to Regulate Expense Reimbursements*.

<sup>3</sup> 105 ILCS 5/10-22.32. The final paragraph of this law prohibits money for expenses to be advanced or reimbursed to any person other than a board member or employee of the district.

<sup>4</sup> Optional. *Personal expenses* are not defined in 50 ILCS 150/25, ~~added by P.A. 99-604~~ or 105 ILCS 5/10-22.32. Consult the board attorney about this term and delete it only at the direction of the board attorney. Excluding personal expenses from advancements, reimbursements, and purchase orders is a generally-accepted best practice. The practice also aligns well with the State's widely-accepted transparency movement. Reimbursing personal expenses is also a magnet for the media.

<sup>5</sup> 50 ILCS 150/25, ~~added by P.A. 99-604~~.

<sup>6</sup> *Id.*

<sup>7</sup> Optional. 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~. The purpose of this sentence is to provide information to employees and the community about WPCA exclusions from reimbursable expenses.

<sup>8</sup> 50 ILCS 150/20, ~~added by P.A. 99-604~~. The School Code uses the term *voucher* for expense advancements (105 ILCS 5/10-22.32); the ECA requires submission of itemized, signed, standardized forms. Both 5:60-E1, *Employee Expense Reimbursement Form*, and 5:60-E2, *Employee Estimated Expense Approval Form* incorporate *voucher* into the ECA's requirement to use standardized forms. See f/n 12 below, and see also f/n 20 of policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and title of the employee who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants. <sup>9</sup>
3. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended. <sup>10</sup>
4. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended. <sup>11</sup>

### Advancements

The Superintendent may advance expenses to teachers and other licensed employees for the anticipated actual and necessary expenses to be incurred while attending meetings that are related to their duties and will contribute to their professional development,<sup>12</sup> provided they fall below the maximum allowed in the Board's expense regulations. <sup>13</sup>

Expense advancement requests must be submitted to the Superintendent or designee on the District's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the District's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts.<sup>14</sup> Any portion of an expense advancement not used must be returned to the District.<sup>15</sup> Expense advancements and vouchers shall be presented to the Board in its regular bill process.

### Reimbursements and Purchase Orders

Expense reimbursements and purchase orders may be issued by the Superintendent or designee to employees, along with other expenses necessary for the performance of their duties, provided the expenses fall below the maximum allowed in the Board's expense regulations.

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Additionally, while the WPCA (820 ILCS 115/9.5(a)) allows employees to submit a signed statement regarding any receipts when supporting documentation is nonexistent, missing, or lost, 820 ILCS 115/9.5(b) outlines that employers are not liable for expenditure amounts that exceed the specifications or guidelines the employer has established for necessary expenditures. The ECA requires districts to establish such specifications and guidelines. 50 ILCS 150/10 and 20, ~~added by P.A. 99-604~~ (regulation of travel expenses).

<sup>9</sup> 50 ILCS 150/20(2) and (3). This sentence mirrors the statute. The term *offices* is not defined. Consult the board attorney about whether inserting *job titles* would be sufficient for this requirement.

<sup>10</sup> *Id.* at (4).

<sup>11</sup> *Id.*

<sup>12</sup> 105 ILCS 5/10-22.32 authorizes advancements for the listed items. This statute addresses expense advancements for certain activities; its language pre-dates the ECA and is narrower than the ECA. This policy seeks to reconcile the differences by separating advancements into a separate subhead. See f/n 8 above, and see also f/n 20 of policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

<sup>13</sup> 50 ILCS 150/10 and 20, ~~added by P.A. 99-604~~. This phrase recognizes that while advancements are allowed in these situations, they should remain below the MARA set by the board.

<sup>14</sup> 50 ILCS 150/20, ~~added by P.A. 99-604~~.

<sup>15</sup> This paragraph's provisions are required by 105 ILCS 5/10-22.32.

Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses<sup>16</sup> by providing an estimation of expenses on the District's standardized estimated expense approval form for employees, except in situations when the expense is diminutive. When pre-approval is not sought, employees must seek reimbursement on the District's standardized expense reimbursement form for employees. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

#### Use of Credit and Procurement Cards

Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.

#### Exceeding the Maximum Allowable Expense Amount(s) <sup>17</sup>

All requests for expense advancements, reimbursements, and purchase orders exceeding the maximum allowed in the Board's expense regulations may only be approved when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting. <sup>18</sup>

#### Registration <sup>19</sup>

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

#### Travel

The least expensive method of travel will be used, provided that no hardship will be caused to the employee. Employees will be reimbursed for:

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<sup>16</sup> Optional. Consult the board attorney to determine whether a pre-approval process is appropriate for the district. Neither 105 ILCS 5/10-22.32 (expense advancements) nor 50 ILCS 150/ (expense reimbursements and estimates) address expense *pre-approvals*. 50 ILCS 150/20 states: "an *estimate* if expenses have not been incurred ..." **or** "a *receipt* ... if the expenses have already been incurred," suggesting no pre-approval is necessary. However, pre-approval is a best practice, and an employee who incurs expenses without pre-approval may run the risk that his or her expenses will not be approved. On the other hand, submitting estimated expenses for approval begs a pre-approval process, and some attorneys may read the law to require pre-approval of expenses. The pre-approval process also provides school officials with better information for financial planning.

Consult the board attorney to determine whether a pre-approval process is appropriate for the district. If it is required, ensure that 2:125-E3, *Resolution to Regulate Expense Reimbursements*, reflects the district's specific pre-approval requirements. For an example of a standardized *estimated expense* form that could be used as a form of pre-approval, see 5:60-E2, *Employee Estimated Expense Approval Form*. The form provides three methods for employees to submit estimated expenses: providing estimated expenses (50 ILCS 150/), expense advancements for the specific activities (105 ILCS 5/10-22.32), or a purchase order.

<sup>17</sup> 50 ILCS 150/ does not define *maximum allowable reimbursement amount* (MARA). Consult the board attorney to assist with a conversation about how much authority the board wishes to delegate to the superintendent for purposes of setting the MARA. Topics for these conversations are listed in f/n 8 of policy 2:125, *Board Member Compensation; Expenses*.

<sup>18</sup> 50 ILCS 150/10 and 15. See f/n 13 in policy 2:125, *Board Member Compensation; Expenses* for more discussion.

<sup>19</sup> Amend the language in subheads **Registration**, **Travel**, **Meals**, **Lodging**, and **Miscellaneous Expenses** to align with the MARA defined in the board's expense regulation resolution. See 2:125-E3, *Resolution to Regulate Expense Reimbursements*, for a sample resolution.

See f/n 4 and 8 in policy 2:125, *Board Member Compensation; Expenses*, for further discussion about the board's power to set the expense regulations by policy (105 ILCS 5/10-20) and clarify considerations and unanswered questions surrounding its statutorily-imposed duty to set a MARA (50 ILCS 150/10, ~~added by P.A. 99-604~~).

1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. [Fees for the first checked bag will be reimbursed.<sup>20</sup>](#) Copies of airline tickets [and baggage receipts](#) must be attached to the expense form.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
5. Taxis, airport limousines, [ride sharing services](#), or other local transportation costs.

### Meals

Meals charged to the District should represent mid-fare selections for the hotel/meeting facility or general area.<sup>21</sup> Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

### Lodging

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

### Miscellaneous Expenses

Employees may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

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[20 Optional. This language reflects the standard for expenses permitted for federal awards. 41 C.F.R. §301-12.2. If the board does not reimburse baggage fees, delete this sentence and \[and baggage receipts\]\(#\) from the next sentence.](#)

<sup>21</sup> Alternatively, a board could set a daily limit on meal costs, such as:

Employees will be reimbursed for meal costs and tips up to \$\_ per day consistent with the maximum reimbursement amount(s) set by the Board.

But see also f/n 8 of policy 2:125, *Board Member Compensation; Expenses*, and ensure this amount is consistent with the MARA set by the board resolution.

## Additional Requirements for Travel Expenses Charged to Federal and State Grants 22

All grant-related travel expenses must be pre-approved by the Superintendent or designee. 23

Expenses for travel, including expenses for transportation, lodging, meals, and related items incurred by employees and charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must also meet the following requirements:

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award. 24
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy. 25
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official *travel status*<sup>26</sup> for more than 12 hours.<sup>27</sup> However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours. 28
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip. 29

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22 30 ILCS 708/130. Boards are required to follow this subhead when they use grant money to reimburse employee travel expenses charged to federal pass-through grants and State grants covered by GATA. This policy is designed to be used in conjunction with 5:60-AP, *Federal and State Grant Travel Expense Procedures* to achieve compliance.

GATA adopts the uniform federal guidance for State grants, including for travel costs. 2 C.F.R. §200.474. Additionally, under GATA, boards may charge travel expenses to grants based on their own policy, provided the policy does not exceed federal travel regulations. 30 ILCS 708/130; 41 C.F.R. Chapters 300-304 (federal travel regulations). With regard to lodging, meals, and incidentals specifically, boards not only must keep costs at or below the federal standards, but they also cannot allow costs to exceed those normally allowed by the Governor's Travel Control Board (GTCB). 30 ILCS 708/130. The federal travel regulations and the rules of the GTCB are comprehensive. This policy addresses the most common areas of travel expenses and applies the strictest standard between the State and federal travel rules. To the extent this policy does not cover certain specific types of travel expenses, GATA provides that the GTCB Rules must be followed, provided they do not exceed federal travel regulations. The federal rules are laid out in detail in a Q&A format at: [www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-ftc](http://www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-ftc). The GTCB Rules are at: [www.ilga.gov/commission/jcar/admincode/080/08002800sections.html](http://www.ilga.gov/commission/jcar/admincode/080/08002800sections.html). Regardless of the federal and State rules, travel expenses must still comply with the MARA set by the Board, unless approved by the board in accordance with this policy.

In GATA and throughout the IASB Policy Reference Manual, the terms *award* and *grant* are used interchangeably. The federal regulations define and use the term *federal award* (2 C.F.R. §200.38), but awards are more commonly referred to as grants.

23 Federal travel regulations state that requests for authorization for actual expense reimbursement should be made in advance of travel. 2 C.F.R. §301-11.302. 5:60-E2, *Employee Estimated Expense Approval Form*, can be used as a form for pre-approval.

24 2 C.F.R. §§200.474, 200.474(b)(1).

25 2 C.F.R. §200.474(b)(2).

26 *Travel status* is not specifically defined in the federal travel regulations or in the GTCB rules, however, the Governor's Travel Council Regulation Rules, which apply to State employees and members of State boards, provide that an employee is on *travel status* while away on official business. Travel status begins when an employee leaves his or her work location or, if reporting directly to a destination, from the employee's residence or other location. It ends when an employee returns to his or her work location or, if reporting directly from the original destination, to the employee's residence or other location at the completion of the authorized travel. 80 Ill.Admin.Code §3000.140.

27 41 C.F.R. §301-11.1.

28 41 C.F.R. §301-10.300-10.310 are the federal regulations that address mileage reimbursement and related expenses.

29 2 C.F.R. §200.474(a).

6. Commercial airfare costs in excess of the least expensive coach or economy class are prohibited except when such accommodations would: (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Qualifying circumstances must be explained on the expense form, and Board approval of the additional expense is required. <sup>30</sup>
7. Per diem rates and actual reimbursement amounts for mileage, meals, and lodging may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less.<sup>31</sup> These limits do not apply when: (1) an employee stays in the lowest-priced room available at or near a hotel where a conference or seminar is located or in accommodations arranged by the conference/seminar organization, or (2) lodging at or below the established rate is unavailable.<sup>32</sup> In those cases, the employee will be reimbursed for actual lodging expenses with prior approval, but in no case will the reimbursement exceed 300% of the applicable maximum per diem rate.<sup>33</sup> If a conference fee includes a meal, the meal or per diem allowance will be reduced by the actual value of the meal or the applicable meal allowance, whichever is less. <sup>34</sup>
8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved.<sup>35</sup> The Board does not reimburse employees for collision damage waiver or theft insurance. <sup>36</sup>
9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

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<sup>30</sup> 2 C.F.R. §200.474(e).

<sup>31</sup> To determine the lesser applicable amount, compare the State rates, available at: [www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx](http://www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx), with the federal per diem rates, available at: [www.gsa.gov/travel/plan-book/per-diem-rates](http://www.gsa.gov/travel/plan-book/per-diem-rates).

<sup>32</sup> 80 Ill.Admin.Code §2800.400; 41 C.F.R. §301-11.30.

<sup>33</sup> 41 C.F.R. §301-11.30. 300% is the maximum reimbursement amount permitted under federal travel expense regulations and may be adjusted down by the board. The board may not reimburse over the MARA even if the expense is under the 300% threshold, unless it meets the requirements of the ECA. See f/n 17, above. See 5:60-AP, *Federal and State Award Travel Expense Procedures*, for details on lodging requirements, including excessive lodging requests.

<sup>34</sup> 80 Ill.Admin.Code §2800.500.

<sup>35</sup> See 41 C.F.R. §301-10.450 for a list of authorized exceptions.

<sup>36</sup> 41 C.F.R. §301-10.451. Federal regulations prohibit reimbursement for collision damage waiver and theft insurance in part because the government has negotiated full insurance coverage into its agreements with rental companies. Similarly, the State has negotiated the cost of damage collision waivers into its preferred vendor agreement. Districts may wish to pursue similar arrangements for additional coverage. Employees will often have coverage for rental car damage through their own personal auto policies. The federal regulations permit employees on official business to be reimbursed for their out-of-pocket deductibles. *Id.*

LEGAL REF.: [2 C.F.R. §200.474.](#)  
[30 ILCS 708/130, Grant Accountability and Transparency Act.](#)  
50 ILCS 150/, Local Government Travel Expense Control Act.  
105 ILCS 5/10-22.32.  
820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

CROSS REF.: 2:125 (Board Member Compensation; Expenses), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards)

Draft

## General Personnel

### Personnel Records <sup>1</sup>

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:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. <sup>2</sup>
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*. <sup>3</sup>

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

<sup>1</sup> 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."

<sup>2</sup> 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. In addition, 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, amended by P.A. 101-531) 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.

<sup>3</sup> 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).

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.<sup>4</sup> The Superintendent shall 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 DCFS.<sup>5</sup>

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.

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3. Information prohibited from being disclosed under the Illinois Educational Labor Relations Act (IELRA). 5 ILCS 140/7.5(o), added by P.A. 101-620 (final citation pending); 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.

2-4. 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 or severe physical abuse, 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. 101-531. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse or severe physical abuse, the request cannot be denied. 820 ILCS 40/8, amended by P.A. 101-531. 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. 101-531.

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.

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.

<sup>4</sup> 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.*

<sup>5</sup> 325 ILCS 5/4(d), amended by P.A. 101-564, *eff. 1-1-20*, 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*.

LEGAL REF.: [325 ILCS 5/4, Abused and Neglected Child Reporting Act.](#)  
745 ILCS 46/10, [Employment Record Disclosure Act.](#)  
820 ILCS 40/, [Personal Record Review Act.](#)  
23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District's Public Records), 7:340 (Student Records)

Draft

## Professional Personnel

### Resignations <sup>1</sup>

Tenured teachers may resign at any time with consent of the School Board or by written notice sent to the Board Secretary at least 30 days before the intended date of resignation. However, no teacher may resign during the school term in order to accept another teaching position without the consent of the Board.<sup>2</sup>

LEGAL REF.: 105 ILCS 5/24-14.  
Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006).

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

<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> Districts may want to add a liquidated damages clause to individual teacher contracts in order to discourage teacher resignations in violation of this policy and law.

A teacher who resigns during the school term, without the board's permission, in order to accept another teaching assignment ~~may be referred by the board to the State Superintendent of Education, who shall convene an informal evidentiary hearing within 90 days after receipt of a resolution by the board. 105 ILCS 5/24-14, amended by P.A. 100-531, is A teacher found guilty of resigning during the school term to accept another teaching position without board consent, unprofessional conduct and liable to suspension of will have~~ his or her license ~~suspended for up to one calendar year. 105 ILCS 5/24-14~~<sup>Id.</sup> In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent. Id. See also Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006)(regional superintendent may suspend for one year the teaching certificate of a tenured or nontenured teacher who resigns to accept another position).

For further guidance, see Ill. State Board of Education non-regulatory guidance on the *Application of Section 24-14 of the Illinois School Code to Teacher Resignations* (10-28-19) at [www.isbe.net/Documents/section-24-14-guidance.pdf](http://www.isbe.net/Documents/section-24-14-guidance.pdf).

## Educational Support Personnel

### Duties and Qualifications 1

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time to time at the Board's sole discretion.

### Paraprofessionals 2

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals, and the requirements in this section do not apply. In addition, individuals completing their clinical experiences and/or student teaching do not need to comply with this section, provided their service otherwise complies with ISBE rules. 3

### Noncertificated and Unlicensed Personnel Working with Students and Performing Non-Instructional Duties

Noncertificated and unlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long-distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities; 4
2. As supervisors, chaperones, or sponsors for non-academic school activities; or 5

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<sup>1</sup> 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.

<sup>2</sup> Educator licensure replaced the previous system of certification on 7-1-2013. All Illinois teaching, administrative, and school service personnel certificates were converted to a corresponding license. Except as provided in ISBE rules §§1.630(b)(2) and 25.510(a), all new applicants for a paraprofessional credential must hold an educator license with stipulations endorsed for a paraprofessional educator. 105 ILCS 5/21B-20(2)(J), amended by P.A.s 101-220 and 101-594; (23 Ill.Admin.Code §§1.630 and 25.510). See ISBE's explanation at: [www.isbe.net/Pages/Educator-Licensure-Requirements.aspx](http://www.isbe.net/Pages/Educator-Licensure-Requirements.aspx).

A district may continue to use the term *teacher aide* to describe licensed personnel performing instructional support activities. In that situation, use the following alternative for the subhead and first paragraph:

#### Paraprofessionals and Licensed Teacher Aides

Paraprofessionals and licensed teacher aides provide supervised instructional support. Personnel performing instructional support activities must hold a current educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

If a district uses teacher aides to perform non-instructional support activities, *unlicensed teacher aides* may be inserted in the subhead for next section as follows: "Noncertificated and Unlicensed Personnel (Including Unlicensed Teacher Aides) Working with Students and Performing Non-Instructional Duties."

*Paraprofessionals are not required to maintain discipline under 105 ILCS 5/24-24. 23 Ill.Admin.Code §1.280.*

<sup>3</sup> 105 ILCS 5/10-22.34; 23 Ill.Admin.Code §§1.630(c)(3) (other unlicensed personnel) and 25.620 (student teaching). This paragraph is optional and may be deleted if the board desires a streamlined policy.

<sup>4</sup> 105 ILCS 5/10-22.34(a)(2).

<sup>5</sup> 105 ILCS 5/10-22.34a; 23 Ill.Admin.Code §1.630(ac)(1).

3. For non-teaching duties not requiring instructional judgment or student evaluation.<sup>6</sup>

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.<sup>7</sup>

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership.<sup>8</sup> Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health.<sup>9</sup> Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.<sup>10</sup>

Bus Drivers

All school bus drivers must have a valid school bus driver permit.<sup>11</sup> The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver,

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

<sup>6</sup> 105 ILCS 5/10-22.34(a)(1); 23 Ill.Admin.Code §1.630(a).

<sup>7</sup> 105 ILCS 5/10-22.34b, last paragraph. Noncertificated personnel may be used to provide specialized instruction in a field that an individual is particularly qualified by reason of specialized knowledge or skill. 23 Ill.Admin.Code §1.630(c)(3)(C). Districts that frequently use noncertificated individuals to provide such instruction may consider adding the following optional sentence:

When appropriate, the Superintendent may seek approval from the responsible Regional Superintendent for a noncertificated individual to provide specialized instruction, ~~that is~~ not otherwise readily available in the school environment, in the field that the individual is particularly qualified by reason of specialized knowledge or skill.

<sup>8</sup> A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Ill.~~inois~~ High School Association, the Southern Ill.~~inois~~ Junior High School Athletic Association, and the Ill.~~inois~~ Elementary School Association.

An optional sentence follows:

The coach for an extracurricular athletic activity sponsored or sanctioned by the Illinois High School Association (IHSA) at or above the ninth grade level must have completed the IHSA's educational program and competency testing on preventing abuse of performance-enhancing substances, provided the program is available.

<sup>9</sup> Optional and may be amended. The first requirement identifies a basic competency, and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code ~~Part §§~~525.300 and 525.400).

<sup>10</sup> 225 ILCS 5/3 and 5/4.

<sup>11</sup> The regional superintendent is authorized to conduct school bus driver instruction courses and investigate whether persons hired to operate school buses have valid school bus driver permits. ~~(105 ILCS 5/3-14.23, amended by P.A. 100-863).~~

School bus driver permits are issued by the Ill. Secretary of State (~~SOS~~). ~~(625 ILCS 5/6-106.1, amended by P.A.s 100-513 and 101-458).~~ Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Ill. Dept. of State Police (~~ISP~~) for criminal background investigations. Districts must also certify in writing to the ~~Secretary of State~~~~SOS~~ that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the ~~State Police~~~~ISP~~ and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information. ~~(Id.)~~ The applicant presents this certification to the ~~Secretary of State~~~~SOS~~ when submitting the school bus driver permit application. ~~(Id.)~~

A school bus driver operating a school bus at the time of an accident is deemed by the implied consent law to agree to submit to tests at the direction of a law enforcement officer of the driver's breath, blood, or urine to determine the presence of alcohol, or other drugs, in the person's system. ~~(625 ILCS 5/6-516).~~

Anyone driving a bus chartered to transport students to or from interscholastic athletic or interscholastic or school-sponsored activities must have a valid school bus driver permit; this does not apply to any driver employed by a public

that the bus driver permit holder has been called to active duty.<sup>12</sup> New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: 34 C.F.R. §§200.58 ~~and 200.59.13~~  
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.  
625 ILCS 5/6-104 and 5/6-106.1.  
23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

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transportation provider when the bus is on a regularly scheduled route for transporting other fare-paying passengers. ~~(625 ILCS 5/6-104(d-5)).~~

<sup>12</sup> This sentence is optional, but the notification is required by 625 ILCS 5/6-106.1(h). *Active duty* is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. 625 ILCS 5/6-106.1(j). Upon notification, the ~~Secretary of State~~SOS will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(h).

~~<sup>13</sup> The statute underlying these regulations (20 U.S.C. §6319) was repealed by the Every Student Succeeds Act, eff. 12-10-15.~~

## 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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. <sup>6</sup>

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); <sup>7</sup>
2. Notification processes that notify a student's parent(s)/guardian(s) of a decision affecting a student's participation in the APP; and <sup>8</sup>
3. Assessment processes that include multiple valid, reliable indicators. <sup>9</sup>

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

<sup>1</sup> State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A, amended by P.A. 100-421, ~~eff. 7-1-18~~ (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\(c\).](#)

<sup>2</sup> Optional. Ensure this statement matches the board's current educational philosophy and objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

<sup>3</sup> 105 ILCS 5/14A-17, added by P.A. 100-421; [23 Ill.Admin.Code §227.5, eff. 7-1-18.](#)

<sup>4</sup> ~~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 ~~and early entrance to 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.**

<sup>5</sup> 105 ILCS 5/14A-32(a)(1), added by P.A. 100-421; [23 Ill.Admin.Code §227.5, eff. 7-1-18.](#)

<sup>6</sup> 105 ILCS 5/14A-25, amended by P.A. 100-421, ~~eff. 7-1-18.~~

<sup>7</sup> 105 ILCS 5/14A-32(a)(2), added by P.A. 100-421, ~~eff. 7-1-18,~~ 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.

<sup>8</sup> 105 ILCS 5/14A-32(a)(3), added by P.A. 100-421, ~~eff. 7-1-18.~~

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.<sup>10</sup> 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.<sup>11</sup>

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)

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

<sup>9</sup> 105 ILCS 5/14A-32(a)(4), added by P.A. 100-421, ~~eff. 7-1-18~~.

<sup>10</sup> 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, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement.”

<sup>11</sup> 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*.

## Instruction

### Access to Electronic Networks <sup>1</sup>

Electronic networks, including the Internet, are a part of the District's instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication.<sup>2</sup> The Superintendent shall develop an implementation plan for this policy and appoint system administrator(s). <sup>3</sup>

The School District is not responsible for any information that may be lost or damaged, or become unavailable when using the network, or for any information that is retrieved or transmitted via the Internet.<sup>4</sup> Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

### Curriculum and Appropriate Online Behavior

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource center materials. As required by federal law and Board policy 6:60, *Curriculum Content*, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response.<sup>5</sup> Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

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

A policy on Internet safety is necessary to receive *E-rate* funds under the Elementary and Secondary Education Act, [Student Support and Academic Enrichment Grants Enhancing Education Through Technology](#) (20 U.S.C. §6751-~~et seq~~7131.) and to qualify for universal service benefits under the Children's Internet Protection Act (47 U.S.C. §254(h) and (l)).

<sup>2</sup> This goal is repeated in exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks*.

<sup>3</sup> Topics for the implementation plan include integration of the Internet in the curriculum, staff training, and safety issues. The implementation plan can also include technical information regarding service providers, establishing Internet accounts, distributing passwords, software filters, menu creation, managing resources and storage capacity, and the number of dial-up lines or access points for users to connect to their accounts. Another topic is investigation of inappropriate use.

<sup>4</sup> No system can guarantee to operate perfectly or to prevent access to inappropriate material; this policy statement attempts to absolve the district of any liability.

<sup>5</sup> Required by 47 U.S.C. §254(h)(5)(B)(iii) and 47 C.F.R. §54.520(c)(i) only for districts that receive *E-rate* discounts for Internet access or plan to become participants in the *E-rate* discount program. All boards receiving an *E-rate* funding for Internet access must certify that they have updated their Internet safety policies. See, *FCC Report and Order 11-125* (August 11, 2011). This sentence is optional if the district only receives discounts for telecommunications, such as telephone service, unless the district plans to participate in the *E-rate* discount program.

The District's electronic network is part of the curriculum and is not a public forum for general use. <sup>6</sup>

#### Acceptable Use <sup>7</sup>

All use of the District's electronic networks must be: (1) in support of education and/or research, and be in furtherance of the goals stated herein, or (2) for a legitimate school business purpose. Use is a privilege, not a right.<sup>8</sup> Students and staff members have no expectation of privacy in any material that is stored, transmitted, or received via the District's electronic networks or District computers. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, contains the appropriate uses, ethics, and protocol.<sup>9</sup> Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials. <sup>10</sup>

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<sup>6</sup> School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. *Hazelwood School District v. Kuhlmeier*, 408 U.S. 176, 260 (1988). This policy allows such control by clearly stating that school-sponsored network information resources are not a "public forum" open for general student use but are, instead, part of the curriculum.

It is an unfair labor practice (ULP) under the Ill. Educational Labor Relations Act (IELRA) for an employer to discourage employees from becoming or remaining members of a union. 115 ILCS 5/14(a)(10), added by P.A. 101-620. In connection with that potential penalty, the IELRA requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14 (c-5), added by P.A. 101-620. This policy aligns with IELRA requirements by clarifying the District's electronic network is not a public forum for general use by outside parties and by limiting use of the network to the purposes stated under the Acceptable Use subhead. However, districts are still prohibited under the First Amendment to the U.S. Constitution from suppressing messages based on viewpoint and may be subject to liability if they affirmatively block individual senders. See *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983); *Columbia Univ. v. Trump*, 302 F.Supp.3d 541 (S.D.N.Y. 2018). Consult the board attorney if the board wants to amend this policy to prohibit access by specific parties and/or before taking steps to "block" any specific party from the district's email system based on the content of the party's message.

<sup>7</sup> This paragraph provides general guidelines for acceptable use regardless of whether Internet use is supervised. The specific rules are provided in exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks* (see also f/n 1). This paragraph's application to faculty may have collective bargaining implications.

<sup>8</sup> The "privilege, not a right" dichotomy is borrowed from cases holding that a student's removal from a team does not require due process because such participation is a privilege rather than a right. The deprivation of a privilege typically does not trigger the Constitution's due process provision. *Clements v. Board of Education of Decatur Public School District*, No. 61, 478 N.E.2d 1209, 133 Ill.App.3d 531 (Ill.App.4, 4th Dist. 1985). Nevertheless, before access privileges are revoked, the user should be allowed to give an explanation.

<sup>9</sup> If students are allowed only supervised access and are not required to sign the *Authorization for Access to the District's Electronic Networks*, the provisions from the *Authorization* should be used as administrative procedures for covering student Internet use. See 6:235-AP1, *Acceptable Use of the District's Electronic Networks*. This is an optional sentence:

The Superintendent shall establish administrative procedures containing the appropriate uses, ethics, and protocol for Internet use.

The Harassing and Obscene Communications Act criminalizes harassing and obscene electronic communication. (720 ILCS 5/26.5).

<sup>10</sup> The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. This provision attempts to avoid Fourth Amendment protection for communications and downloaded material by forewarning users that their material may be read or searched, thus negating any expectation of privacy.

Email and computer files are "public records" as defined in the Ill. Freedom of Information Act (FOIA) if they are, as in this policy, "under control" of the school board. (5 ILCS 140/2). They may be exempt from disclosure, however, when they contain information that, if disclosed, "would constitute a clearly unwarranted invasion of personal privacy." (5 ILCS 140/7). Alternatively, a school board may believe that making email semi-private enhances its educational value. The following grants limited privacy to email communications and can be substituted for the sample policy's sentence preceding this footnote:

## Internet Safety 11

Technology protection measures shall be used on each District computer with Internet access. They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Superintendent or designee.<sup>12</sup> The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator.<sup>13</sup> The Superintendent or designee shall include measures in this policy's implementation plan to address the following: <sup>14</sup>

1. Ensure staff supervision of student access to online electronic networks, <sup>15</sup>
2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

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School officials will not intentionally inspect the contents of email without the consent of the sender or an intended recipient, unless as required to investigate complaints regarding email that is alleged to contain material in violation of this policy or the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*.

<sup>11</sup> See f/n 1.

<sup>12</sup> This sample policy language is broader than the requirements in federal law (20 U.S.C. §~~6777~~7131, 47 U.S.C. §254, and 47 C.F.R. §54.520(c)(i)). It does not distinguish between minors (children younger than 17) and non-minors. The terms, *minor*, *obscene*, *child pornography*, and *harmful to minors* have not changed, but are now explicitly referred to in the regulations at 47 C.F.R. §54.520(a). Federal law defines *harmful to minors* as:

...any picture, image, graphic image file, or other visual depiction that—(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The Federal Communications Commission specifically declined to find that access to *Facebook* or *MySpace* are per se *harmful to minors*. School officials have discretion about whether or not to block access to these and similar sites. See supra f/n 3.

<sup>13</sup> Permitted by 20 U.S.C. §~~6777~~7131(c). The policy's provision for prior approval is not in the law and may be omitted. The entire sentence may be eliminated if a board does not want the filtering device to be disabled.

<sup>14</sup> In order to qualify for universal service benefits under the federal Children's Internet Protection Act (CIPA), the district's Internet safety policy must address the items listed in the sample policy. ~~(47 U.S.C. §254(l)).~~ The sample policy accomplishes this task by requiring these items be addressed in the policy's implementation plan or administrative procedure.

Note that federal law requires the school board to hold at least one hearing or meeting to address the *initial* adoption of the Internet safety policy. Later revisions of the existing policy need not follow the public notice rule of CIPA, though a board will still need to follow its policy regarding revisions and the mandates of ~~the III. Freedom of Information Act~~FOIA.

CIPA also requires this policy and its documentation to be retained for at least ~~five~~five years after the last day of service delivered in a particular funding year. This means the five year retention requirement begins on the last day of service delivered under E-rate, not from the day the policy was initially adopted. Consult the board attorney about this requirement and the best practices for your individual board.

<sup>15</sup> Monitoring the online activities of *students* is broader than the requirement in federal law to monitor *minors*. The definition of minor for this purpose is "any individual who has not attained the age of 17 years." See 47 C.F.R. 54.520(a)(4)(i). The use of the word *students* is a best practice.

## Authorization for Electronic Network Access 16

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use. 17

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

The failure of any student or staff member to follow the terms of the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEGAL REF.:   | No Child Left Behind Act, 20 U.S.C. §6777.<br>Children's Internet Protection Act, 47 U.S.C. §254(h) and (l).<br>Enhancing Education Through Technology Act, 20 U.S.C §6751 <u>et seq.</u><br>47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.<br>720 ILCS 5/26.5.                                                                                                                                                                        |
| CROSS REF.:   | 5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct), 6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:310 (Restrictions on Publications; Elementary Schools) |
| ADMIN. PROC.: | 6:235-AP1 (Administrative Procedure - Acceptable Use of the District's Electronic Networks), 6:235-AP1, E1 (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)                                                                                                                                                                                        |

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16 The District's administrative procedure, [6:235-AP1, \*Acceptable Use of the District's Electronic Networks\*](#), ~~(6:235-AP1)~~, rather than this board policy, specifies appropriate conduct, ethics, and protocol for Internet use. This is consistent with the principle that detailed requirements are not appropriate for board policy; instead, they should be contained in separate district documents that are authorized by board policy. Keeping technical rules specifying acceptable use out of board policy will allow for greater flexibility, fewer changes to the policy manual, and adherence to the belief that board policy should be confined to governance issues and the provision of guidance on significant district issues.

17 The Superintendent's implementation plan should describe appropriate supervision for students on the Internet who are not required, or refuse, to sign the *Authorization*.

The use of personal electronic communication devices owned by students but used to gain Internet access that has been funded by *E-rate* is not addressed yet. The FCC has indicated that it does plan to address the issues associated with the application of CIPA requirements to this situation.

## Instruction

### Grading and Promotion 1

The Superintendent or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians.<sup>2</sup> The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, and performance on the standardized tests required by the Illinois State Board of Education (ISBE) – Partnership for Assessment of Readiness for College and Careers (PARCC) and/or other assessments.<sup>3</sup> A student shall not be promoted based upon age or any other social reason not related to academic performance.<sup>4</sup> The administration shall determine remedial assistance for a student who is not promoted.<sup>5</sup>

Every teacher shall maintain an evaluation record for each student in the teacher's classroom. A District administrator cannot change the final grade assigned by the teacher without notifying the teacher.<sup>6</sup> Reasons for changing a student's final grade include:

- A miscalculation of test scores,
- A technical error in assigning a particular grade or score,
- The teacher agrees to allow the student to do extra work that may impact the grade,
- An inappropriate grading system used to determine the grade, or
- An inappropriate grade based on an appropriate grading system.

Should a grade change be made, the administrator making the change must sign the changed record.

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<sup>1</sup> State law requires districts to have a school board policy containing the reasons for which a grade may be changed and prohibiting social promotion. 105 ILCS 5/10-20.9a. State law controls this policy's content.

If a district uses weighted grades for classes by degree of difficulty, it must be reflected in the affected students' class ranking and permanent records. 105 ILCS 5/27-27.

<sup>2</sup> Absent a court order to the contrary, upon the request of either parent of a student whose parents are divorced, copies of report cards, along with other notices and records, must be furnished to both parents by the district. 105 ILCS 5/10-21.8.

<sup>3</sup> 105 ILCS 5/10-20.9a. Each board may determine its own promotion criteria and augment the statute's criteria.

Until July 1, 2014, 105 ILCS 5/2-3.64 contained the State assessment program; until it was repealed by P.A. 98-972.

105 ILCS 5/2-3.64a-5(b) requires ISBE to "establish the academic standards that are to be applicable to students who are subject to State assessments." It contains the schedule for assessing students by calendar year and grade. ISBE selects standardized tests for the Partnership for Assessment of Readiness for College and Careers (PARCC) as the State assessment and accountability measure. In House Joint Resolution 54 (2015), members of the Ill. House and Senate encouraged school districts to not use results of the Partnership for Assessment of Readiness for College and Careers (PARCC) test for the 2014-2015 through the 2017-2018 school years "as a determining factor for making decisions about a student's educational opportunities, the evaluation of educators, and the allocation of resources based on educational achievement on this assessment." Starting in 2019, PARCC was no longer used by ISBE.

105 ILCS 5/2-3.64a-5(c), amended by P.A. 100-7, requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours.

105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-222, no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript; however, the scores must still be placed in the student's permanent record. See also 23 Ill.Admin.Code §375.10.

<sup>4</sup> 105 ILCS 5/10-20.9a(b).

<sup>5</sup> Id.

<sup>6</sup> The specific reasons and procedure for changing a grade are at the local board's discretion; however, State law provides that no grade may be changed without notification to the teacher concerning the nature and reason for the change. 105 ILCS 5/10-20.9a(a). The person making the change must assume all responsibility and must initial the change. Id.

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

Draft

## Students

### Attendance and Truancy 1

#### Compulsory School Attendance 2

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (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, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

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

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

<sup>1</sup> State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/26-13 requires a policy identifying supportive services and available resources for *truants* and *chronic truants* (defined in 105 ILCS 5/26-2a, amended by P.A. 100-918). 23 Ill.Admin.Code §1.290 requires the same plus that the policy contain a definition of *valid cause* for absence in accordance with 105 ILCS 5/26-2a and a description of diagnostic procedures to identify the cause(s) of unexcused student absenteeism.

<sup>2</sup> 105 ILCS 5/26-2, amended by P.A. 100-825, addresses enrolled students below or over set compulsory attendance ages. The law also requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

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

<sup>3</sup> These reasons are in 105 ILCS 5/26-2a, amended by P.A. 100-810, except that (1) "other reason as approved by the Superintendent," and (2) absences for students to vote authorized by 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20 were added. An Ill. State Board of Education (ISBE) rule requires that the absenteeism and truancy policy defines valid causes for absence. 23 Ill.Admin.Code §1.290.

For elementary districts, delete the following phrase from the second sentence of this paragraph: "voting pursuant to policy 7:90, Release During School Hours (10 ILCS 5/7-42 and 5/17-15)." and delete 7:90, *Release During School Hours*, from the Cross References.

For high school and unit districts that do not wish to include the Voting subhead in policy 7:90, Release During School Hours, amend the second sentence of this paragraph as follows: "policy 7:90, Release During School Hours (the Election Code, 10 ILCS 5/7-42 and 5/17-15)." and delete 7:90, *Release During School Hours* from the Cross References.

## Absenteeism and Truancy Program

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

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. <sup>4</sup>
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. <sup>5</sup>
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. <sup>6</sup>
4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. <sup>7</sup>
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in [the School Code, Section 105 ILCS 5/26-2a](#).
6. A description of diagnostic procedures 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 about the reasons for the student's attendance problem. <sup>8</sup>

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

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

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

<sup>5</sup> 105 ILCS 5/26-1, ~~amended by P.A. 99-804~~. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.

A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.

<sup>6</sup> 105 ILCS 5/26-1, amended by P.A. 100-185. Such a student must be granted five days of excused absences in any school year and, at the board's discretion, may be granted additional excused absences to visit the student's parent/guardian. The student and his/her parent/guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his/her return to school from the excused absence period. *Id.*

<sup>7</sup> This notification is required by 105 ILCS 5/26-3b.

<sup>8</sup> 23 Ill.Admin.Code §1.290(b)(2).

~~105 ILCS 5/10-20.63, added by P.A. 100-163, requires school districts to make feminine hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in the bathrooms of school buildings serving students in grades 6 through 12. The General Assembly found this requirement necessary because "when students do not have access to affordable feminine hygiene products, they may miss multiple days of school every month." 105 ILCS 5/10-20.63(a)(3).~~

7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, or information about community agency services.<sup>9</sup> See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.
8. 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. <sup>10</sup>
9. 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. <sup>11</sup>
10. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. <sup>12</sup>

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<sup>9</sup> 23 Ill.Admin.Code §1.290(b)(3). The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E) (ISBE report).

105 ILCS 5/26-18, added by P.A. 100-156, requires ~~that, beginning 7-1-18,~~ districts to collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. *Id.* Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). *Chronic absence* means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a *chronic or habitual truant* is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.

<sup>10</sup> 105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810, ~~eff. 1-1-19~~.

<sup>11</sup> Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

<sup>12</sup> 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5.

Counties may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 10 years of age, on the parent or custodian. 55 ILCS 5/5-1078.2. Municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 13 years of age, on the parent or custodian. 65 ILCS 5/11-5-9. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as: (a) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (b) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act, ~~(105 ILCS 10/6(a)(6.5))~~. *Id.* **A superintendent should consult with the board attorney before disclosing school student records to non-district entities.** See 7:340-AP1, *School Student Records*, for a sample procedure for release of such records to juvenile authorities.

11. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student. <sup>13</sup>
12. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. <sup>14</sup>

*[For high school and unit districts only]*

13. A process for a 17-year-old resident to participate in the District's various programs and resources for truants.<sup>15</sup> 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, *Students School Admissions and Student Transfers To and From Non-District Schools*.
14. 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. <sup>16</sup>

LEGAL REF.: 105 ILCS 5/26-1 through 16.  
705 ILCS 405/3-33.5, Juvenile Court Act of 1987.  
23 Ill.Admin.Code §§1.242 and 1.290.

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 and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious

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<sup>13</sup> 105 ILCS 5/26-12, amended by P.A. 100-825, prohibits punitive action "unless available supportive services and other school resources have been provided to the student." In addition, "a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available support services, compel the student to return to school." *Id.*

<sup>14</sup> 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

This statute also requires the "clerk or secretary" of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver's license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, see **Funding & Disbursements** subhead, p.2, at: [www.isbe.net/Documents/Superintendent Weekly Message/message\\_082807.pdf](http://www.isbe.net/Documents/Superintendent%20Weekly%20Message/message_082807.pdf), that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Dept. of Education's Family Policy Compliance Office that its implementation would violate the federal Family Educational Rights and Privacy Act.

<sup>15</sup> A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive. 105 ILCS 5/26-14.

<sup>16</sup> Optional, but provided in 105 ILCS 5/26-2(c)(3), amended by P.A. 100-825; ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

Instruction/Observance), [7:90 \(Release During School Hours\)](#), 7:190 (Student Behavior), 7:340 (Student Records)

Draft

## Students

### Release During School Hours <sup>1</sup>

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

### Early Dismissal Announcement

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

[\*\[For high school and unit districts only\]\*](#)

### Voting <sup>2</sup>

[The Superintendent or designee shall specify the hours during which students who are entitled to vote at a primary, general, or special election, or any election at which propositions are submitted to a popular vote in Illinois, may be absent from school for a period of two hours to vote. Students are entitled to be absent from school to vote beginning the 15th day before the primary, general, or](#)

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

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

<sup>2</sup> [Optional. While 10 ILCS 5/7-42\(b\) and 5/17-15\(b\), amended by P.A. 101-624, eff. 6-1-20, do not require this information to be in policy, including it aligns with best practice \(ensuring compliance and aligning with good governance principles\).](#)

[Including it also serves several policy functions and purposes: ensuring legal compliance, directing or authorizing the superintendent or staff members, and/or providing information.](#)

[To implement this law, each board and superintendent may wish to engage in a conversation about balancing the students' right to be absent from school with the district's attendance and safety and security goals and its right to minimize disruption to the educational process and/or ensure orderly operation of a school. Factors affecting implementation will depend upon a board's local conditions and the community expectations that may include, but not be limited to: \(1\) the board attorney's recommendations, \(2\) the district's budget parameters, if any, for any increased security needs during the 15 days before and the day of the qualifying elections, \(3\) each individual building's unique needs, and \(4\) the community's expectations.](#)

[The superintendent and building principal may implement this policy differently in different buildings. Once the board and superintendent or designee determine implementation logistics, these should be communicated in student handbooks. A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Ill. Principals Association maintains a handbook service that coordinates with PRESS material, \*Online Model Student Handbook \(MSH\)\*, at: \[www.ilprincipals.org/resources/model-student-handbook\]\(http://www.ilprincipals.org/resources/model-student-handbook\).](#)

[For high school and unit districts not wanting to include this subhead, delete it and the Legal Reference to it in this policy, delete it from the Cross References in policy 7:70, \*Attendance and Truancy\*, and follow the instructions listed in paragraph three of f/n 3 of policy 7:70, \*Attendance and Truancy\*.](#)

special election, or any election at which propositions are submitted to a popular vote in Illinois, or on the day of such election.

LEGAL REF.: 10 ILCS 5/7-42(b) and 5/17-15(b), Election Code.

CROSS REF.: 4:170 (Safety)

Draft

## Students

### Student Rights and Responsibilities 1

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.<sup>2</sup> Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.<sup>3</sup>

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, are not sponsored, promoted, or endorsed in any manner by the school or any school employee.<sup>4</sup> *Noninstructional time* means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends.<sup>5</sup>

LEGAL REF.: 20 U.S.C. §7904.  
105 ILCS 20/5.  
Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:190 (Student Behavior)

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

<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> In 1969 the U.S. Supreme Court changed the relationship between schools and students by finding that students "do not shed their constitutional rights at the schoolhouse door." Tinker v. Des Moines Independent Sch. Dist., 89 S.Ct. 733 (1969).

<sup>3</sup> Consult the board attorney to ensure the district's non-discrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon bullying and/or sexual violence under Title IX's sexual harassment umbrella. The U.S. Dept. of Education's guidance states that while acts of sexual violence are crimes, they may also be discrimination under Title IX. See *Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts*, U.S. Dept. of Education Office for Civil Rights, 111 LRP 23852 (~~OCR-04/04/April 4, 2011~~), at [www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html) ~~www.ed.gov/about/offices/list/ocr/letters/colleague-201104.html~~.

<sup>4</sup> This language is from 105 ILCS 20/5, ~~amended by P.A. 99-410~~. The statute provides these examples of religious-based meetings: prayer groups, B I B L E (Basic Instruction Before Leaving Earth) clubs, and *meet at the flagpole for prayer days*. **Districts with secondary schools should amend the Cross References by adding "7:330 (Student Use of Buildings - Equal Access)."**

In addition, federal law requires districts to certify that "no [district] policy... prevents, or otherwise denies participation in, constitutionally protected prayer in both public elementary and secondary schools," (~~20 U.S.C. §7904(b)~~). The State provides certification instructions and the U.S. Dept. of Education provides guidance on constitutionally protected prayer in public schools. (~~See Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools~~, [www.ed.gov/policy/gen/guid/religionandschools/prayer\\_guidance.html](http://www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)). ~~Certification with the Ill. State Board of Education occurs through the signed assurances that a superintendent provides through the grant application process.~~

<sup>5</sup> 105 ILCS 20/5.

## Students

### Student Fundraising Activities 1

No individual or organization is allowed to ask students to participate in fundraising activities while the students are on school grounds during school hours or during any school activity. Exceptions are:

1. School-sponsored student organizations; and
2. Parent organizations and booster clubs that are recognized pursuant to policy 8:90, *Parent Organizations and Booster Clubs*.

The Superintendent or designee shall manage student fundraising activities in alignment with the following directives: 2

1. Fundraising efforts shall not conflict with instructional activities or programs.
2. For any school that participates in the School Breakfast Program or the National School Lunch Program, fundraising activities involving the sale of food and beverage items to students during the school day while on the school campus must comply with the Ill. State Board of Education rules concerning the sale of competitive food and beverage items. 3
3. Participation in fundraising efforts must be voluntary.
4. Student safety must be paramount. 4
5. For school-sponsored student organizations, a school staff member must supervise the fundraising activities and the student activity funds treasurer must safeguard the financial accounts.
6. The fundraising efforts must be to support the organization's purposes and/or activities, the general welfare, a charitable cause, or the educational experiences of students generally.
7. The funds shall be used to the maximum extent possible for the designated purpose.

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<sup>1</sup> State law requires this subject matter be covered by policy. 105 ILCS 5/10-20.19(3) requires districts to have rules governing: (1) "conditions under which school classes, clubs, and associations may collect or acquire funds," and (2) "the safekeeping of such funds for the educational, recreational, or cultural purposes they are designed to serve."

<sup>2</sup> Except for #2 ([see f/n 3, below](#)), all numbered directives are optional and may be deleted or amended. These directives are intended to comply with 105 ILCS 5/10-20.19(3) by stating the conditions under which funds may be collected and by providing for their safekeeping.

<sup>3</sup> Selling popular food items to raise funds is restricted by federal and State rules. ISBE limits the sale of competitive food and beverages sold to students on the school campus of any school that participates in the School Breakfast Program or the National School Lunch Program (*participating schools*). <sup>4</sup>23 Ill.Admin.Code §305.15(a). *Competitive foods* are all food and beverages that are offered by any person, organization, or entity for sale to students on the school campus during the school day that are not reimbursed under programs authorized by federal law. <sup>5</sup>7 C.F.R. §210.11(a)(2); 23 Ill.Admin.Code §305.5). ~~Beginning in the 2015-16 school year, participating schools with grades 8 and below have zero exempted fundraising days, and participating schools with grades 9-12 may have no more than nine~~ <sup>6</sup>exempted fundraising days. <sup>7</sup>23 Ill.Admin.Code §305.15 (b)(2)(A)-(B). *Exempted fundraising day* means a school day on which foods and/or beverages not meeting the "general nutrition standards for competitive foods" may be sold to students on the school campus. <sup>8</sup>7 C.F.R. §210.11 (b)(4); 23 Ill.Admin.Code §305.5). See 4:120, *Food Services*; 4:120-AP, *Food Services; Competitive Foods; Exemptions*.

<sup>4</sup> Two alternatives follow:

- |                |                                                                                             |
|----------------|---------------------------------------------------------------------------------------------|
| Alternative 1: | 4. Student safety must be paramount <u>and door-to-door solicitations are prohibited</u> .  |
| Alternative 2: | 4. Student safety must be paramount <u>and door-to-door solicitations are discouraged</u> . |

8. Any fundraising efforts that solicit donor messages for incorporation into school property (e.g., tiles or bricks) or placement upon school property (e.g., posters or placards) must: 5
  - a. Develop viewpoint neutral guidelines for the creation of messages;
  - b. Inform potential donors that all messages are subject to review and approval, and that messages that do not meet the established guidelines must be resubmitted or the donation will be returned; and
  - c. Place a disclaimer on all fundraising information and near the completed donor messages that all messages are “solely the expression of the individual donors and not an endorsement by the District of any message’s content.”

LEGAL REF.: 105 ILCS 5/10-20.19(3).  
23 Ill.Admin.Code Part 305, School Food Service.

CROSS REF.: 4:90 (Activity Funds), 4:120 (Food Services), 8:80 (Gifts to the District), 8:90 (Parent Organizations and Booster Clubs)

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5 The issue of soliciting or receiving donor messages is an unsettled area of the law that is frequently litigated because of its many complex legal and practical issues. The U.S. Constitution’s Free Speech, Establishment, and Equal Protection Clauses may be triggered. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate on the basis of viewpoint. Requiring that donor messages go through a thorough review process prior to their permanent placement on any medium can avoid issues that may occur when messages are reviewed after placement and found to be unacceptable. For sample cases discussing the issue of a district’s exclusion of donor messages on school property, see Fleming v. Jefferson County Sch. Dist. R-1, 298 F.3d 918 (10th Cir. 2002), *cert. denied* (school’s restriction on the use of religious symbols on tiles that would become a part of the rebuilt school allowed because the messages were school-sponsored speech, and the restrictions had a reasonable relation to legitimate teaching concerns); DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ., 196 F.3d 958 (9th Cir. 1999), *cert. denied* (school district’s refusal to post an advertisement featuring the text of the Ten Commandments on its baseball field upheld because the field was a nonpublic forum for a limited purpose); Gernetzke v. Kenosha Unified Sch. Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied* (school district disallowed religious symbols on Bible Club’s mural so it would not have to allow speech that would cause a disruption like white supremacists who wanted to display the swastika); and Kiesinger v. Mexico Acad.emy and Central Sch., 427 F.Supp. 2d 182 (N.D.N.Y. 2006)(school district’s removal of bricks inscribed with a donor’s religious messages from a walkway in front of a school was viewpoint discrimination because the district allowed messages about God generally, but not a specific religious viewpoint on God).

## **Community Relations**

### **Connection with the Community**

#### **Public Relations**

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Superintendent or designee shall plan and implement a District public relations program that will: 1

1. Develop community understanding of school operation.
2. Gather community attitudes and desires for the District.
3. Secure adequate financial support for a sound educational program.
4. Help the community feel a more direct responsibility for the quality of education provided by their schools.
5. Earn the community's good will, respect, and confidence.
6. Promote a genuine spirit of cooperation between the school and the community.
7. Keep the news media accurately informed.
8. Coordinate with the District Safety Coordinator to provide accurate and timely information to the appropriate individuals during an emergency.

The public relations program should include:

1. Regular news releases concerning District programs, policies, activities, and special event management for distribution by, for example, posting on the District website, using social media platforms,<sup>2</sup> e.g., Facebook, Twitter, etc., or sending to the news media.
2. News conferences and interviews, as requested or needed. The Board President and Superintendent will coordinate their respective media relations efforts. Individuals may speak for the District only with prior approval from the Superintendent. 3

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<sup>1</sup> These objectives are examples only and should be customized for each district. The District Safety Coordinator is identified as the responsible person for compiling information and preparing communications covering an emergency or crisis (4:170-AP1, *Comprehensive Safety and Crisis-Security Plan*). An alternative to the entire first subhead follows:

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Superintendent or designee shall plan and implement a District public relations program to keep the community informed and build support through open and authentic communications. The public relations program shall include, without limitation, media relations; internal communications; communications to the community; communications to students and parents/guardians; emergency communications in coordination with the District Safety Coordinator; the District website and social media platforms/channels; and other efforts to reach all audiences using suitable mediums.

<sup>2</sup> District social media accounts are likely either limited public forms or public forums. See Knight First Amendment Inst. at Columbia Univ. v. Trump, 302 F.Supp.3d 541 (S.D.N.Y. 2018) (holding that the @realDonaldTrump Twitter account is a public forum under the First Amendment; therefore, (a) it could not exclude plaintiffs based simply on their views because excluding them on that basis is a violation their First Amendment right to petition their government, and (b) by purging critics from the @realDonaldTrump account, the White House deprived those who remained in the public forum the opportunity to hear the critics). Consider that school districts are different than the President of the United States and must ensure other duties to students, e.g., safety and security, which may require excluding certain comments from the district's social media accounts.

3. Publications having a high quality of editorial content and effective format. All publications shall identify the District, school, department, or classroom and shall include the name of the Superintendent, the Building Principal, and/or the author and the publication date.
4. Other efforts that highlight the District's programs and activities. 4

### Community Engagement 5

Community engagement is a process that the Board uses to actively involve diverse citizens in dialogue, deliberation, and collaborative thinking around common interests for the District's schools.6

The Board, in consultation with the Superintendent, determines the purpose(s) and objective(s) of any community engagement initiative.

For each community engagement initiative;

1. ~~The Board will:~~ 7
  - a. ~~Commit~~ to the determined purpose(s) and objective(s), and
  - b. ~~Provide~~ information about the expected nature of the public's involvement.;
2. ~~The Superintendent or designee will:~~ 8
  - a. Identify the effective tools and tactics that will advance the Board's purpose(s) and objective(s).
  - b. ~~The Superintendent will: (1) a~~ At least annually, prepare a report ~~for the of each~~ community engagement initiative, and/or (2)
  - c. ~~Prepare~~ a final report of ~~the each~~ community engagement initiative.

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

3 In alignment with the IASB "Foundational Principles of Effective Governance," the school board president is the board's spokesperson (see 2:110, *Qualifications, Term, and Duties of Board Officers*) and the superintendent is the district's spokesperson.

4 Examples of such programs include senior citizens' brunches, realtors' luncheons, and building tours.

5 This section is optional. A board that includes this subhead should complete the work necessary to develop and implement a community engagement initiative. See *Connecting with the Community: The Purpose and Process of Community Engagement as Part of Effective School Board Governance*, (Connecting with the Community) ~~available at~~ [www.iasb.com/IASB/media/Documents/communityengagement.pdf](http://www.iasb.com/IASB/media/Documents/communityengagement.pdf) ~~iasb.mys1cloud.com/communityengagement.pdf~~. This publication and other materials about community engagement are listed at: [www.iasb.com/training/connecting.cfm](http://www.iasb.com/training/connecting.cfm).

The community engagement process differs from public relations (discussed in the **Public Relations** section, above) or public polling. Public relations push out information to the community. Public polling pulls information or opinions from the community. While most school districts understand how to push and pull information from their communities, the community engagement process is part of the two-way conversation for school boards that involves listening. Listening should not be limited only to the public comment period during board meetings. It is reaching out to the community and having conversations not only with parents but other community members, and then taking into consideration their thoughts and ideas as boards make their decisions. This method of listening must be purposeful for community engagement to work as intended.

6 Optional. This sentence applies the definition of community engagement to a board and its school district. See *Connecting with the Community*, pg. 9, ~~available at~~ [www.iasb.com/IASB/media/Documents/communityengagement.pdf](http://www.iasb.com/IASB/media/Documents/communityengagement.pdf) ~~iasb.mys1cloud.com/communityengagement.pdf~~.

An alternative introductory sentence that repeats the definition of community engagement follows: "For purposes of this policy, community engagement is the process that school boards use to actively involve diverse citizens in dialogue, deliberation and collaborative thinking around common interests for their public schools."

7 This action clarifies a board's reason(s) for engaging its community in an initiative and frames it to share with all participants in the process. ~~(Connecting with the Community, pg. 10).~~

8 See *Connecting with the Community* at pg. 10 for examples of resources that a superintendent could use to implement the board's purpose and objectives.

The Board will periodically: (1) review whether its community engagement initiative(s) are achieving the identified purpose(s) and objective(s); (2) consider what, if any, modifications would improve effectiveness; and (3) determine whether to continue individual initiatives.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers)

Draft

## Community Relations

### Visitors to and Conduct on School Property 1

The following definitions apply to this policy:

**School property** - District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. 2

**Visitor** - Any person other than an enrolled student or District employee.

All visitors to school property are required to report to the Building Principal's office and receive permission to remain on school property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto school property or when community members are attending Board meetings, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution. 3

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member to make an appointment. Conferences with teachers are held, to the extent possible, outside school hours or during the teacher's conference/preparation period.

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's special education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee. 4

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1 State or federal law controls this policy's content. Boards may make and enforce reasonable rules of conduct and sportsmanship for school events and deny future admission to school events to violators for up to one year provided a notice and hearing are given. 105 ILCS 5/24-24. See f/n 20 below.

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

2 School-sponsored or school-sanctioned events or activities aligns with the text of 105 ILCS 5/27-23.7(a).

3 This paragraph is up to the local board's discretion. Many public school buildings were built before school security was the concern it is now. A first step in creating a secure environment is to manage access to school buildings. Along with limiting the entrances that may be used, school officials should post signs with instructions for visitors and a warning to trespassers. Signs may be as simple as "Visitors Must Report to Office" and "No Trespassing – Violators will be Prosecuted." Applicable criminal trespass laws include: 720 ILCS 5/21-1 (criminal damage to property); 5/21-1.2 (institutional vandalism); 5/21-3 (criminal trespass to real property); 5/21-5 (criminal trespass to State supported land); 5/21-5.5 (criminal trespass to a safe school zone); 5/21-9 (criminal trespass to a place of public amusement); 5/21-11 (distributing or delivering written or printed solicitation on school property). This sample policy identifies board members as visitors.

The following optional provisions must be modified according to local conditions:

Option 1: The Superintendent or designee may post certain school facilities for the community's use on non-school days when they are not being used for school purposes.

Option 2: The Superintendent or designee shall manage a program to allow community use of the following facilities on non-school days, during the daylight, provided they are not being used for school purposes: tennis courts, playground, and track.

4 105 ILCS 5/14-8.02(g-5). See administrative procedure 6:120-AP2, *Access to Classrooms and Personnel*, and exhibit 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*.

The School District expects mutual respect, civility, and orderly conduct among all people on school property or at a school event. No person on school property or at a school event (including visitors, students, and employees) shall perform any of the following acts:

1. Strike, injure, threaten, harass, or intimidate a staff member, Board member, sports official or coach, or any other person. <sup>5</sup>
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device. <sup>6</sup>
4. Damage or threaten to damage another's property. <sup>7</sup>
5. Damage or deface school property. <sup>8</sup>
6. Violate any Illinois law,<sup>9</sup> or town or county ordinance.
7. Smoke or otherwise use tobacco products. <sup>10</sup>
8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug. <sup>11</sup>
9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred. <sup>12</sup>

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

<sup>5</sup> See e.g., 720 ILCS 5/12-2 (aggravated assault); 5/12-3.05(c) ~~and (d)(3) (crimes aggravated battery on school public property; aggravated battery); 5/12-3.05(d)(3) (a sports official or coach or aggravated battery against a school employee); 5/12-2(b)(9) (aggravated assault against a sports official or coach);~~ 5/12-9 (threats to public officials); 5/24-1.2 (discharge of a firearm).

<sup>6</sup> With one exception, a license to carry a firearm does not permit an individual to carry a concealed firearm on or into any building, real property, and/or parking area under the control of an elementary or secondary school, or any bus paid for in whole or part with public funds. 430 ILCS 66/65(a), ~~amended by P.A. 99-29~~. The following optional provision adds that exception, which is a restatement of 430 ILCS 66/65(b), ~~amended by P.A. 99-29~~, to the text in number 3:

An individual licensed to carry a concealed firearm under the Illinois Firearm Concealed Carry Act is permitted to: (a) carry a concealed firearm within a vehicle into a parking area controlled by a school or the District and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area, and/or (b) carry a concealed firearm in the immediate area surrounding his or her vehicle in a parking area controlled by a school or the District for the limited purpose of storing or retrieving a firearm within the vehicle's trunk.

Other relevant weapons laws include 705 ILCS 405/5-407, 720 ILCS 5/24-9; 725 ILCS 5/110-4, 5/110-10 (firearms in schools); 720 ILCS 5/24-1.2, 5/24-3 (discharge of firearm ~~and unlawful delivery or sale of a firearm~~ near school); 705 ILCS 405/5-130, 405/5-805 (minor 15 years or older who commits aggravated battery with a firearm at school is tried as an adult).

<sup>7</sup> See e.g., 720 ILCS 5/2-19.5, 5/16-1, 5/18-1, 5/19-1, 21-1, and 5/21-1.3 (property damage penalties).

<sup>8</sup> See e.g., 720 ILCS 5/21-1.01, 21-1.3.

<sup>9</sup> See e.g., 720 ILCS 5/11-9.3 (presence within school zone by child sex offenders prohibited), 5/11-14 (prostitution), 5/11-15 (repealed), and 5/11-18 (patronizing a prostitute); 720 ILCS 5/21-11 (soliciting students to commit illegal act).

<sup>10</sup> Required by 105 ILCS 5/10-20.5b and 410 ILCS 82/1 ~~et seq.~~ Federal law prohibits smoking inside schools (20 U.S.C. §6083); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

<sup>11</sup> See 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school) and 410 ILCS 705, added by P.A. 101-27. See also the discussion in f/n 5 and 6 of policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*; this statement must be consistent with employee working conditions and employee conduct standards (see 5:120-AP2, *Employee Conduct Standards*).

<sup>12</sup> Each board and superintendent may want to engage in a conversation regarding how the district might partner with local law enforcement to enforce this policy and the penalties available under the Cannabis Regulation Tax Act, e.g., posting signs barring community members from bringing in weapons, alcohol, cannabis, tobacco, etc. Signage reminding visitors of the policy may make it easier for staff and/or local law enforcement to enforce.

10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*. <sup>13</sup>
11. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner). <sup>14</sup>
12. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board.
13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive. <sup>15</sup>
14. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding. <sup>16</sup>
15. Violate other District policies or regulations, or a directive from an authorized security officer or District employee.
16. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

#### Convicted Child Sex Offender <sup>17</sup>

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

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

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<sup>13</sup> Managing cannabis on district property and the school setting presents many unsettled and complex legal issues. To legally use medical cannabis in Illinois, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)). 410 ILCS 130/, amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis, including (a) in a school bus, (b) on the grounds of any preschool or primary or secondary school, or (c) in close physical proximity to anyone under the age of 18 years of age. 410 ILCS 130/30(a)(2), (3), and (4), amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20. However, *Ashley's Law*, 105 ILCS 5/22-33(b) and (g), added by P.A. 100-660, allows *designated caregivers* to administer medical cannabis infused products to students who are *registered qualifying patients* at school or on the school bus, and requires school boards to adopt a policy to implement the law unless the district would lose federal funding. See policy 7:270, *Administering Medicines to Students* and its f/n 20.

Remember that *Ashley's Law* requires the designated caregiver to remove the product from the school premises or the school bus after administering it to the student, so as a result, policy 7:270, *Administering Medicines to Students*, requires immediate removal of medical cannabis infused products after administering them to the student (see f/n 25 of that policy for further discussions).

<sup>14</sup> See e.g., 720 ILCS 5/21.2-1 *et seq.* (interference with a public institution of education).

<sup>15</sup> See e.g., 625 ILCS 5/11-605 (special speed limit zones). 625 ILCS 5/12-610.1(e), prohibits wireless telephone use while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes.

<sup>16</sup> The pivotal question in a negligence case is whether the defendant acted reasonably. A ban on roller-blading demonstrates that the district took reasonable steps to reduce the risk of injury.

<sup>17</sup> 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*); Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, *Safety*; and administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*.

conferences to discuss other student issues concerning his or her child such as retention and promotion; or

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

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

#### Exclusive Bargaining Representative Agent 18

Upon notifying the Building Principal's office, aAuthorized agents of an exclusive bargaining representative will be provided reasonable access to employees in the bargaining unit they represent in accordance with State law. Such access shall be conducted in a manner that will not impede the normal operations of the District.~~Upon notifying the Building Principal's office, may meet with a school employee (or group of employees) in the school building during duty free times of such employees.~~

#### Enforcement

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act.<sup>19</sup> The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from school property. The person is also subject to being denied admission to school events or meetings for up to one calendar year. <sup>20</sup>

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**18** 105 ILCS 5/~~24-24 and~~ 24-25; 115 ILCS 5/3(c), added by P.A. 101-620. If a provision contained in a collective bargaining agreement addresses this issue, it will supersede this policy for those covered employees. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement." For employees whose collective bargaining agreement does not address this subject-not covered, the policy should reflect the board's current practice. ~~Duty free time is used to provide a district with discretion about whether preparation time, etc. may be used.~~

Consult the board attorney about this subhead. It is an item on which collective bargaining may be required. Any policy that impacts wages, hours, or 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. Amend the language to reflect what is recommended by the board attorney.

The School Code permits bargaining representatives to meet with employees during duty-free time upon notice to the school office. The Ill. Educational Labor Relations Act, amended by P.A. 101-620, expanded the rights of access by bargaining representatives to also include meeting with employees during the employee work day if the meeting: (1) is to investigate and discuss grievances and workplace-related complaints (no time limit is specified) or (2) is with a newly hired employee within the first two weeks of employment (or on a later date if mutually agreed upon by the employee and bargaining representative) for one hour or less. In those circumstances, the district may not dock employee pay or charge leave time. 115 ILCS 5/3(c). However, the access must be "reasonable" and "shall at all times be conducted in a manner so as not to impede normal operations." Id. Consult the board attorney for guidance regarding specific requests and whether, if granted, they would impede normal operations, e.g., requests for access to staff while they are performing instructional or supervisory duties. Determining whether normal operations are impeded will likely depend upon the position and duties of the employee in the district.

**19** Id.

### Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain: <sup>21</sup>

1. The date, time, and place of the Board hearing;
2. A description of the prohibited conduct;
3. The proposed time period that admission to school events will be denied; and
4. Instructions on how to waive a hearing. <sup>22</sup>

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

<sup>20</sup> See Nuding v. Cerro Gordo Community Comm. Unit School Sch. Dist., 313 Ill. App.3d 344 (4th Dist. 2000) (board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting); Jordan ex rel. Edwards v. O'Fallon Tp. High School Sch. Dist., 302 Ill.App.3d 1070 (5th Dist. 1999) (105 ILCS 5/24-24 did not give a high school athlete the right, under the due process clause, to a notice and hearing before he could be suspended from participating in interscholastic athletics; the statute expands the schools' authority to ban people from attending school events for breaching conduct and sportsmanship code).

<sup>21</sup> *Id.* For ease of administration, this text is broader than 105 ILCS 5/24-24, requiring a hearing for both *school events* and *meetings*. The court in Nuding (see f/n 20, above) did not specifically answer whether a board meeting qualified as a *school event* under 105 ILCS 5/24-24, but upheld the board's right to enforce conduct rules at its meetings under 105 ILCS 5/10-20.5.

For boards that wish to narrow the policy text to mirror 105 ILCS 5/24-24, delete the following text from the subhead and the first sentence of the policy:

~~Procedures to Deny Future Admission to School Events or Meetings~~

~~Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board.~~

Consult the board attorney before deleting the above text, especially if the board has put the current text into practice and now plans to narrow it. This issue involves a balancing of a board's interest in the orderly transaction of its public business and the efficiency of its meetings against an individual's: (a) statutory rights attend meetings and/or comment to and ask questions of the board (105 ILCS 5/10-16 and 5 ILCS 120/2.06(g)) and (b) constitutional freedoms and rights of speech, the press, assembly, and to petition the government (U.S. Constitution, First Amendment and Ill. Constitution, Art. I, §§ 1, 2, 4, and 5).

If a violator is a student, the hearing should be held in a closed meeting. 5 ILCS 120/2(c)(9).

If, however, the violator is not a student, the hearing must be held in an open session.

<sup>22</sup> The hearing requirement is for the violator's benefit and, consequently, the violator should be able to waive it.

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).  
20 U.S.C. §7181 et seq., Pro-Children Act of 1994.  
105 ILCS 5/10-20.5b, 5/22-33, ~~5/24-24~~, 5/24-25, and 5/27-23.7(a).  
[115 ILCS 5/3\(c\), Ill. Educational Labor Relations Act.](#)  
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.  
430 ILCS 66/, Firearm Concealed Carry Act.  
410 ILCS 705/, Cannabis Tax and Regulation Act.  
720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270 (Administering Medicines to Students), 8:20 (Community Use of School Facilities)

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## Community Relations

### Gifts to the District 1

The School Board appreciates gifts from any education foundation, 2 other entities, or individuals. All gifts must adhere to each of the following:

1. Be accepted by the Board or, if less than \$500.00 in value, the Superintendent or designee.<sup>3</sup> Individuals should obtain a pre-acceptance commitment before identifying the District, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt. <sup>4</sup>
2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
3. Be consistent with the District's mandate to provide equal educational and extracurricular opportunities to all students in the District as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the District to provide equal treatment for members of both sexes to educational programming, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities. <sup>5</sup>
4. Permit the District to maintain resource equity among its learning centers. <sup>6</sup>
5. Be viewpoint neutral. The Superintendent or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property. <sup>7</sup>

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

<sup>1</sup> State and federal law control this policy's content. 105 ILCS 5/16-1 grants authority to school boards to accept and manage gifts. Specifying the criteria for gifts in the board policy provides important information to potential donors and promotes a common understanding, uniform treatment, and adherence to legal requirements. ~~The statute provides that a~~ Any gift to a school district or attendance center becomes ~~the~~ district property to be "held, managed, improved, invested or disposed of by such board in such manner as the board, in its discretion, sees fit..." ~~Id. According to this statute, w~~ When a donor expresses an intention that a gift be used for a certain purpose, the board must "promote and carry into effect" that intention until the "board determines in its discretion that it is no longer possible, practical or prudent to do so." ~~Id.~~

<sup>2</sup> An education foundation can be an effective tool for collecting and donating financial and non-financial resources to a school district. An education foundation is a separate entity from the school district. In order to be exempt from federal income taxes and allow donors to deduct their donations, it must be organized as a tax-exempt organization, such as, under Section 501(c)(3) of the Internal Revenue Code.

<sup>3</sup> The board may remove or amend ~~in any way~~ the value of a gift that the superintendent or designee is permitted to accept.

<sup>4</sup> Well-intentioned people can raise funds in a variety of ways, e.g., putting donation jars in retail establishments, 50/50 drawings, and websites designed for fundraising like *GoFundMe*. Addressing fundraising by individuals in policy allows the board to manage donations and minimize liability in a manner consistent with its policies and legal requirements.

<sup>5</sup> 20 U.S.C. §1681 ~~et seq.~~, Title IX of the Education Amendments, implemented by 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. See [Title IX Resource Guide, the April 2015 Title IX Resource Guide—U.S. Department of Education and the U.S. Dept. of Education Office for Civil Rights \(April 2015\)](#), at: [www.ed.gov/ocr/www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf](http://www.ed.gov/ocr/www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf).

<sup>6</sup> See [policy 6:210, Instructional Materials](#).

6. Comply with all laws applicable to the District including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The District will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the District's property. The acceptance of a gift is not an endorsement by the Board, District, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift.<sup>8</sup>

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments implemented by 34 C.F.R. Part 106.  
105 ILCS 5/16-1.  
23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional Materials), 7:10 (Equal Educational Opportunities)

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<sup>7</sup> The U.S. Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered when a donation comes with a message. Contact the board attorney for assistance. The second sentence is optional. Soliciting or receiving donor messages raises many complex legal and practical issues. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate against groups or individuals on the basis of their viewpoints. For more detailed explanations of viewpoint-neutrality and forum issues, see f/n 1 in policy 8:20, *Community Use of School Facilities*, and f/n 1 in policy 8:25, *Advertising and Distributing Materials in Schools Provided by Non-School Related Entities*.

A publicized procedure for reviewing donor messages according to pre-established viewpoint-neutral guidelines may limit misunderstandings or disputes with donors or other members of the public. Each board may want to discuss with the superintendent what expectations exist based upon the scope and scale of the donor message project, so that the superintendent can manage the expectations in the procedure. Consult the board attorney to assist with this process. Lastly, posting disclaimers informing members of the public that the donor messages incorporated into school property or placed upon school property are the personal expressions of individual donors and not the district's may avoid Establishment Clause arguments. For a more detailed discussion of the issues pertaining to excluding donor messages on school property and implementing procedures to review donor messages, see f/n 5 in policy 7:325, *Student Fundraising Activities*.

<sup>8</sup> Examples of ways to recognize a gift include a letter of appreciation, mentioning the gift on the district or school website or publication, a shout-out at a public event, and a recognition plaque.

## **Community Relations**

### **Public Suggestions and Concerns**

The School Board is interested in receiving suggestions and concerns from members of the community. Any individual may make a suggestion or express a concern ~~at~~ by contacting any District or School office. Community members who e-mail the District or any District employee or board member are expected to abide by the standards in Board policy 6:235, Access to Electronic Networks, and should, to the extent possible, limit their communications to relevant individuals.<sup>1</sup> All suggestions and/or concerns will be referred to the appropriate level staff member or District administrator who is most able to respond in a timely manner. Each concern or suggestion shall be considered on its merit.

An individual who is not satisfied may file a grievance under Board policy 2:260, *Uniform Grievance Procedure*. The Board encourages, but does not require, individuals to follow the channels of authority prior to filing a grievance. Neither this policy nor the *Uniform Grievance Procedure* create an independent right to a hearing before the Board.

**LEGAL REF.:** 115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.

**CROSS REF.:** 2:140 (Communications To and From the Board), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 2:260 (Uniform Grievance Procedure), 3:30 (Chain of Command), 6:235 (Access to Electronic Networks), 6:260 (Complaints About Curriculum, Instructional Materials and Programs), 8:10 (Connection with the Community)

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<sup>1</sup> The Ill. Educational Labor Relations Act requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14(c-5), added by P.A. 101-620. Policy 6:235, Access to Electronic Networks, states that the district's network, which includes its email system, is not a public forum for general use. Further, acceptable uses of the network by any party are limited to uses in support of education and/or research or for legitimate school business purposes. See policy 6:235, Access to Electronic Networks, at f/n 6 for additional discussion. Including this statement also discourages school community members from engaging in the disruptive practice of mass cc'ing district staff who have no involvement in a particular issue.

Antioch School District 34  
Policy Committee Notes  
5/21/20

| <b>Policy Number</b> | <b>Title</b>                               | <b>Change</b>                                                                           |
|----------------------|--------------------------------------------|-----------------------------------------------------------------------------------------|
| 2.125                | Board Compensation                         | Changes related to GATA (Grant Accountability and Transparency Act) requirements        |
| 2.160                | Board Attorney                             | Changes based on 5-year review                                                          |
| 4:50                 | Payment Procedures                         | POLICY UNCHANGED                                                                        |
| 5:35                 | Compliance-Fair Labor Standards Act        | Updated- style changes only                                                             |
| 5:50                 | Drug/Alcohol Free Workplace                | POLICY UNCHANGED                                                                        |
| 5:60                 | Expenses                                   | Changes related to 2:125                                                                |
| 5:150                | Personnel Records                          | POLICY UNCHANGED                                                                        |
| 5:210                | Resignations                               | POLICY UNCHANGED                                                                        |
| 5:280                | Duties and Obligations                     | POLICY UNCHANGED                                                                        |
| 6:135                | Accelerated Placement                      | POLICY UNCHANGED                                                                        |
| 6:235                | Access/Electronic Network                  | POLICY UNCHANGED                                                                        |
| 6:280                | Grading and Promotion                      | Policy updated due to cancellation of PARCC                                             |
| 7:70                 | Attendance and Truancy                     | Policy updated/legal changes                                                            |
| 7:90                 | Release During School Hours                | Policy updated/election code                                                            |
| 7:130                | Student Rights and Responsibilities        | POLICY UNCHANGED                                                                        |
| 7:325                | Student Fundraising                        | POLICY UNCHANGED                                                                        |
| 8:10                 | Connections with the Community             | Changes based on 5-year review                                                          |
| 8:30                 | Visitors to and Conduct on School Property | Policy Updated related to Illinois Education Labor relations Act (re: union issues)     |
| 8:80                 | Gifts to School District                   | POLICY UNCHANGED                                                                        |
| 8:110                | Public Suggestions and Concerns            | Policy Updated related to Illinois Education Labor Relations Act (re; email protection) |

## **School Board**

### **Board Member Compensation Expenses**

#### **Board Member Compensation Prohibited**

School Board members provide volunteer service to the community and may not receive compensation for services, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides.

#### **Roll Call Vote**

All Board member expense requests for travel, meals, and/or lodging must be approved by roll call vote at an open meeting of the Board.

#### **Regulation of School District Expenses**

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the District by resolution. No later than approval of the annual budget and when necessary, the Superintendent will recommend a maximum allowable reimbursement amount for expenses to be included in the resolution. The recommended amount should be based upon the District's budget and other financial considerations.

Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the Board member, (2) anyone's personal expenses, or (3) entertainment expenses. Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event.

#### **Exceeding the Maximum Allowable Reimbursement Amount(s)**

All requests for expense advancements, reimbursements, and/or purchase orders that exceed the maximum allowable reimbursement amount set by the Board may only be approved by it when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.

#### **Advancements**

The Board may advance to its members actual and necessary expenses to be incurred while attending:

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

Expense advancement requests must be submitted to the Superintendent or designee on the Board's standardized estimated expense approval form. After spending expense advancements, Board members must use the Board's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. A Board member must return to the District any portion of an expense advancement not used. If an expense advancement is not requested, expense reimbursements may be issued by the Board to its members for the activities listed in numbers one through three, above, along with registration fees or tuition for a course(s) that allowed compliance with the mandatory trainings described in policy 2:120, *Board Member Development* and other professional development opportunities that are encouraged by the School Code (see the **Reimbursements and Purchase Orders** subhead, below). Expense advancements and vouchers shall be presented to the Board in its regular bill process.

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#### Reimbursements and Purchase Orders

Expense reimbursement is not guaranteed and, when possible, Board members should seek pre-approval of expenses by providing an estimation of expenses on the Board's standardized estimated expense approval form, except in situations when the expense is diminutive. When pre-approval is not sought, Board members must seek reimbursement on the Board's standardized expense reimbursement form. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

#### Credit and Procurement Cards

Credit and procurement cards shall not be issued to Board members.

#### Standardized Expense Form(s) Required

All requests for expense advancement, reimbursement, and/or purchase orders in the District must be submitted on the appropriate itemized, signed standardized form(s). The form(s) must show the following information:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and office of the Board member who is requesting the expense advancements or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants.
3. The date(s) of the official business on which the expense advancement or reimbursement will be or was expended.
4. The nature of the official business conducted when the expense advancement or reimbursement will be or was expended.

#### Types of Official Business for Expense Advancements, Reimbursements, and Purchase Orders

1. Registration. When possible registration fees will be paid by the District in advance.
2. Travel. The least expensive method of travel will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for:

- a. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. [Fees for the first checked bag will be reimbursed.](#) Copies of airline tickets [and baggage receipts](#) must be attached to the expense form.
  - b. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
  - c. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
  - d. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
  - e. Taxis, airport limousines, [ride sharing](#) or other transportation costs.
3. Meals. Meals charged to the School District should represent mid-fare selections for the hotel/meeting facility or general area, consistent with the maximum allowable reimbursement in the amount of \$20 for breakfast, \$25 for lunch and \$35 for dinner per day consistent with the maximum allowable reimbursement amount(s) set by the Board. Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.
4. Lodging. Board members should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Board members should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.
5. Miscellaneous Expenses. Board members may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

[Additional Requirements for Travel Expenses Charged to Federal and State Grants](#)

5. [All Board member expenses for travel charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act \(30 ILCS 708/\) must comply with Board policy 5:60, \*Expenses\*, and its implementing procedures. Travel expenses include costs for transportation, lodging, meals, and related items.](#)

LEGAL REF.: 105 ILCS 5/10-20 and 5/10-22.32.

[30 ILCS 708/, Government Accountability and Transparency Act.](#)

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~~Local Government Travel Expense Control Act~~, 50 ILCS 150/, Local Government Travel Expense Control Act.

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CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:120 (Board Member Development), 2:240 (Board Policy Development), 4:50 (Payment Procedures) 4:55 (Use of Credit and Procurement Cards), 5:60 (Expenses)

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ADOPTED: ~~August 19, 1997~~ January 17, 2017

REVISED: ~~December 18, 2007~~

REVISED: ~~February 19, 2013~~

REVISED: ~~January 17, 2017~~

REVIEWED: May 19, 2020

**School Board****Exhibit - Board Member Expense Voucher Reimbursement Form**

Submit to the Superintendent who will include this request in the monthly list of bills presented to the School Board. Please print and attach receipts for all expenditures. **Use of this form is required by 2:125-E3, Resolution to Regulate Expense Reimbursements.** Please print.

Name: \_\_\_\_\_ Title/Office: \_\_\_\_\_

Travel Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

Departure date: \_\_\_\_\_ Return date: \_\_\_\_\_

☐ Receipts attached Request Date: \_\_\_\_\_

☐ Estimated expenses attached (Completed 2:125-E2, Board Member Estimated Expense Approval Form)(pre-approval is required for federal and State grants).

☐ Approved expense advancement (voucher) attached, if applicable\* (Completed 2:125-E2, Board Member Estimated Expense Approval Form)

**Actual Expense Voucher**

\*Board members will be reimbursed for actual and necessary expenses that exceed the amount advanced, but must refund any expense advancement that exceeds the actual and necessary expenses incurred. (105 ILCS 5/10-22.32). For federal and State grants, board members will be reimbursed for actual and necessary expenses that exceed estimated expenses as permitted by Board policy 2:125, Board Member Compensation: Expenses.

Auto Travel Allowance: \_\_\_\_\_ per mile

| Date                                                                    | Mileage<br>Miles | Cost | Comm.<br>Travel<br>Expenses | Lodging | Breakfast | Meals<br>Lunch | Dinner | Other<br>Item | Cost | Daily<br>Total |
|-------------------------------------------------------------------------|------------------|------|-----------------------------|---------|-----------|----------------|--------|---------------|------|----------------|
|                                                                         |                  |      |                             |         |           |                |        |               |      |                |
|                                                                         |                  |      |                             |         |           |                |        |               |      |                |
|                                                                         |                  |      |                             |         |           |                |        |               |      |                |
|                                                                         |                  |      |                             |         |           |                |        |               |      |                |
|                                                                         |                  |      |                             |         |           |                |        |               |      |                |
| <b>Subtotal</b>                                                         |                  |      |                             |         |           |                |        |               |      |                |
| <b>Advances</b>                                                         |                  |      |                             |         |           |                |        |               | -    |                |
| <b>Total (a negative amount indicates refund due from Board member)</b> |                  |      |                             |         |           |                |        |               | \$   |                |

Submitting Board Member's Signature \_\_\_\_\_

Date \_\_\_\_\_

Superintendent Signature \_\_\_\_\_

Date \_\_\_\_\_

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School Board Action:

☐ Approved

☐ Denied

☐ Approved in Part

☐ Exceeds Maximum Allowable Amount

☐ Grant Funding Source (if applicable): \_\_\_\_\_

Comments: \_\_\_\_\_

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**School Board****Exhibit - Board Member Estimated Expense Approval Form**

Submit to the Superintendent, who will include this request in the monthly list of bills presented to the School Board. *Use of this form is required (1) by 2:125-E3, Resolution to Regulate Expense Reimbursements and (2) for pre-approval of expenses to be charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act. Please print.*

Name: \_\_\_\_\_ Title/Office: \_\_\_\_\_

Travel Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

Departure date: \_\_\_\_\_ Return date: \_\_\_\_\_

☐ **Estimated Expenses Approval Requested** (50 ILCS 150/20 or grant expenditure ~~105 ILCS 5/10-22.32~~)

☐ **Travel is grant-related\*** (specify grant): \_\_\_\_\_

☐ **Purchase Order Requested** Purchase Order #: \_\_\_\_\_

☐ **Expense Advancement Voucher Requested** (105 ILCS 5/10-22.32)

Voucher Amount: \_\_\_\_\_

*Please print*

| Estimated Expense Report                                                                                                                                                                                                                                                                                                       |                       |      |                                          |         |                                             |  |  |               |      |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------|------------------------------------------|---------|---------------------------------------------|--|--|---------------|------|----------------|
| * Auto Travel Allowance: _____ per mile                                                                                                                                                                                                                                                                                        |                       |      |                                          |         |                                             |  |  |               |      |                |
| <i>*Grant-related travel only: Except for mileage and other transportation expenses, expense reimbursement/per diem is only allowed if an official travel status for 12 hours or more. If lodging at or below the applicable rate cannot be identified, please indicate below and attach at least three quotes for review.</i> |                       |      |                                          |         |                                             |  |  |               |      |                |
| Date                                                                                                                                                                                                                                                                                                                           | Auto Mileage<br>Miles | Cost | Comm-<br>Travel Tra-<br>nsp.<br>Expenses | Lodging | Meals or Per Diem<br>Breakfast Lunch Dinner |  |  | Other<br>Item | Cost | Daily<br>Total |
|                                                                                                                                                                                                                                                                                                                                |                       |      |                                          |         |                                             |  |  |               |      |                |
|                                                                                                                                                                                                                                                                                                                                |                       |      |                                          |         |                                             |  |  |               |      |                |
|                                                                                                                                                                                                                                                                                                                                |                       |      |                                          |         |                                             |  |  |               |      |                |
|                                                                                                                                                                                                                                                                                                                                |                       |      |                                          |         |                                             |  |  |               |      |                |
|                                                                                                                                                                                                                                                                                                                                |                       |      |                                          |         |                                             |  |  |               |      |                |
|                                                                                                                                                                                                                                                                                                                                |                       |      |                                          |         |                                             |  |  |               |      |                |
| <b>Total</b>                                                                                                                                                                                                                                                                                                                   |                       |      |                                          |         |                                             |  |  |               |      | \$             |

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Submitting Board Member's Signature \_\_\_\_\_

Date \_\_\_\_\_

Superintendent Signature

Date

School Board Action:

☐ Approved

☐ Denied

☐ Approved in Part

☐ Exceeds Maximum Allowable Amount

☐ Grant Funding Source (if applicable):

Comments:

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## **School Board**

### **Administrative Procedure - Superintendent Committees**

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

#### **Communicable and Chronic Infectious Disease Program Task Force**

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

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

#### **Communicable and Chronic Infectious Disease Review Team**

This review team monitors those employees and students who have a communicable and chronic infectious disease, and:

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

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

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

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

#### **Food Allergy Management Committee**

This committee develops and implements the District's Food Allergy Management Program and reports directly to the Superintendent or designee. It monitors the program for effectiveness and establishes a schedule for the Superintendent to report this information back to the Board. See policy 7:285, *Food Allergy Management Program*, that is based upon the *ISBE/IDPH Guidelines* at:

[www.isbe.net/Documents/food\\_allergy\\_guidelines.pdf](http://www.isbe.net/Documents/food_allergy_guidelines.pdf). See also the modifiable Microsoft® Word version of the *ISBE/IDPH Guidelines* at: [www.isbe.net/Pages/Food-Allergy-Guidelines.aspx](http://www.isbe.net/Pages/Food-Allergy-Guidelines.aspx).

Committee members include District-level administrators, Building Principals, the District Safety Coordinator (see 4:170-AP1, *Comprehensive Safety and Security Plan*, **Part C, District Safety Coordinator and Safety Team, Responsibilities**), District 504 Coordinator (see 6:120, *Education of Children with Disabilities*), staff members, parents/guardians, community members, and students.

#### Employee Drug Abuse Committee

This committee makes recommendations directly to the Superintendent or designee regarding employee drug abuse, and:

1. Cooperates with community and State agencies on drug abuse programs.
2. Gathers information about drug abuse and suggests methods to disseminate it to staff.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration the Board's obligation to provide a safe environment and to ensure high quality performance.
5. Recommends a method to explicitly inform employees of District policy and the consequences of drug abuse.

Committee members include the Superintendent or designee, the District's medical advisor, and employee representatives from both professional and educational support personnel. The committee is guided by Board policies, administrative procedures, and relevant State and federal statutes. See policy 5:50, *Drug- and Alcohol-Free Workplace; Tobacco Prohibition*.

#### Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and community. See policy 4:180, *Pandemic Preparedness*, and procedure 4:180-AP1, *School Action Steps for Pandemic Influenza*.

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

#### Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent on prevention, intervention, and education. Committee members may include community representatives, District administrators, teachers, and students. See policies 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 7:10, *Equal Educational Opportunities*; and 7:20, *Harassment of Students Prohibited*.

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School Violence Prevention Team

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

1. Targeted School Violence Prevention Program. See 4:170, *Safety*; and 4:170-AP7, *Targeted School Violence Prevention Program*.
2. Anti-bullying program, when and as appropriate. See 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying and School Violence*.

All Building Principals or their designees must be on this team. Other team members may include the District Safety Coordinator (see 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), law enforcement representatives, Board Attorney, District psychologist(s), mental health workers and/or social service agencies, faith leaders, community members, and students. It reports directly to the Superintendent or designee.

Title I Advisory Committee

This committee is required if the District receives or desires to receive Title I funds. See policy 6:170, *Title I Programs*; 20 U.S.C. §6312; 34 C.F.R. §§200.41, 200.50, and 200.52(a)(1); and 105 ILCS 5/2-3.25d (for Illinois requirements). The committee supports the development and implementation of the District's Title I plan. Its activities may include, at the Superintendent or designee's directive:

1. Facilitating the active involvement of parents/guardians in their children's academic success by such activities as coordinating Title I parent-teacher conferences, providing information to help parents/guardians assist their children, coordinating volunteer or paid participation by parents/guardians in school activities, and establishing a process to respond to parents/guardians' inquiries and recommendations.
2. Distributing Title I informational materials.
3. Preparing and monitoring revised School Improvement Plan(s).
4. Supporting the implementation of Board policy 6:170, *Title I Programs*.

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

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

Each committee listed below is required until its function has been fulfilled; each reports directly to the Superintendent or designee.

1. PERA joint committee. This mandatory committee develops a plan for incorporating data and indicators of student growth into the evaluation plan. The joint committee is "composed of equal representation selected by the district and its teachers, or where applicable, the exclusive bargaining representative or its teachers." 105 ILCS 5/24A-4(b). If, within 180 calendar days of the committee's first meeting, the committee does not reach agreement on the plan, the District must implement ISBE's model evaluation plan with respect to the use of data and indicators on student growth. The amendment of an evaluation plan continues to be a mandatory subject of bargaining.

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

#### Concussion Oversight Team

The Concussion Oversight Team is required until its function has been fulfilled; it reports directly to the Superintendent or designee. State law requires the team to establish protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury during interscholastic athletic activities. See policy 7:305, *Student Athlete Concussions and Head Injuries*, 105 ILCS 5/22-80(d), added by P.A. 99-245 and amended by P.A.s 99-486 and 100-309. The Board must appoint or approve a Concussion Oversight Team. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. If it is not practicable for a physician, athletic trainer and/or nurse to be on the Team and other licensed health care professionals are not appointed to serve on the Team, the Team may be composed of only one person who need not be a licensed healthcare professional; however, that individual may not be a coach.

#### Wellness Committee

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

#### Children's Advocacy Center Communication Committee

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

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School Board

Board Attorney

The School Board may ~~enter into an agreement for~~ retain legal services with one or more~~a specific~~ attorneys or law firms to be the Board Attorney(s). The Board Attorney represents the School Board in its capacity as the governing body for the School District. The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services or as memorialized by an engagement letter. The District will only pay for legal services as memorialized by an engagement letter, ~~that are provided in accordance with the agreement for legal services or that~~ are otherwise authorized by this policy or a majority of the Board.

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

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to be informed of and/or consider the matter.

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

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

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

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ADOPTED: August 19, 1997January 18, 2011

REVISED: January 18, 2011

REVIEWED: May 19, 2020

## School Board

### Exhibit – Checklist for Selecting a Board Attorney

The School Board selects and retains the Board Attorney(s). The Board may use this checklist for guidance when it selects and retains attorney(s) and/or law firms for legal services. This checklist is designed for the Board to use a request for proposal (RFP) process to seek outside attorneys/law firms. The Board may also select an attorney without using an RFP process and adapt this checklist. The Board may also adapt this checklist and use it for an application process, if the Board seeks an in-house attorney. For more information, call the IASB Office of General Counsel; see its current phone numbers at [www.iasb.com/about-us-staff/#office-general-counsel](http://www.iasb.com/about-us-staff/#office-general-counsel).

☐ **Determine what type of legal services the District needs.**

1. Review the Board policy 2:160, *Board Attorney*. **Note:** Critically analyze whether the District's legal needs are best served by in-house attorney(s) or outside attorney(s)/law firms. Many districts use a combination of these services. Many districts also use multiple attorney(s)/law firms for their specialties, e.g., different law firms for bond counsel, special education, or labor law. Some boards also approve a panel of attorneys and allow the administration to choose which attorney to use.
2. Consider the following factors to analyze the type(s) of legal services needed for the District including, but are not limited to:
  - District's size;
  - Any past and current experiences with legal matters;
  - Complexity of the District's legal needs;
  - Availability of expertise; and
  - Cost of outside fees compared to internal staff expenses for an in-house arrangement.

☐ **Develop a list of qualifications necessary for providing quality legal services to the District.**

1. Review policy 4:60, *Purchases and Contracts*. **Note:** While State law exempts hiring an attorney from bidding requirements (105 ILCS 10-20.21(a)), the Board may want to review its procurement processes and align procurement for legal services to its non-bidding-related standards for purchases, e.g., avoiding favoritism, staying within the District's budget, etc.
2. Develop the list of qualifications. The major qualifications include, but are not limited to:
  - Licensed to practice law in Illinois and in good standing with the Ill. Attorney Registration and Disciplinary Commission (ARDC) (see checklist item *Conduct a reference check and other background investigations*, below)
  - Member of the District's assigned United States district court and the Seventh Circuit Court of Appeals
  - Substantive knowledge and experience in the legal areas matching District's needs, e.g., bidding, civil rights, collective bargaining, education reform, employment law, Freedom of Information Act, Open Meetings Act, other records laws, special education, student rights, etc. **Note:** This list of knowledge and experience must be created by the District's identified needs and may change from time to time.
  - Experience in all aspects of contract, employment, and school law

- Experience that meets the District’s needs, including litigation experience in State and federal courts
- Membership in professional associations, such as, the Ill. Council of School Attorneys (ICSA) and education law sections of bar associations, etc.
- Demonstrated knowledge of and ability to apply professional responsibility rules
- Accessibility for the District’s identified needs, e.g., evening Board meetings, phone calls, etc.
- Ability to declare that representation of the District will be to the exclusion of all other clients having potential conflicts with the District’s interests
- When additional qualifications apply, list those qualifications for providing legal services. This may include specialties such as bond counsel, etc.

☐ **Develop the RFP.**

1. Insert the list of qualifications that the Board developed.
2. Include the following information:
  - The deadline for responses to be submitted
  - The location (address or email) where responses should be sent
  - A statement that the Board is soliciting proposals from qualified lawyers and law firms to provide legal services to the School District
  - Significant information about the District (see policy 1:30, *School District Philosophy*, for the District’s mission statement that is specific to the community’s goals)
  - The scope of work, e.g., “The Board Attorney will provide legal advice concerning *[typical duties, specific duties, excluded duties]*.”
  - Qualifications
  - Details about interviews and presentations
3. Specify what responders must include in their responses, such as the following:
  - Cover letter, complete name, address, and legal structure (if the responder is a law firm)
  - The individuals who prepared the response, including their titles
  - If different from above, the identity of and directory information for the individuals who have authority to answer questions regarding the submitted proposal
  - A proposed fee schedule, e.g., “Respondents may combine set fees and hourly fees. If hourly fees are proposed, please provide the minimum time increment for billing purposes. If a retainer agreement is proposed, please specifically describe options.”
  - A summary of the responder’s relevant experience representing public schools
  - A writing sample
  - An assurance that the responder meets the RFP’s qualifications
  - References including current or past clients

☐ **Announce the RFP.**

1. Title the announcement. **Note:** How and where the RFP is announced are at the Board’s sole discretion. The Board may want to announce the RFP during an open meeting, post it on the District’s website, mail or email it to local law firms, and/or place it in the local newspaper(s) or other legal publications. A directory of those lawyers belonging to the ICSA is on the IASB website, [www.iasb.com](http://www.iasb.com). A printed copy is available upon request. Inclusion in the directory does not represent an IASB endorsement. Some attorneys who practice school law do not belong to ICSA. Other online sources, such as the Ill. State Bar

Association, also maintain directories of information about attorneys. The Board may want to title the announcement “The Antioch School District 34 School Board Requests Proposals to Provide Legal Services.”

2. Announce that the Board seeks an attorney or law firm to serve as its Board Attorney.
3. Inform the reader that the attorney or law firm selected will serve either *at will* or from the date of appointment to *[date]*. The length of the appointment is at the Board’s discretion.
4. State the School District’s philosophy or mission statement.
5. Insert the RFP location and contact information with the beginning date and time.
6. Tell prospective responders that completed RFPs must be returned by *[certain time and date]* to *[name and title of person receiving applications]*.

☐ **Receive and manage responses to the RFP.**

1. Review policy 2:110, *Qualifications, Term, and Duties of Board Officers*. The Board President is a logical officer to accept the applications, but this task may be delegated to the Secretary or Superintendent’s secretary if the Board determines that it is more convenient. Who accepts applications is at the Board’s sole discretion and should be decided by the Board prior to posting the RFP announcement.
2. The Board will discuss, at an open meeting, its process to review the applications and who will contact RFP responders for an interview.
3. The designated person will contact RFP responders for interviews.

☐ **Develop interview questions if the Board interviews attorneys or law firms.**

1. Interview questions are at the Board’s discretion.
2. A prospective attorney or law firm to fill the Board Attorney position may raise other specific issues that the Board will want to cover during an interview.
3. The following non-exhaustive list of interview questions may help the Board tailor its questions toward finding an attorney or law firm with an approach to the role of the Board Attorney that the Board desires:
  - What do you see as your role as Board Attorney?
  - How many other school districts do you currently represent?
  - What kind of legal services do you provide to your school clients? Please explain how your other experience is relevant to this position.
  - How many years of experience does your firm (or, the attorney) have? How long have you been practicing law? How long have you been representing school districts?
  - What methods will you use to ensure all members of the Board, which is your client, remain informed? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
  - How would you manage a situation in which the Board feels strongly about its position but you believe that position is not legally supportable? The *Ill. Rules of Professional Conduct*, at [www.illinoiscourts.gov/supremecourt/rules/art\\_viii/default\\_new.asp](http://www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp), require attorneys to represent the Board in its capacity as the governing body for the District. The responders should be discussing these rules, specifically Rule 1.7 (Conflict

of Interest: Current Clients) and Rule 1.13 (Organization as Client), among others, in their answers to this question. See also, **PRESS** policy 2:160, Board Attorney.

- How would you manage a situation in which the Board's interest may be or become adverse to one or more of its members? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, Board Attorney.
- How would you manage a situation in which the Board and Superintendent are in conflict? How about a divided Board? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, Board Attorney.
- If the Board did something that you had advised against, could you still defend the Board's action? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, Board Attorney.
- Will you try to shape Board decisions or do you have a *whatever the Board decides philosophy*? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, Board Attorney.
- Do you give clients specific recommendations or do you advise them of the available options and let the client decide? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, Board Attorney.
- Do you provide your school Board clients with any updating services gratis?
- How do you keep your Board clients apprised of litigation and other legal matters you are handling for them?
- Will you be handling this business personally, i.e., will you delegate to your associates or partners?
- Can anyone else in your firm handle our inquiries when you are unavailable?
- How do you keep current on school law?
- When do you tell your school clients to contact you regarding a matter with possible legal repercussions?
- Have you represented a school district in a matter involving the rights of disabled students? ...involving disabled employees? ...involving a student expulsion? ...involving a teacher dismissal? ...involving an employee's contract or dismissal? ...involving a building contract or bidding matter? ...Can you tell us about that case?
- How do you bill? How are you to be paid? Please explain your rates and/or fees. The subject of billing should cover whether the attorney or law firm prepares a budget for representation and its method for billing in detail, including the date and time, what work was performed, and who worked on the project, along with expenses.
- Did you bring a written agreement for legal services, engagement letter, or a retainer agreement? If yes, please review it for us now. If not, please explain the options for a written agreement for legal services, engagement letter, or a retainer agreement.

☐ **Develop an interview protocol.** Interviews may occur in closed session pursuant to 5 ILCS 120/2(c)(1).

1. The Board President will lead the Board as it interviews responders to its RFP. See 105 ILCS 5/10-13 stating that the Board President presides at all meetings and policy 2:110, *Qualifications, Terms, and Duties of Board Officers*.
2. The Board may also want to consider allowing an equal amount of time for each interview.
3. Discuss the following items with each responder during the interview:
  - Introduce Board members to the responder

- Describe the Board's interview process, selection process, and ask the responder if he or she has questions about the Board's process for selecting its attorney
- Describe the District's philosophy or mission statement
- Describe the Board Attorney position by reviewing the RFP
- Begin asking the interview questions (see *Develop interview questions*, above)
- Ask the responder whether he or she has any questions for the Board
- Thank the responder and inform him or her when the Board expects to make its decision and how the responder will be contacted regarding the Board's decision

☐ **Conduct a reference check and other background investigation(s).**

1. The Board President may perform this check or direct the Superintendent to:
  - Check the ARDC's master roll of attorneys as "Authorized to Practice Law" (To do this, enter the attorney's name into the ARDC's registration and public disciplinary records database at: [www.iardc.org/lawyersearch.asp](http://www.iardc.org/lawyersearch.asp).)
  - Click on the attorney's name to review whether any disciplinary actions are pending or resolved; current and prior actions will appear at the bottom of the screen
  - If disciplinary actions are listed, ask the attorney or law firm for more information
2. There are other online attorney review services available. These services may be overly subjective and/or the attorney may have control over the content in these services. Always check with the ARDC.
3. Call references provided by the responder.

☐ **Enter into a written agreement or engagement letter with the selected attorney or law firm.**

1. All *agreements for legal services* should be in writing. At minimum, the agreement should provide the fee arrangement and the scope of services. *Agreements for legal services* and individual billing statements from the Board Attorney are subject to disclosure pursuant to a Freedom of Information Act request (PAO 14-02).
2. Discuss the fee arrangements with the responder and decide:
  - Whether to enter into a fee arrangement and/or a retainer agreement (**Note:** Attorneys typically bill by a pre-determined percentage of the hour, e.g., in one-tenth of an hour increments. Many districts enter into a retainer agreement for legal services or an engagement letter that requires them to pay the attorney a pre-determined fee every month. In return, the attorney provides a pre-determined amount of legal services whenever the district needs him or her. Districts find this useful because (1) they can budget for legal expenses, (2) legal advice is available up to the pre-determined amount for lower fees, and (3) this arrangement often provides for an enhanced, long-term relationship with the attorney.)
  - The appropriate scope of services
3. Review the written contract or memorialized relationship (*agreement for legal services* or *engagement letter*) for these provisions:
  - Fee arrangement
  - Scope of services
  - Which attorneys will be providing legal services
  - A statement that the Board controls all legal decisions

- A statement that the attorney and his or her law firm have no conflicts of interest or, if a conflict exists, that the Board understands the conflict and waives it
  - Board's right to terminate the services of the attorney and law firm at any time for any reason
4. Approve the *agreement for legal services or engagement letter* during an open Board meeting.

☐ **Announce the appointment to District staff and community.**

1. The contents of the announcement and length of time it is displayed are at the Board's sole discretion.
2. The Board may want to consider announcing during an open meeting. See policy 8:10, *Connections with the Community*.
3. The Board may want to include the following information in its announcement:
  - The Board appointed [attorney's name or law firm name] as the Board Attorney
  - The appointment will begin on [date] for [length of time]
  - The Board previously established qualifications for the Board Attorney in a careful and thoughtful manner, e.g., "[Attorney or law firm's name] meets these qualifications and has demonstrated the willingness to accept its duties and responsibilities. [Attorney or law firm's name] brings a clear understanding of the demands and expectations of the Board Attorney position along with a constructive attitude toward the challenge."

## **Operational Services**

### **Payment Procedures**

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

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

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

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

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

ADOPTED: September 23, 1997

REVISED: February 15, 2011

REVISED: December 15, 2015

## **General Personnel**

### **Compliance with the Fair Labor Standards Act**

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#### Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non-exempt.” “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

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#### Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Sunday until 11:59 p.m. Saturday. Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. “Overtime” is time worked in excess of 40 hours in a single workweek.

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#### Overtime

The School Board discourages overtime work by non-exempt employees. A non-exempt employee shall not work overtime without his or her supervisor’s express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee’s written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. ~~In lieu of overtime compensation, non-exempt employees may receive compensatory time off, according to Board policy 5:310, Compensatory Time Off.~~

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#### Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status. ~~Licensed/Certificated~~ employees may be suspended without pay in accordance with Board policy 5:240, ~~Professional Personnel—Suspension~~. Non-~~licensed/certificated~~ employees may be suspended without pay in accordance with Board policy 5:290, ~~Educational Support Personnel—Employment Termination and Suspensions~~.

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Implementation

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

LEGAL REF.: 820 ILCS 105/4a.  
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516,  
541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and  
Suspensions), 5:310 (Compensatory Time-Off)

ADOPTED: ~~September 21, 2004~~ December 15, 2009

REVISED: ~~August 10, 2009~~

REVISED: ~~December 15, 2009~~

REVIEWED: May 19, 2020

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## **General Personnel**

### **Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition**

All District workplaces are drug- and alcohol-free workplaces.

All employees are prohibited from engaging in any of the following activities while on District premises or while performing work or being *on call* for the District:

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being impaired by or under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectable, regardless of when and/or where the use occurred.
3. Distribution, consumption, possession, use, or being impaired by or under the influence of cannabis; being present on District premises or while performing work for the District when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to *Ashley's Law*, 105 ILCS 5/22-33. The District considers employees impaired by or under the influence of cannabis when there is a good faith belief that an employee manifests the specific articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position.

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

For purposes of this policy, *District premises* means workplace as defined in the Cannabis Regulation and Tax Act (CRTA) in addition to District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. *School grounds* means the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. "Vehicles used for school-purposes" means school buses or other school vehicles.

As a condition of employment, each employee shall:

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than five calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired.

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following:

1. Provide each employee with a copy of this policy;
2. Post notice of this policy in a place where other information for employees is posted;
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations;
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
5. Establish a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace,
  - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
  - c. The penalties that the District may impose upon employees for violations of this policy.
6. Remind employees that policy 6:60, *Curriculum Content*, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence.

#### E-Cigarette, Tobacco, and Cannabis Prohibition

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on use of e-cigarettes, tobacco, and cannabis products applies both (1) when an employee is on school property, and, (2) while an employee is performing work for the District at a school event regardless of the event's location.

*Tobacco* has the meaning provided in 105 ILCS 5/10-20.5b.

*Cannabis* has the meaning provided in the CRTA, 410 ILCS 705/1-10.

*E-Cigarette* is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.

#### District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. In addition or alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

#### Disclaimer

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies** subhead in policy 2:240, *Board Policy Development*.

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEGAL REF.: | <p>Americans With Disabilities Act, 42 U.S.C. §12114.<br/>           Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.<br/>           Drug-Free Workplace Act of 1988, 41 U.S.C. §8101 <u>et seq.</u><br/>           Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 <u>et seq.</u><br/>           30 ILCS 580/, Drug-Free Workplace Act.<br/>           105 ILCS 5/10-20.5b.<br/>           410 ILCS 82/, Smoke Free Illinois Act.<br/>           410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.<br/>           410 ILCS 705/1-1 <u>et seq.</u>, Cannabis Regulation and Tax Act.</p> <p>720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.<br/>           820 ILCS 55/, Right to Privacy in the Workplace Act.<br/>           21 C.F.R. Parts 1100, 1140, and 1143.<br/>           23 Ill.Admin.Code §22.20.</p> |
| CROSS REF.: | <p>5:10 (Equal Employment Opportunity and Minority Recruitment),<br/>           5:120 (Employee Ethics; Conduct; and Conflict of Interest), 6:60</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

(Curriculum Content), 8:30 (Visitors to and Conduct on School Property)

ADOPTED: December 17, 2019

## **General Personnel**

### **Expenses**

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution. Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee, (2) anyone's personal expenses, or (3) entertainment expenses. Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event. The District is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District's negligence. Employees must submit the appropriate itemized, signed, standardized form(s) to support any requests for expense advancements, reimbursements, or purchase orders that show the following:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and title of the employee who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants.
3. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended.
4. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended.

### **Advancements**

The Superintendent may advance expenses to teachers and other licensed employees for the anticipated actual and necessary expenses to be incurred while attending meetings that are related to their duties and will contribute to their professional development, provided they fall below the maximum allowed in the Board's expense regulations.

Expense advancement requests must be submitted to the Superintendent or designee on the District's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the District's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. Any portion of an expense advancement not used must be returned to the District. Expense advancements and vouchers shall be presented to the board in its regular bill process.

### **Reimbursements and Purchase Orders**

Expense reimbursements and purchase orders may be issued by the Superintendent or designee to employees, along with other expenses necessary for the performance of their duties, provided the expenses fall below the maximum allowed in the Board's expense regulations.

Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses by providing an estimation of expenses on the District's standardized estimated expense approval form for employees, except in situations when the expense is diminutive. When pre-approval is not sought, employees must seek reimbursement ~~on~~ the District's standardized expense reimbursement form for employees. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

#### Use of Credit and Procurement Cards

Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.

#### Exceeding the Maximum Allowable Expense Amount(s)

All requests for expense advancements, reimbursement, and purchase orders exceeding the maximum allowed in the Board's expense regulations may only be approved when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.

#### Registration

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

#### Travel

The least expensive method of travel will be used, provided that no hardship will be caused to the employee. Employees will be reimbursed for:

1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. [Fees for the first checked bag will be reimbursed.](#) Copies of airline tickets [and baggage receipts](#) must be attached to the expense form.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approval by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and

from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.

4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.

5. Taxis, airport limousines, ride sharing services, or other local transportation costs.

#### Meals

Meals charged to the District should represent mid-fare selections for the hotel/meeting facility or general area. Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

#### Lodging

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

#### Miscellaneous Expenses

Employees may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

#### Additional Requirements for Travel Expenses Charged to Federal and State Grants

All grant-related travel expenses must be pre-approved by the Superintendent or designee.

Expenses for travel, including expenses for transportation, lodging, meals, and related items incurred by employees and charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must also meet the following requirements.

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award.
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy.
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official *travel status* for more than 12 hours. However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours.
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip.

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6. Commercial airfare costs in excess of the least expensive coach or economy class are prohibited except when such accommodations would: (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Qualifying circumstances must be explained on the expense form, and Board approval of the additional expense is required.

7. Per diem rates and actual reimbursement amounts for mileage, meals, and lodging may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less. These limits do not apply when: (1) an employee stays in the lowest-priced room available at or near a hotel where a conference or seminar is located or in accommodations arranged by the conference/seminar organization, or (2) lodging at or below the established rate is unavailable. In those case, the employee will be reimbursed for actual lodging expenses with prior approval, but in no case will the reimbursement exceed 300% of the applicable maximum per diem rate. If a conference fee includes a meal, the meal or per diem allowance will be reduced by the actual value of the meal or the applicable meal allowance, whichever is less.

8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved. The Board does not reimburse employees for collision damage waiver or theft insurance.

9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

LEGAL REF.: 2 C.F.R. §200.474.

30 ILCS 708/130, Grant Accountability and Transparency Act.

50 ILCS 150/, Local Government Travel Expense Control Act.

105 ILCS 5/10-22.32.

820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

CROSS REF.: 2:125 (Board Member Compensation; Expenses), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards)

ADOPTED: October 15, 2019

REVIEWED: May 19, 2020

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**General Personnel**

**Personnel 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:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent.
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*.

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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. The Superintendent shall 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 DCFS.

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.: [325 ILCS 5/4, Abused and Neglected Child Reporting Act.](#)  
[745 ILCS 46/10, Employment Record Disclosure Act.](#)  
[820 ILCS 40/, Personal Record Review Act.](#)  
23 Ill.Admin.Code §1.660.

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CROSS REF.: 2:250 (Access to District’s Public Records), 7:340 (Student Records)

ADOPTED: ~~October 21, 1997~~[November 18, 2011](#)

REVISED: ~~December 16, 2008~~

REVISED: ~~November 18, 2011~~

REVIEWED: May 19, 2020

## **Professional Personnel**

### **Resignations**

Tenured teachers may resign at any time with consent of the School Board or by written notice sent to the Board Secretary at least 30 days before the intended date of resignation. However, no teacher may resign during the school term in order to accept another teaching position without the consent of the Board.

LEGAL REF.: 105 ILCS 5/24-14.  
Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006).

ADOPTED: October 21, 1997

REVISED: November 16, 2010

REVISED: May 1, 2018

## **Educational Support Personnel**

### **Duties and Qualifications**

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time to time at the Board's sole discretion.

#### **Paraprofessionals and Licensed Teacher Aides**

Paraprofessionals and licensed teacher aides provide supervised instructional support. Service as a paraprofessional requires an ~~Personnel performing instructional support activities must hold a current~~ educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

~~A paraprofessional or licensed teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school-wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose.~~

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals ~~or licensed teacher aides~~, and the requirements in this section do not apply. In addition, individuals who are completing their clinical experiences and/or student teaching do not need to comply with this section, provided ~~their service~~ they otherwise ~~complies~~ qualify for instructional duties under ~~with~~ ISBE rules.

#### **Non-certificated and Unlicensed Personnel Working with Students Performing Non-Instructional Duties**

Non-certificated personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio) detention and discipline areas, and school-sponsored extracurricular activities;
2. As supervisors, chaperones, or sponsors for non-academic school activities; or
3. For non-teaching duties not requiring instructional judgment or student evaluation.

Nothing in this policy prevents a non-certificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.

#### **Coaches and Athletic Trainers**

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. Regardless of whether the athletic

activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automatic External Defibrillator user according to rules adopted by the Illinois Department of Public Health. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

Bus Drivers

All school bus drivers must have a valid school bus driver permit. The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver, that the bus driver permit holder has been called to active duty. New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

|             |                                                                                                                                                                                                                                                                    |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEGAL REF.: | 34 C.F.R. <del>§§200.58 and 200.59.</del><br>105 ILCS 5/10-22.34, 5/10-22.34a, <u>and</u> 5/10-22.34b.<br>625 ILCS 5/6-104 and 5/6-106.1.<br>23 Ill.Admin.Code §§ <u>1.280</u> , 1.630 and 25.510.                                                                 |
| CROSS REF.: | 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers) |
| ADOPTED:    | <del>June 16, 1998</del> <u>December 15, 2009</u>                                                                                                                                                                                                                  |
| REVISED:    | <del>December 15, 2009</del>                                                                                                                                                                                                                                       |
| REVIEWED:   | <del>April 18, 2017</del>                                                                                                                                                                                                                                          |
| REVIEWED:   | <u>May 19, 2020</u>                                                                                                                                                                                                                                                |

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### **Instruction**

#### **Accelerated Placement Program**

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. 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. 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. 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. 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.

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);
2. Notification processes that notify a student's parent(s)/guardian(s) of a decision affecting a student's participation in the APP; and
3. Assessment processes that include multiple valid, reliable indicators.

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. 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.

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)

ADOPTED: September 25, 2018

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REVIEWED: May 19, 2020

**Instruction**

**Grading and Promotion**

The Superintendent or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians. The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, and performance- on the standardized tests required by the Illinois State Board of Education (ISBE) Partnership for Assessment of Readiness for College and Careers (PARCC), and/or other assessments. A student shall not be promoted based upon age or any other social reason not related to academic performance. The administration shall determine remedial assistance for a student who is not promoted.

Every teacher shall maintain an evaluation record for each student in the teacher’s classroom. A District administrator cannot change the final grade assigned by the teacher without notifying the teacher. Reasons for changing a student’s final grade include:

- A miscalculation of test scores,
- A technical error in assigning a particular grade or score,
- The teacher agrees to allow the student to do extra work that may impact the grade,
- An inappropriate grading system used to determine the grade, or
- An inappropriate grade based on an appropriate grading system.

Should a grade change be made, the administrator making the change must sign the changed record.

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

ADOPTED: ~~June 16, 1998~~April 19, 2016

REVISED: ~~March 15, 2011~~

REVISED: ~~April 17, 2012~~

REVISED: ~~April 19, 2016~~

REVIEWED: May 19, 2020

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## **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 six (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, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

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

#### **Absenteeism and Truancy Program**

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

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified.
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 two 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 [the School Code, Section 105 ILCS 5/26-2a](#).
6. A description of diagnostic procedures 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 about the reasons for the student's attendance problem.
7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent 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. 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.
9. 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.
10. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records.
11. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student.
12. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies.

LEGAL REF.: 105 ILCS 5/26-1 through 16.

705 ILCS 405/3-33.5, Juvenile Court Act of 1987.  
23 Ill.Admin.Code §§1.242 and 1.290.

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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 and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Behavior), 7:340 (Student Records)

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ADOPTED: March 19, 2019

REVIEWED: May 19, 2020

## **Students**

### **Release During School Hours**

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

### **Early Dismissal Announcement**

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

LEGAL REF.: 10 ILCS 5/7-42(b) and 5/17-15(b), Election Code.

CROSS REF.: 4:170 (Safety)

ADOPTED: ~~December 18, 2007~~ March 15, 2011

REVISED: ~~March 15, 2011~~

REVIEWED: May 19, 2020

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## **Students**

### **Student Rights and Responsibilities**

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, are not sponsored, promoted, or endorsed in any manner by the school or any school employee. *Noninstructional time* means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends.

LEGAL REF.: 20 U.S.C. §7904.  
105 ILCS 20/5.  
Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews),  
7:160 (Student Appearance), 7:190 (Student Discipline)

ADOPTED: October 21, 1997

REVISED: November 13, 2007

REVISED: May 17, 2016

## **Students**

### **Student Fund-Raising Activities**

Only the following organizations may solicit students on school grounds during school hours or during any school activity to engage in fund-raising activities:

1. School-sponsored student organizations; and
2. Parent organizations and booster clubs that are recognized pursuant to policy 8:90, *Parent Organizations and Booster Clubs*.

The Superintendent's implementing procedures shall provide that:

1. Fund-raising efforts shall not conflict with instructional activities or programs.
2. Fund-raising efforts must be voluntary.
3. Student safety is paramount and door-to-door solicitations are prohibited.
4. For school-sponsored student organizations, a school staff member must supervise the fund-raising activities and the student activity funds treasurer must safeguard the financial accounts.
5. The fund-raising efforts must be to support the organization's purposes and/or activities, the general welfare, a charitable cause, or the educational experiences of students generally.
6. The funds shall be used to the maximum extent possible for the designated purpose.
7. Any fund-raising efforts that solicit donor messages for incorporation into school property (e.g., tiles or bricks) or placement upon school property (e.g., posters or placards) must:
  - a. Develop viewpoint neutral guidelines for the creation of messages;
  - b. Inform potential donors that all messages are subject to review and approval, and that messages that do not meet the established guidelines must be resubmitted or the donation will be returned; and
  - c. Place a disclaimer on all fundraising information and near the completed donor messages that all messages are "solely the expression of the individual donors and not an endorsement of any message's content by the District."

LEGAL REF.: 105 ILCS 5/10-20.19(3).

CROSS REF.: 4:90 (Activity Funds), 8:80 (Gifts to the District), 8:90 (Parent Organizations and Booster Clubs)

ADOPTED: October 21, 1997

REVISED: March 15, 2011

## **Community Relations**

### **Connection with the Community**

#### **Public Relations**

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Superintendent or designee shall plan and implement a District public relations program that will:

1. Develop community understanding of school operation.
2. Gather community attitudes and desires for the District.
3. Secure adequate financial support for a sound educational program.
4. Help the community feel a more direct responsibility for the quality of education provided by their schools.
5. Earn the community's good will, respect, and confidence.
6. Promote a genuine spirit of cooperation between the school and the community.
7. Keep the news media accurately informed.
8. Coordinate with the District Safety Coordinator to provide accurate and timely information to the appropriate individuals during an emergency.

The public relations program should include:

1. Regular news releases concerning District programs, policies, activities, and special event management for distribution by, for example, posting on the District website, [using social media platforms, e.g., Facebook, Twitter, etc.](#), or sending to the news media.
2. News conferences and interviews, as requested or needed. The Board President and Superintendent will coordinate their respective media relations efforts. Individuals may speak for the District only with prior approval from the Superintendent.
3. Publications having a high quality of editorial content and effective format. All publications shall identify the District, school, department, or classroom and shall include the name of the Superintendent, the Building Principal, and/or the author and the publication date.
4. Other efforts that highlight the District's programs and activities.

#### **Community Engagement**

Community engagement is a process that the Board uses to actively involve diverse citizens in dialogue, deliberation, and collaborative thinking around common interests for the District's schools.

The Board, in consultation with the Superintendent, determines the purpose(s) and objective(s) of any community engagement initiative.

For each community engagement initiative:

1. ~~The~~Board will:
- a. ~~C~~Commit to the determined purpose(s) and objective(s), and

b. ~~P~~Provide information about the expected nature of the public’s involvement.
2. ~~The~~Superintendent ~~or designee~~ will:
- a. ~~I~~Identify the effective tools and tactics that will advance the Board’s purpose(s) and objective(s).

b. ~~The Superintendent will: (1) a~~At least annually, prepare a report ~~for the~~~~of~~ ~~each~~ community engagement initiative, and/or ~~(2)~~

c. ~~P~~Prepare a final report of ~~the~~~~each~~ community engagement initiative.

The Board will periodically: (1) review whether its community engagement initiative(s) are achieving the identified purpose(s) and objective(s); (2) consider what, if any, modifications would improve effectiveness; and (3) determine whether to continue individual initiatives.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers)

ADOPTED: ~~October 21, 1997~~January 19, 2016

REVISED: ~~March 15, 2011~~

REVISED: ~~January 19, 2016~~

REVIEWED: ~~May 19, 2020~~

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## **Community Relations**

### **Visitors to and Conduct on School Property**

The following definitions apply to this policy:

**School property** – District and school buildings, grounds, and parking areas, vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities.

**Visitor** - Any person other than an enrolled student or District employee.

All visitors to school property are required to report to the Building Principal's office and receive permission to remain on school property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto school property or when community members are attending Board meetings, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution.

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member to make an appointment. Conferences with teachers are held, to the extent possible, outside school hours or during the teacher's conference/preparation period.

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's special education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee.

The School District expects mutual respect, civility, and orderly conduct among all people on school property or at a school event. No person on school property or at a school event (including visitors, students, and employees) shall perform any of the following acts:

1. Strike, injure, threaten, harass, or intimidate a staff member, Board member, sports official or coach, or any other person.
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device.
4. Damage or threaten to damage another's property.
5. Damage or deface school property.
6. Violate any Illinois law, or town or county ordinance.

7. Smoke or otherwise use tobacco products.
8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug.
9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred.
10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*.
11. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner).
12. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board.
13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive.
14. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding.
15. Violate other District policies or regulations, or a directive from an authorized security officer or District employee.
16. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

#### Convicted Child Sex Offender

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

1. A parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. Has permission to be present from the Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

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

#### Exclusive Bargaining Representative Agent

Upon notifying the Building Principal's office, a Authorized agents of an exclusive bargaining representative will be provided reasonable access to employees in the bargaining unit they represent in accordance with State law. Such access shall be conducted in a manner that will not impede the normal operations of the District. ~~upon notifying the Building Principal's office, may meet with a school employee (or group of employees) in the school building during duty-free times of such employees.~~

#### Enforcement

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act. The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from school property. The person is also subject to being denied admission to school events or meetings for up to one calendar year.

#### Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain:

1. The date, time, and place of the Board hearing;
2. A description of the prohibited conduct;
3. The proposed time period that admission to school events will be denied; and
4. Instructions on how to waive a hearing.

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4<sup>th</sup> Dist. 2000).  
 20 U.S.C. §7181 et seq., Pro-Children Act of 1994.  
 105 ILCS 5/10-20.5b, 5/22-33, ~~5/24-24~~, 5/24-25, and 5/27-23.7(a).  
115 ILCS 5/3(c), Ill. Educational Labor Relations Act.  
 410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.  
 430 ILCS 66/, Firearm Concealed Carry Act.  
 410 ILCS 705/, Cannabis Tax and Regulation Act.  
 720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270 (Administering Medicines to Students), 8:20 (Community Use of School Facilities)

ADOPTED: December 17, 2019

REVIEWED: May 19, 2020

## **Community Relations**

### **Gifts to the District**

The School Board appreciates gifts from any education foundation, other entities, or individuals. All gifts must adhere to each of the following:

1. Be accepted by the Board or, if less than \$500.00 in value, the Superintendent or designee. Individuals should obtain a pre-acceptance commitment before identifying the District, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt.
2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
3. Be consistent with the District's mandate to provide equal educational and extracurricular opportunities to all students in the District as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the District to provide equal treatment for members of both sexes to educational programming, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities.
4. Permit the District to maintain resource equity among its learning centers.
5. Be viewpoint neutral. The Superintendent or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property.
6. Comply with all laws applicable to the District including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The District will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the District's property. The acceptance of a gift is not an endorsement by the Board, District, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift.

LEGAL REF.: 20 U.S.C. §1681 et. seq., Title IX of the Education Amendments implemented by 34 C.F. R. Part 106.  
105 ILCS 5/16-1.  
23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional Materials), 7:10 (Equal Educational Opportunities)

ADOPTED: October 21, 1997

REVISED: March 15, 2011

REVISED: December 15, 2015

## **Community Relations**

### **Public Suggestions and Concerns**

The School Board is interested in receiving suggestions and concerns from members of the community. Any individual may make a suggestion or express a concern ~~at~~by contacting any District or School office. Community members who e-mail the District or any District employee or board member are expected to abide by the standards in Board policy 6:235, Access to Electronic Networks, and should, to the extent possible, limit their communications to relevant individuals. All suggestions and/or concerns will be referred to the appropriate level staff member or District administrator who is most able to respond in a timely manner. Each concern or suggestion shall be considered on its merit.

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An individual who is not satisfied -may file a grievance under Board policy 2:260, *Uniform Grievance Procedure*. The Board encourages, but does not require, individuals to follow the channels of authority prior to filing a grievance. Neither this policy nor the *Uniform Grievance Procedure* create an independent right to a hearing before the Board.

**LEGAL REF.:** 115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.

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**CROSS REF.:** 2:140 (Communications To and From the Board), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 2:260 (Uniform Grievance Procedure), 3:30 (Chain of Command), 6:235 (Access to Electronic Networks), 6:260 (Complaints About Curriculum, Instructional Materials and Programs), 8:10 (Connection with the Community)

**ADOPTED:** ~~January 20, 1998~~October 18, 2016

**REVISED:** ~~March 15, 2011~~

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# TITLE IX UPDATE

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May 16, 2020

## Title IX – *what changed and next steps*

On May 6, 2020, the U.S. Department of Education issued long-awaited Title IX final regulations which will become effective on August 14, 2020. Shortly after the Trump administration took office, the DOE withdrew previous Title IX guidance documents (e.g., sexual violence on school campuses and guidance for LGBTQ students). The revised draft regulations were released for public comment in December 2018. Eighteen months later, the final regulations were issued just last week.

The new regulations are a substantial departure from previous guidance. One important thing to bear in mind as you consider the impact of the new regulations is that the requirements for post-secondary institutions are generally much more complex compared to K-12 schools. For example, the 2033-page [DOE comments and analysis](#) document states that [at page 2004]:

*“We estimate that elementary and secondary schools and other recipients of Federal financial assistance will take **12 hours** and postsecondary institutions will take **104 hours** to establish and maintain a recordkeeping system for the required sexual harassment documentation during Year 1.”*

Some of the more significant changes include the definition of sexual harassment, when and how schools must respond to allegations of sexual harassment, the requirement to provide supportive measures to all students involved, the grievance and record-keeping process, the standard of proof used in proceedings and the overall rights guaranteed to both victims and perpetrators.

We recognize that you have many other challenges to address at the moment due to the COVID-19 pandemic, but we will be with you every step of the way as you implement these Title IX changes.

#AllInIllinois

## **What is the new definition of sexual harassment?**

The definition of sexual harassment still includes: (1) *quid pro quo* harassment - conditioning aid, benefit, or service in exchange for unwanted sexual conduct, and (2) sexual assault, dating violence, domestic violence, or stalking as defined under the [Clery Act and the Violence Against Women Act](#).

Otherwise, the new definition of 'sexual harassment' is much more narrow than the previous definition which was "unwelcome conduct of a sexual nature." The new definition is: "unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the [school's] educational program or activity." This definition includes any unwelcome conduct of a sexual nature, including conduct or actions based on sex or sex stereotyping.

## **Must sexual harassment occur at school / on school grounds to be enforceable under Title IX?**

Yes. Effective August 14, 2020, Title IX will only apply to sexual harassment that occurs at school or during an "education program or activity." This includes activities where a school exercises substantial control over the event and the person accused of committing the sexual harassment, whether on school grounds or not.

For K-12 schools, this will include both home and away athletic/extracurricular events, post-prom activities (sponsored by the school only), transportation via bus to and from school, bus stops, transition activities in the community, field trips, etc. It is worth noting that Title IX only governs sexual harassment that occurs in the United States.

## **Does Title IX cover sexual harassment that occurs off-school grounds through electronic means?**

In all likelihood, yes. This determination will depend of the facts of the situation. For instance, a school district's 'education program or activity' will include any communications made on district-issued computers, district-designed digital platforms, and internet networks whether on school grounds or not (remote learning is a perfect example). Another factor to consider will be the 'nexus' of the harassment to the school, *i.e.*, whether the victim is a student or staff member.

Importantly, various Illinois laws require that school personnel investigate and act on inappropriate behavior that violates a school district's code of conduct, no matter where it occurs. For instance, the *Illinois Human Rights Act* protects individuals against sexual harassment. The *Illinois School Code* contains extensive anti-bullying statutes which require school districts to promptly address allegations of bullying between students and staff members, no matter where or how the bullying occurs.

## **When must a school respond to allegations of sexual harassment?**

A school must respond when it has actual knowledge, or notice, of alleged sexual harassment. This is a change from previous guidance, which required school districts to address any instance of sexual harassment that the school "reasonably should have" been aware of. This new standard will likely reduce the number of sexual harassment complaints that are filed and investigations that are conducted.

The new regulations provide that a K-12 school has notice when any employee is aware of the sexual harassment. Any person, including the alleged victim, parent/guardian, teacher, friend or even bystander, has the right to report sexual harassment that would effectively put the school on notice.

When a school has notice of alleged sexual harassment, it must respond "promptly" and in a manner that is not "deliberately indifferent" or otherwise clearly unreasonable in light of the known circumstances. When a school has notice, the Title IX Coordinator must notify the individual who was the victim of the alleged harassment of all options including: 1) the availability of supportive measures to restore access to the educational program and activities (whether or not a formal complaint is filed); 2) the right to file a complaint; and 3) how to file a complaint.

To file a formal complaint, the student (or parent on behalf of the student) must do so with the Title IX Coordinator. To make reporting accessible, districts must prominently display contact information about how to contact the Title IX Coordinator on the district's website and share this information with students, parents/guardians, employees and unions.

A formal complaint can be filed in person, by mail, email, or any other reasonable method. The new regulations provide that the wishes of the victim must be taken into account. When the victim does not file a formal complaint, the Title IX Coordinator may still initiate grievance procedures when discipline might be warranted for the perpetrator. Once a formal complaint is initiated, it must be investigated to completion.

School districts must also use grievance procedures that are consistent with the final regulations before implementing disciplinary or other actions that are not supportive measures. Changes to the investigative and grievance procedures will be addressed later in this newsletter.

### **What are supportive measures?**

Supportive measures are available for both victims and perpetrators. They consist of free, individualized services designed to restore or preserve equal access to education, protect safety or deter sexual harassment from occurring again. Supportive measures must be made available to the complainant even in situations where a formal complaint is not filed. As the name implies, supportive measures are intended to support a student and may not be punitive, disciplinary or unreasonably burdensome.

Examples of supportive measures include counseling, modifying a student's schedule, extending deadlines for assignments and restricting contact between students. The DOE has noted that actions such as sending a student to the principal's office or changing a student's seat or schedule fall well within the school's right to maintain order and protect safety and are not inherently punitive or disciplinary. Conversely, suspensions and expulsions are considered punitive in nature; they cannot be imposed without following the established grievance procedures. The Title IX Coordinator is responsible for the implementation of supportive measures.

### **How have the new Title IX regulations changed how a school must respond to sexual harassment?**

The new Title IX regulations have changed the entire landscape of a school's obligations when responding to instances of sexual harassment. First and foremost, the Title IX regulations will have the force of law on August 14, 2020. Under the Obama administration, Title IX obligations were issued in the form of guidance documents, typically in question and answer format.

Second, the new Title IX regulations create two separate and distinct obligations governing investigations and hearings. Previously, a Title IX complaint could be resolved with an investigation and a determination by the investigator or Title IX Coordinator that sexual harassment occurred. Under the new Title IX regulations, the investigation process is separate and distinct from the hearing process and the person conducting the investigation may not be the same person that ultimately decides whether the harassment occurred or not.

In the case of higher education institutions, a live hearing is required. For K-12 institutions, a live hearing is not required, however, a school district must, after investigation and before decision, provide each party with the opportunity to submit written questions that they want to ask any party or witness. The school is required to 'shuttle' these questions and answers back and forth between the parties. The school is also charged with deciding which questions are (or are not) relevant, in the school's sole discretion. Based on these new requirements, Title IX policies will require extensive revision.

### **Has there been a shift in the underlying principles surrounding a school's obligations to respond to sexual harassment?**

The new regulations evidence a significant shift in the underlying policy of Title IX. The Obama administration prioritized the reporting of sexual harassment without providing robust due process rights for alleged perpetrators. The new Title IX regulations seek to provide more balance in this respect, with a focus on fairness to all parties, including individuals accused of sexual harassment. The new Title IX regulations give a host of rights to perpetrators to be able to investigate the alleged incident and confront witnesses and victims either through back and forth written questions or a formal hearing process. On the other hand, the new regulations create a much higher standard for making a determination that sexual harassment has occurred, which critics fear will result in fewer complaints being filed.

### **Do the new regulations include protections that are specific for LGBTQ students?**

No. The DOE declined to include any specific provisions relating to LGBTQ individuals. The DOE analysis states that the sexual harassment of any student, including LGBTQ students, is strictly prohibited.

### **Do the DOE regulations address locker room or restroom use for LGBTQ students?**

No. The DOE specifically declined to address discrimination on the basis of gender identity or other issues raised in the DOE's 2015 letter regarding transgender students' access to facilities such as restrooms and the 2016 "Dear Colleague Letter on Transgender Students." Both of these guidance documents have been archived, which is a polite term used to mean 'not in effect' and not subject to enforcement by the DOE.

### **Should investigations under the new Title IX regulations be conducted differently than before?**

School districts are still required to gather evidence and investigate whether the alleged sexual harassment occurred. Schools must also provide notification to the parties at various stages of the investigation just as they have in the past.

One significant change is that the new Title IX regulations give the parties (not just the school district) the ability and right to gather evidence regarding allegations of sexual harassment. Although the school district still determines the time frame of the investigation and the decision making process, schools will now have to take into consideration a party's request to interview witnesses, request records, etc. This will prove to be unwieldy in K-12 settings and will require extensive policy language revisions.

Another significant change that was not anticipated is that the individual conducting the Title IX investigation (typically the Title IX coordinator) may not be the same person who makes the ultimate finding or decision regarding whether the sexual harassment occurred. The final decision maker will potentially be another administrator in the school district (*e.g.*, superintendent) or perhaps even the board of education.

### **Are Title IX hearings required for K-12 school districts?**

No. Although there is a live in-person hearing requirement contained in the regulations, it is only applicable to post-secondary institutions. K-12 school districts may opt to hold hearings but are not required to do so. As mentioned directly above, K-12 institutions is required to provide each party the opportunity to ask questions of each other and any witnesses in writing before a final decision is made. Once the school obtains answers to these questions, the school must provide those answers to all parties and allow the opportunity for further follow-up. This rather convoluted process of passing written questions back and forth must be taken into consideration by school districts and calculated into their Title IX investigation timelines.

### **How has the grievance and/or hearing process changed?**

Most of the major changes contained in the new Title IX regulations fall within the grievance process and focus on increasing the rights of perpetrators. Many of these requirements are general principles that have always underscored the Title IX investigation and grievance process. A school district's grievance process must:

- Ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator (*i.e.*, no "single investigator models");
- For postsecondary institutions, convene a live (in-person) hearing and allow cross-examination by party advisors (never by the parties personally);
- K-12 schools do not need to hold a hearing, but parties must be invited to submit written questions for the other party/witnesses to answer, if the questions are determined in advance to be relevant by school personnel;
- Protect all complainants from inappropriately being asked about prior sexual history (known as "rape shield" protection);
- Give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice (who can be an attorney or advocate), and an equal opportunity to submit and review evidence throughout the investigation;

- Use trained Title IX personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party;
- Apply a presumption that the respondent is innocent until proven guilty (“presumption of innocence”); and
- Use either the preponderance of the evidence standard or the clear and convincing evidence standard (which must be the same for complaints against students as well as employees).

### **What standard of evidence must K-12 schools use?**

In a development that will undoubtedly add confusion to the process, K-12 schools may now choose between the “preponderance of evidence” (easier to meet) standard or “clear and convincing” (harder to meet) standard of evidence when determining Title IX violations. Previously, all schools were required to base their investigations on the preponderance of evidence standard, which is the easier standard to meet.

- *Preponderance of evidence standard*: means a finding that it is more likely than not that the sexual harassment occurred. Essentially, the preponderance of evidence standard is met when a finder of fact has determined with 50.1% certainty that sexual harassment occurred.
- *Clear and convincing” standard*: is considered a medium level burden of proof. Although more rigorous than the preponderance of the evidence standard, it is less rigorous than the standard used in criminal cases, which is “beyond a reasonable doubt.” The clear and convincing standard of evidence means that it is highly and substantially more likely to be true than untrue. In layperson terms, a fact finder must be convinced that it is highly probable that the sexual harassment occurred. If asked to quantify the clear and convincing standard, it would more or less translate into the fact finder being 75% sure that the sexual harassment occurred.

While K-12 schools are now free to choose which standard of evidence to use, all sexual harassment proceedings must use the same standard of evidence whether the respondent is a student or employee.

### **How have complainant (victim) rights changed?**

Under the new Title IX regulations, the decision to file a formal complaint and initiate an investigation of sexual harassment rests with the complainant. The only way a complainant’s wishes can be overridden is if the Title IX coordinator signs a formal complaint to move forward with an investigation. This decision must not be clearly unreasonable in light of the known circumstances. This new rule gives much more power to complainants to decide whether to pursue complaints and is expected to result in fewer complaints of sexual harassment being filed. Previously, a school was obligated to investigate sexual harassment complaints regardless of the complainant’s cooperation as long as the school maintained the confidentiality of the victim, to the extent that was possible to ensure a thorough investigation.

### **Where can I get more information about the new Title IX regulations?**

The [U.S. Department of Education](#) is a good first stop for information regarding the new Title IX regulations. The DOE has published the following documents: Title IX Final Rule Overview, Summary of Major Provisions of the Department of Education’s Title IX Final Rule, Summary of Major Provisions of the Department of Education’s Title IX Final Rule and Comparison to the Notice of Public Rulemaking. The DOE also conducted a webinar on the new regulations which gives a helpful overview of the new regulations.

### **What are the next steps a school district should take in response to the new regulations?**

Although the regulations do not go into effect until August 14, 2020, it would be prudent for school districts to train the administrator that acts as the Title IX Coordinator and all other administrators that oversee these types of complaints. Under the new regulations, Title IX coordinators, investigators, decision-makers, and anyone involved in informal voluntary resolution efforts must receive training on the new regulations. School districts will also be required to revise their Title IX policies to comply with the new regulations prior to taking effect on August 14, 2020. We will continue to provide more information and are available to help you navigate these changes.



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*Kriha Boucek is an education law firm dedicated to representing boards of education, public school districts, special education cooperatives, charter schools, and private schools with offices in Oak Brook and Edwardsville, Illinois.*

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## **General Personnel**

### **Employee Ethics; Conduct; and Conflict of Interest**

#### **Professional and Appropriate Conduct**

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

#### **Statement of Economic Interests**

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

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

School Board policy 2:105, *Ethics and Gift Ban*, applies to all District 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 Section 22-5 of The School Code, "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 the Illinois State Board of Education 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 the District nor shall an employee act as an agent of any business in any transaction with the District. 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 the entity selected for the contract:

1. Any person that has a close personal relationship with an employee that may compromise or impair the employee's fairness and impartiality, including a member of the employee's immediate family or household;
2. An employee's business 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 contracts. 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*.

#### 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.

#### Incorporated

by reference: 5:120-E (Code of Ethics for Illinois 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, and 5/22-5.  
325 ILCS 5/, Abused and Neglected Child Reporting Act.  
775 ILCS 5/5A-102, Ill. Human Rights Act.  
23 Ill.Admin.Code Part 22, Code of Ethics for Illinois Educators.  
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).  
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban); 4:60 (Purchases and Contracts), 5:100 (Staff Development Program), 5:125 (Personal Technology and Social Media; Usage and Conduct)

ADOPTED: May 19, 2020

## **General Personnel**

### **Administrative Procedure – Employee Conduct Standards**

Professional and ethical behavior is expected of all District staff members. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action, up to and including dismissal. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control. In addition, each educator must comply with 5:120-E; *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE) (23 Ill.Admin.Code Part 22).

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain a professional relationship with all students, both in and outside the school and attend all in-service trainings on educator ethics, teacher-student conduct, and school, employee-student conduct for all personnel (105 ILCS 5/10-22.39). Violations of this standard include, but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) willfully or negligently failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (325 ILCS 5/); (c) engaging in harassing behavior; (d) soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student; and (e) furnishing tobacco, alcohol, cannabis, or any other illegal/unauthorized substance, including e-cigarettes, to any student or allowing a student under his or her supervision to use tobacco, alcohol, cannabis (including medical cannabis unless the student is authorized to be administered a medical cannabis infused product by the school employee pursuant to *Ashley's Law*), or any other illegal/unauthorized substance.
4. Maintain a safe and healthy environment, free from being impaired by and/or under the influence of prohibited substances to ensure high quality performance for the District and its students. The use of illegal drugs and/or abuse and misuse of alcohol, drugs, and other lawful products while on District premises or while performing work for the District diminishes the District's credibility and ability to educate students about drug and substance abuse prevention pursuant to Board policy 6:60, *Curriculum*. Violations of this standard include, but are not limited to, engaging in any of the prohibited activities listed in the District's drug- and alcohol-free workplace policy. Examples include using or being impaired by or under the influence of illegal drugs; abusing, misusing, and/or being impaired by or under the influence of alcohol, drugs, and/or other lawful products when performing work

for the District when impairment is detectable regardless of when and/or where the use occurred; and/or using or being impaired or under the influence of or possessing medical cannabis in a school bus or on school grounds.

5. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, hazing, and violence, and free from bias and discrimination. Violations of this standard include, but are not limited to: (a) unless specifically permitted by the Firearm Concealed Carry Act, carrying a firearm on or into any District controlled building, real property, or parking area, or any transportation vehicle paid for in whole or in part with public funds; (b) willfully or negligently failing to immediately report suspected cases of child abuse or neglect or of gender harassment; (c) knowingly failing to report hazing to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement; and (d) failing to appropriately respond to a witnessed or reported incident of student-on-student bullying, harassment, hazing, or teen dating violence.
6. Comply with the Professional Testing Practices for Educators, prepared and published by ISBE for educators who administer any standardized test (at [www.isbe.net/Documents/prof-test-prac.pdf](http://www.isbe.net/Documents/prof-test-prac.pdf)). This document contains numerous examples of actions that violate test security; actions that must not be part of test preparation; actions that must not occur during test administration; and actions that must be avoided when reporting test results.
7. Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) co-mingling District or school funds with personal funds or checking accounts; and (e) using school property without the approval of the supervising school official.
8. Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard include, but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.
9. Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.
10. Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39). Unethical conduct is any conduct that impairs the employee's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.
11. Comply with all State and State and federal laws and rules regulating public schools and School Board policies, including but not limited to: 2:105 (Ethics and Gift Ban), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment

Prohibited), 5:30 (Hiring Process and Criteria), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 5:60 (Expenses), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 5:130 (Responsibilities Concerning Internal Information), 5:140 (Solicitations By or From Staff), 5:170 (Copyright), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:230 (Maintaining Student Discipline), 5:280 (Duties and Qualifications), 5:290 (Employment Termination and Suspensions), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:340 (Student Records), and 8:30 (Visitors to and Conduct on School Property).

Conviction of any employment disqualifying criminal offense listed in 105 ILCS 5/10-21.9 or 5/21B-80 will result in dismissal.

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

## **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, but is not limited to, services such as *Facebook, LinkedIn, Twitter, Instagram, Snapchat, and YouTube*.

**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 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 District employees who use personal technology and social media shall:

1. Adhere to the high standards for appropriate school relationships required by policy 5:120, *Employee Ethics; 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 policy 5:20, *Workplace Harassment Prohibited*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; 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 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. 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 District employees without proper approval. For District employees, proper approval may include implied consent under the circumstances.

5. Refrain from using the District's logos without permission and follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.
6. 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.
7. 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.
8. 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.

The Superintendent shall:

1. Inform District 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, *Employee Ethics; 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 no one for the District, 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 District 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.  
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.: 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; 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: May 19, 2020



## Guidelines for Responsible Use of Technology for Employees<sup>1</sup>

Antioch Community Consolidated School District #34 recognizes that access to technology in a school setting gives students greater opportunities to learn, engage, communicate, collaborate, and develop skills that will prepare them for work, life, and citizenship. We are committed to helping students develop 21st century technology and communication skills. With that in mind, we provide the privilege of access to technologies and our electronic network for student and staff use.

The use of technologies and our **electronic network** should be responsible, respectful, safe, legal, appropriate, and for educational purposes, and should follow the guidelines outlined in this document, the Board of Education's policies on "Access to Electronic Networks" and "Personal Technology and Social Media; Usage and Conduct," the District's administrative procedures on "Acceptable Use of Electronic Networks," and the "Staff Authorization for Electronic Network Access" document. This applies to the use of all school-related technologies for educational purposes, whether provided by the school or brought in by any individual.

The Guidelines for Responsible Use of Technology for Employees do not attempt to state all required or prescribed behavior by users; however, some specific examples may be found in the District's administrative procedures on Acceptable Use of Electronic Networks. The failure of any user to follow the terms of this document, the Board of Education's policies on "Access to Electronic Networks" and "Personal Technology and Social Media; Usage and Conduct," the District's administrative procedures on "Acceptable Use of Electronic Networks," or the "Staff Authorization for Electronic Network Access" document could result in disciplinary action, and/or appropriate legal action.

The signature at the end of this document is legally binding and indicates that the party who signed has read the terms and conditions carefully and understands their significance.

<sup>1</sup>Bold terms are defined in the "Glossary of Terms for Guidelines for Responsible Use of Technology for Students and Employees."



## Be Responsible

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- Care for District Technologies - Antioch Community Consolidated School District #34 has decided to provide employees with district technologies inside and outside the school to enhance, enrich, and facilitate teaching and administrative duties as well as school communication, including the use of cloud-based technologies.
- Responsible care should be taken at all times to ensure the upkeep of the device, both hardware and software.
- Etiquette - The employee is expected to abide by generally accepted rules of network etiquette. As an employee, the expectation is to:
  - Be polite.
  - Use appropriate language.
  - Maintain confidentiality, particularly of student information.
  - Understand that all electronic communications and any data on District **technologies** or transmitted via the District's **electronic network** may be monitored by district administration.
  - Respond to electronic communications in a timely manner.
- Social Media - Employees are expected to communicate with the same appropriate, safe, mindful, courteous conduct online as they would offline. Posts, chats, tweets, sharing, and messaging may be monitored. Employees should take precaution not to share personally-identifiable information online, including information about students and/or colleagues. Employees should not interact with students on personal social media. For further information on use of social media, see Board Policy 5:125, "Personal Technology and Social Media; Usage and Conduct."
- Software/Hardware/Removable Media - Employees may be given administrative rights over technologies and should be responsible when installing software on their assigned device provided they have legally acquired a license to the software and must be prepared to provide proof of such license. For removable media, it is the responsibility of the employee to ensure that the device is free of any viruses that could cause harm to the district's network or technologies.



## Be Respectful

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- Copyright
  - Copyright law prohibits the republishing of text, graphics, or other Digital Media found on the Web without explicit written permission.
    - Students engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.
    - The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Web site displaying the material might not be considered a source of permission.
    - For further details on the scope of copyright restrictions in the District, please see the Copyright Law Guide and FAQ memo that was sent to staff on Jan. 8<sup>th</sup>, 2014 and also place on the district website.
    - Student work may only be published outside the school if there is written permission from both the parent/guardian and student.
    - Read more about Fair Use here:  
<http://www.copyright.gov/fls/fl102.html>
- Privacy
  - Files stored on District computers and communications via e-mail, Internet browsers, or voice mail are not private. Administrators, faculty, or network personnel may review files and messages to maintain system integrity and, if necessary, to ensure that users are acting responsibly.
  - Employees should also be aware that data and other material and files maintained on the school district system may be subject to review, disclosure, or discovery. Antioch Community Consolidated School District #34 will cooperate fully with local, state, and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.
  - All personally-identifiable information about students that is maintained by the school, school district, or by persons acting for the school district is private and may be accessed or shared only with those having an educational need to know, except as authorized by law.



- Social Media
  - The importance of employees engaging, collaborating, learning and sharing in these digital environments is a part of 21st Century Learning. Employees are expected to communicate with the same appropriate, safe, mindful, courteous conduct online as they would offline. Posts, chats, tweets, sharing, and messaging may be monitored. Employees should take precaution not to share personally-identifiable information online, including information about students and/or colleagues.
  - Before posting digital media, employees must follow the “Do Not Publish” list for students and staff, or written permission must be obtained.

## Be Safe

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- Antioch Community Consolidated School District #34 shall implement technology protection measures consistent with the Children’s Internet Protection Act (CIPA), Children’s Online Privacy Protection Act (COPPA), and their implementing regulations.
- Federal mandates require Antioch Community Consolidated School District #34 to filter Internet access to block inappropriate web sites. However, it is impossible to block 100% of these sites.
- As educators, our primary responsibility to the students is their safety. Therefore, expectations for any student use of technology must follow all guidelines for responsible use.
- Employees have the responsibility:
  - To monitor student use of all technology devices.
  - To protect students against cyberbullying and harassment activities using electronic devices.
  - To avoid cyberbullying and/or harassment activities with any other individual.
  - To ensure that student and staff personal information is not shared online.
- Any speech that is considered inappropriate in the classroom is also inappropriate when using technology devices. This includes, but is not limited to, profanity and racist, sexist or discriminatory remarks.



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**No Warranties**

Antioch CC School District #34 makes no warranties of any kind regarding employees' use of District **technologies** or its **electronic network** and will not be responsible for any damages suffered. This includes but is not limited to any loss of data, interruption of internet service, or inaccurate or incorrect information obtained via the internet.

I have received, read and understand, and agree to abide by the provisions of the Antioch District #34 "Guidelines for Responsible Use of Technology for Employees," the Board of Education's policies on "Access to Electronic Networks" and "Personal Technology and Social Media; Usage and Conduct," the District's administrative procedures on "Acceptable Use of Electronic Networks," and the "Staff Authorization for Electronic Network Access" document. I understand that any violations of these documents may result in disciplinary action, the revoking of my user account, and/or appropriate legal action.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Instruction**

### **Access to Electronic Networks**

Electronic networks, including the Internet, are a part of the District's instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication. The Superintendent shall develop an implementation plan for this policy and appoint system administrator(s).

The School District is not responsible for any information that may be lost or damaged, or become unavailable when using the network, or for any information that is retrieved or transmitted via the Internet. Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

### **Curriculum and Appropriate Online Behavior**

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource center materials. As required by federal law and Board policy 6:60, *Curriculum Content*, Students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response. Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

The District's electronic network is part of the curriculum and is not a public forum for general use.

### **Acceptable Use**

All use of the District's electronic networks must be: (1) in support of education and/or research, and be in furtherance of the goals stated herein, or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any material that is stored, transmitted, or received via the District's electronic networks or District computers. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, contains the appropriate uses, ethics, and protocol. Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials.

### **Internet Safety**

Technology protection measures shall be used on each District computer with Internet access. They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by

the Superintendent or designee. The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator. The Superintendent or designee shall include measures in this policy's implementation plan to address the following:

1. Ensure staff supervision of student access to online electronic networks,
2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

#### Authorization for Electronic Network Access

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use.

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

The failure of any student or staff member to follow the terms of the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

LEGAL REF.: No Child Left Behind Act, 20 U.S.C. §6777.  
Children's Internet Protection Act, 47 U.S.C. §254(h) and (l).  
Enhancing Education Through Technology Act, 20 U.S.C §6751 *et seq.*  
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.  
720 ILCS 135/0.01.

CROSS REF.: 5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:220 (Bring Your Own Technology (BYOT))

Program; Responsible Use and Conduct), 6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline), 7:310 (Restrictions on Publications)

ADMIN PROC.: 6:235-AP1 (Administrative Procedure – Acceptable Use of the District’s Electronic Networks), 6:235-AP1, E1 (Student Authorization for Access to the District’s Electronic Networks), 6:235-AP2 (Exhibit – Staff Authorization for Access to the District’s Electronic Networks)

ADOPTED: March 16, 1999

REVISED: December 18, 2007

REVISED: December 20, 2016



# Guidelines for Responsible Use of Technology for Students<sup>1</sup>

Antioch Community Consolidated School District #34 recognizes that access to technology in a school setting gives students greater opportunities to learn, engage, communicate, collaborate, and develop skills that will prepare them for work, life, and citizenship. We are committed to helping students develop **21st century technology and Communication Skills**. With that in mind, we provide the privilege of access to **technologies** and our **electronic network** for student and staff use.

The use of **technologies** and our **electronic network** should be responsible, respectful, safe, legal, appropriate, and for educational purposes, and should follow the guidelines outlined in this document, the Board of Education's policy on "Access to Electronic Networks," the District's administrative procedures on "Acceptable Use of Electronic Networks," and the "Student Acceptable Use Policy" document. This applies to the use of all school-related technologies for educational purposes, whether provided by the school or brought in by any individual.

The Guidelines for Responsible Use of Technology for Students does not attempt to state all required or prescribed behavior by users; however, some specific examples may be found in the District's administrative procedures on Acceptable Use of Electronic Networks. The failure of any user to follow the terms of this document, the Board of Education's policy on "Access to Electronic Networks," the District's administrative procedures on "Acceptable Use of Electronic Networks," or the "Student Acceptable Use Policy" document could result in disciplinary action and/or appropriate legal action.

The signature at the end of this document is legally binding and indicates that the party who signed has read the terms and conditions carefully and understands their significance.

<sup>1</sup> Bold terms are defined in the "Glossary of Terms for Guidelines for Responsible Use of Technology for Students and Employees."



# No Expectation of Privacy

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- District's Right to Monitor
  - Users have no expectation of privacy in materials or content created, received, sent, viewed, or otherwise accessed on the device, even if using a personal account (such as a personal email or social media account). This is because the student is using a district-owned device. The device may contain tracking and/or monitoring software that allows the district to obtain and record information concerning the use of the device. The district does not actively track or monitor the use of the devices outside the district's internal network and does not guarantee that devices can be located. Apple ID accounts include access to Apple's **Find My iPad** service. Students/parents must notify school administrators if a device is missing and, for safety reasons, should not attempt to recover devices on their own. School administration will work with local law enforcement to recover devices.
- Passwords
  - The student must provide staff members with usernames, passwords, and/or passcodes to a device and its contained software or applications upon request. Failure to provide staff with access to the device may result in lost content. In addition, the student may also be subject to discipline or other consequences if the student is unwilling to provide such access.
- District Retention of Records Created by the Device
  - The district may retain any records, including but not limited to electronic communications, such as emails and messages on personal social media accounts, from the device that it determines must be retained by law, including public records under the *Illinois Local Records Act*, school student records under the *Illinois School Student Records Act*, and educational records under the federal *Family Educational Rights and Privacy Act*.



# Be Responsible

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- Care for District Technologies
  - Students should care for District **technologies**, keeping them clean and safe from damage, and reporting them to their teachers anytime they notice that a **technology** is not working properly
- Etiquette - The student is expected to follow generally accepted rules of **Network** Etiquette. As a student, the expectation is to:
  - Be polite
  - Use appropriate language
  - Anything done with any District **technologies** or on the District's **electronic network** may be monitored by staff and district administration.
- Social Media
  - **Posts**, chats, **tweets**, sharing, messaging, etc. may be monitored by parents, staff and/or administration.
  - Students should take precaution and keep all personally-identifiable information to themselves, including information about other students and/or district employees.
- Student email accounts may be provided to students for academic purposes only, and students are responsible for maintaining their account.
- **Software/Hardware/Network/Removable Media**
  - **Software** - Students are not permitted to install any apps or other software.
  - **Network** - Students are not permitted to alter or modify any of the district's network infrastructures in any way, shape or form.
  - **Removable Media** - It is the responsibility of the student to ensure that the device has no viruses that could cause harm to the district's **Network** or **technologies**.
- If you become aware of any misuse of District **technologies** or its **electronic network**, report it to a staff member.



# Be Respectful

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- Copyright
  - All works must be created using your own words, pictures, audio, video, etc.
  - Appropriately label anything you borrow from any media source
- Privacy
  - All media activities at school can be viewed by adults and accessed at any time
  - Keep all of your documents and other **Digital Media school-appropriate**
- **Hardware and Software**
  - Students must ask staff permission if settings changes are needed
  - Students must respect all digital devices: school, personal, others, etc.
- Social Media
  - Students are expected to use school-sponsored **social media** for academic purposes only
  - Students are expected to utilize social etiquette at all times with all media and devices
  - Before posting **Digital Media**, students must follow the “**Do Not Publish**” List for students and staff, or written permission must be obtained. This should be done by checking with the student’s teacher before **posting**.
- Multimedia
  - At no time is it acceptable to take pictures and/or videos without explicit teacher permission. Possession of a photo and/or video on your device that was taken without explicit teacher permission, personal or district-owned, is unacceptable and will be dealt with by building administration.



## Be Safe

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- The District has protected our students by following the Children's Internet Protection Act (**CIPA**), Children's Online Privacy Protection Act (COPPA), and their implementing regulations.
  - Our district has an **Internet filter** to block websites that are not **school-appropriate** and keep you safe. However, it is impossible to block 100% of these sites, so if you accidentally access an inappropriate website or see others doing so, report it to a staff member.
  - Student safety is a primary responsibility of the District; therefore, student use of District **technologies** and its **electronic network** must follow all guidelines for responsible use
  - It is expected that parents/guardians will monitor the use of the devices when they are used outside of District 34's network/buildings.
  - To stay safe students should:
    - use technology devices for intended educational purposes
    - keep passwords, personal information, and personal work secure
    - always get teacher permission before publishing any personal information or photos online
    - avoid and/or report **cyber-bullying** and harassment activities
    - send or **post** appropriate information, comments, images, video, or audio
    - protect the privacy and rights of others
    - Any speech or content that is considered inappropriate in the classroom, is also inappropriate when using technology devices. This includes, but is not limited to, inappropriate content, profanity, and racist, sexist, or discriminatory remarks.
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### No Warranties

Antioch CC School District #34 makes no warranties of any kind regarding students' use of District **technologies** or its **electronic network** and will not be responsible for any damages suffered. This includes but is not limited to any loss of data, interruption of internet service, or inaccurate or incorrect information obtained via the internet.



I have received, read and understand, and agree to abide by the provisions of the Antioch District 34 “Guidelines for Responsible Use of Technology for Students,” the Board of Education’s policy on “Access to Electronic Networks,” the District’s administrative procedures on “Acceptable Use of Electronic Networks,” and the “Student Acceptable Use Policy” document. I understand that any violations of these documents may result in disciplinary action, the revoking of my child’s user account, and/or appropriate legal action.

Student Name: \_\_\_\_\_

Student Name: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_  
\_\_\_\_\_

Parent Signature: \_\_\_\_\_

Date: \_\_\_\_\_



|              |                                    |
|--------------|------------------------------------|
| Book         | Board Policy Manual                |
| Section      | 5 - Personnel                      |
| Title        | General Personnel: Nepotism Policy |
| Code         | 5: 32                              |
| Status       | Active                             |
| Adopted      | January 22, 2007                   |
| Last Revised | August 17, 2015                    |

### **Anti-Nepotism Policy**

Although the Superintendent is responsible for recruiting and finding the best candidates to fill positions, the Board of Education intends to eliminate the possibility of actual or potential conflicts of interest, the appearance of impropriety, or any person with authority or influence unduly determining the selection of candidates to favor family members in hiring and employment. At all times, all individuals involved in the hiring process should be sensitive to the possibility of the perception of favoritism or abuse of power in hiring due to relationships between an employee and the candidate, including family relationships, friendships, or political considerations.

To avoid actual or perceived favoritism or abuse of power, the Superintendent shall draft administrative procedures to assure that the steps of the hiring process are segregated so that no individual is involved in more than one of the steps.

No family member of a District 86 School Board Member, Superintendent, or District-level administration shall be hired as a full-time or part-time employee after the passage of this policy. "Family member" shall be defined as spouse, parent, child, step-child, brother, sister, grandchildren, grandparents, parents-in-law, brother-in-law, sister-in-law, grandparents-in-law, and legal guardian. Any employees currently employed by the District who have such relationships are exempt from the above language as long as they maintain continuous, uninterrupted employment with the District. The policy is not retroactive and shall not be applied to individuals who are hired without said relationships and then later marry a Board Member, Superintendent, or District-level administrator.

Irrespective of the prohibitions in this policy, no District employee may participate in the hiring, supervision, review, recommendation, and/or decision-making in any matter concerning salary, promotion, demotion, discipline, transfer, lay-off, recall, evaluation, discipline, discharge, or determining work duties or assignments of a family member or related employee, as defined above. Any family member of any administrator at the building level shall not be employed for any position at, or later assigned to, the building of that administrator with supervisory jurisdiction.

Board members, the Superintendent, and District administration notwithstanding, this policy shall not apply to the employment of part-time and temporary non-licensed support staff or to substitute teachers (i.e., less than 120 days in a school year). The prohibitions in the preceding paragraph regarding prohibited participation in personnel functions with family members, however, shall apply.

# Answers to FAQs Regarding Conflict of Interest and Incompatible Offices

Revised May 2018

Published by a  
Committee of the Illinois Council of School Attorneys<sup>1</sup>

ICSA publishes this guidance as part of its continuing effort to provide assistance to school leaders. The responses to the FAQs represent the combined thinking of committee members. Potential conflict questions may arise that are not addressed in this guidance. **This guidance is published for informational purposes only, and is not a substitute for legal advice. For legal advice or a legal opinion on a specific question, you should consult a lawyer.**

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## 1. Board member interest in school contracts

Section 10-9 of the *School Code* (105 ILCS 5/10-9) states that a board member shall not be interested, either directly or indirectly, in his or her own name, or in the name of another person, in any contract, work, or business of the school district, or in any sales or purchases of the school district. Similar provisions are found in the Public Officer Prohibited Activities Act. 50 ILCS 105/3.

### A. Are there any exceptions to this rule?

Yes. Certain contracts may be given to a board member or his or her business if the contract is \$1,000 or less and the cumulative value of all contracts with the board member or the member's business is less than \$2,000 in the same fiscal year. However, if the materials, labor, or merchandise are not available from any other source, the contract may be let to a board member if the total amount in any one fiscal year does not exceed \$5,000. These particular dollar threshold exceptions only apply if: (1) the contract is approved by a majority

vote of the board; (2) the board member publicly discloses the nature and extent of his or her interest before or during deliberations; and (3) the interested member abstains from voting on the contract.

**B. What does it mean to be “interested, either directly or indirectly?”**

In *Panozzo v. City of Rockford*, 306 Ill.App. 443, 28 N.E.2d 748 (2nd Dist. 1940), the court held that the interest must be “certain, definable, pecuniary or proprietary.” *Id.* at 456. The court held that the interest must be financial and of a personal or private nature as opposed to a general benefit to all persons or property. In considering the financial interest, or prohibited interest, the courts have basically held that it is irrelevant whether there would be any actual harm or injury, or even whether the contract may be beneficial to the governmental entity. Motive does not play a part in whether a conflict of interest exists and whether the contract is then void. The purpose of the prohibition was explained by the Illinois Supreme Court in *People v. Adduci*, 412 Ill. 621, 108 N.E.2d 1 (Ill. 1952), as follows:

The interest against which the prohibition is leveled is such an interest as prevents or tends to prevent the public official from giving to the public that impartial and faithful service which he is in duty bound to render and which the public has every right to demand and receive....whether or not the interest in any given case comes within the prohibition of the statute may well become a question of construction for the court in view of all the facts and circumstances shown in the particular case.

*Id.* at 627. The court’s interpretation of what constitutes a “contract” under 105 ILCS 5/10-9 and 50 ILCS 5/3 is sweeping. In *People ex rel. Madigan v. Bertrand, Jr.*, 2012 IL App (1st) 111419, the Appellate Court held that a board member could not settle a lawsuit he filed against the public board because the settlement agreement included the payment of his attorney fees, thus making it a contract in which he was financially interested.

**C. May a board member be employed by a company that does business with the district he or she serves?**

Yes, as long as a board member has no financial interest in the business other than as an employee. The *School Code* states that “[a] school board member [is not] deemed interested if the board member is an employee of a business that is involved in the transaction of business with the school district, provided that the board member has no financial interests other than as an employee.” 105 ILCS 5/10-9.

In a 2014 “unofficial” opinion, the Ill. Attorney General determined that in order to qualify for this exception, a board member’s employment must be at a *for-profit* business that operates as a traditional commercial enterprise. In that case, a school board member was determined to be in violation of 105 ILCS 5/10-9 because she was employed at a special education cooperative to which her board’s school district was a member.

**Note:** If a contract is supported by a federal or state grant award that is subject to federal procurement standards, additional restrictions on a board member’s employment with an applicant firm may apply, such that the board member has a conflict and may not participate in the award. See Section 8 below for further discussion.

**D. May a board member who is appropriately licensed work as a substitute teacher for the district where he or she is a board member?**

Yes, but only in limited situations. Working as a substitute is a contract for services. As such, it is analyzed under the statutory exception requiring: (1) a contract to be approved by majority vote of the board; (2) the amount of the contract to not exceed \$1,000 and, in the aggregate, to not exceed \$2,000 per fiscal year, except when the service is not available from any other source, the aggregate amount in the same fiscal year to not exceed \$5,000; (3) the board member to publicly disclose the nature and extent of his or her interest before or during deliberations; and (4) the interested member to abstain from voting on the contract. The potential of a common law conflict may exist, however, if the board member is called upon to vote on the rate of compensation to be paid to substitute teachers. See also the discussion at Section 2.B. below.

**E. Can the spouse of a board member who owns his or her own business be awarded a contract with the school district?**

This probably would not be a conflict so long as the board member had no ownership or financial interest in the business. See Sections 3 and 10 below.

**Note:** If a contract is supported by a federal or state grant award that is subject to federal procurement standards, additional restrictions on a board member's spouse's employment with an applicant firm may apply, such that the board member has a conflict and may not participate in the award. See Section 8 below for further discussion.

**F. May the school district purchase property from the spouse of a board member?**

The answer to this question could be very fact-specific. Such a purchase could probably be made so long as the board member does not have any ownership or proprietary interest in the property being purchased, but a violation could occur depending on how title to the property in question was held.

**G. Can a board member who owns a local business provide free services to the district? Example: A board member owns a printing business and offers to print athletic programs at no cost to the district.**

A gift would not be deemed a contract. Thus, so long as there is nothing of value coming to the board member, and the service is in fact free, then it does not appear that there is a conflict.

**H. If a conflict exists, can a board member merely abstain from voting? Does it make any difference if the contract is awarded pursuant to a public bid?**

Merely abstaining from voting does not alone cure a statutory conflict of interest. If a conflict exists, it does not make any difference if the contract is fair or even favorable to the district, or if it was awarded pursuant to a public bid.

**I. What are the penalties or consequences if any of these provisions are violated?**

A board member convicted of violating provisions of the applicable statutes would be guilty of a Class 4 felony and would be removed from office. The contract is also voidable by the court. 105 ILCS 5/10-9(g); 50 ILCS 105/4.

**2. Employment while a board member**

**A. May an individual run for election as a school board member for the district where he or she is employed?**

Yes. If elected, the individual may need to resign from district employment to comply with the laws defining prohibited interests as described below.

**B. May an individual be employed by a school district for which he or she serves as a school board member?**

A school board member may not be employed by the district he or she serves unless the pay is less than the statutory contract limit and other requirements are met.

Two laws address this question: the *School Code* and the Public Officer Prohibited Activities Act. The *School Code* prohibits a school board member from having an interest in a contract with the district he or she serves. Employment is a contractual relationship even if the individual does not have an individual employment agreement. An exception to this rule exists when the contract amount does not exceed \$1,000 or the award of the contract does not cause the aggregate amount of such contacts to the same individual to exceed \$2,000 in the same fiscal year, or \$5,000 in the same fiscal year if the labor or materials to be provided are not otherwise available in the district. 105 ILCS 5/10-9(c).

The Public Officer Prohibited Activities Act prohibits a governing body member from being "in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust, or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote." 50 ILCS 105/3(a). Exceptions to this prohibition are similar to the exceptions in the *School Code*. Read together, the *School Code* and the Public Officer Prohibited Activities Act allow a board member to be employed by the district he or she serves if all of the following conditions are met:

- (1) The award of the contract is approved by a majority vote and the board member abstains from voting;
- (2) The contract (employment is a contractual relationship) amount does not exceed \$1,000;

- (3) The award of the contract would not cause the aggregate amount of all such contracts so awarded to the same board member to exceed \$2,000 in the same fiscal year, or \$5,000 in the same fiscal year if the labor or materials to be provided are not otherwise available in the district;<sup>2</sup>
- (4) The board member publicly discloses the nature and extent of his or her interest before or during the deliberations concerning the contract; and
- (5) The board member abstains from voting on the award of the contract (note that he or she is considered present to establish a quorum).

The question occasionally arises whether an employee of a special education cooperative may serve on the school board for a district that is a member of the cooperative. If the individual is deemed to be a district employee, he or she violates the conflict of interest laws. See the answer to question 1C above for more information. An attorney will need to analyze the entire factual context before providing an answer.

A violation of the prohibited interests section of the *School Code* or the Public Officer Prohibited Activities Act is a Class 4 felony.

### 3. Nepotism

#### A. May an individual be a board member at a school district that employs his or her spouse?

Yes. An individual's interest in a contract is not attributed to his or her spouse, provided the contract is not a mere subterfuge. Following this rule, an Illinois Appellate Court found no violation of the Corrupt Practices Act (predecessor of the Public Officer Prohibited Activities Act) when a school district employs a board member's spouse. *Hollister v. North*, 50 Ill.App.3d 56, 365 N.E.2d 258 (4th Dist. 1977).

This rule also applies in the context of the *School Code's* section on prohibited interests. It allows a board member to participate in a group health insurance program provided to a district employee if the board member is that employee's spouse or child. 105 ILCS 5/10-22.3a. This provision clearly indicates an intent to permit spousal employment.

A violation may occur if the board member actively promotes the financial interests of his or her spouse. This is a fact-sensitive inquiry; a board member should seek legal counsel before voting on anything directly related to his or her spouse, such as, a motion to hire, promote, or transfer as well as anything of a disciplinary nature.

#### B. May a board member participate in his or her spouse's insurance?

Yes. As discussed above, the *School Code* expressly permits a school board member to be the beneficiary of dependent health insurance coverage. It states:

Nothing contained in this Code may preclude an elected school board member from participating in a group health insurance program provided to an employee of the school district that the board member serves if the board member is a dependent of that employee.

105 ILCS 5/10-22.3a. There are no appellate decisions concerning whether the Illinois Public Officer Prohibited Activities Act permits this interest. However, the *School Code* provision should control because it was the latest legislative action on the topic and the most specific.

#### C. May a board adopt an anti-nepotism policy? More specifically, may a school board prohibit the hiring of a spouse and family members of sitting board members?

Yes, a board may adopt an anti-nepotism policy that prohibits hiring a spouse and family members of sitting board members. This policy may be broadened to prohibit the hiring of the spouse and family members of the superintendent and other identified employees.

State and federal law permits no-spousal hire or anti-nepotism policies. The Illinois Human Rights Act prohibits discrimination on the basis of *marital status*. As defined, *marital status* concerns an individual's *legal status* as married, single, separated, divorced, or widowed. Thus, the statutory definition of *marital status* discrimination does not encompass the *identity* of one's spouse. *Boaden v. Dept. of Law Enforcement*, 171 Ill.2d 230, 664 N.E.2d 61 (Ill. 1996).

Before adopting an anti-nepotism or no-spouse policy, a board should carefully analyze benefit versus harm. Among the potential *harms* are that such a policy could reduce the applicant pool, be difficult to apply, prevent hiring of the most capable applicant if he or she is in a prohibited relationship, and burden future boards with a policy that is difficult to delete or dilute. Potential *benefits* include protecting the district against favoritism, preventing fellow board members from feeling pressured, and adding credibility to the hiring process.

Selecting job candidates based on merit is itself a powerful deterrent to nepotism. Adhering to the principle that the most qualified candidate will be selected also avoids the pitfalls of an anti-nepotism policy.

#### 4. Incompatibility of offices

##### A. Can a board member hold two elected offices at the same time?

Yes, provided the offices are not incompatible. In *Rogers v. Village of Tinley Park*, 116 Ill.App.3d 437, 441 (1st Dist. 1983), the court described incompatibility as follows:

Incompatibility is present when the written law of a state specifically prohibits the occupant of either one of the offices in question from holding the other **and, also, where the duties of either office are such that the holder of the office cannot in every instance, properly and fully, faithfully perform all the duties of the other office.** This incompatibility may arise from multiplicity of business in one office or the other, considerations of public policies, or otherwise. (Emphasis added) *People v. Haas*, 145 Ill.App. 283, 286-87 (1st Dist. 1908).

[Incompatibility] is found to be in the character of the offices and their relation to each other, in the subordination of the one to the other, and in the nature of the duties and functions which attach to them.

**Incompatibility of offices exists where there is a conflict in the duties of the offices, so that the performance of the duties of the one interferes with the performance of the other.** They are generally considered incompatible where such duties and functions are inherently inconsistent and repugnant, so that because of the contrariety and antagonism which would result from the attempt of one person to discharge faithfully, impartially, and efficiently the duties of both offices, considerations of public policy render it improper to retain both. (Emphasis added) (Internal quotations omitted).

In another appellate decision, the court held that the offices of alderman, school board member, and park district commissioner were incompatible. The court stated: "Instead of examining whether there has been an actual conflict in the offices in which a person is serving, Illinois courts look to whether there will eventually be a conflict." *People ex. rel. Alvarez v. Price*, 408 Ill.App.3d 457, 948 N.E.2d 174 (1st Dist. 2011).

The Illinois Attorney General's office has compiled a comprehensive list of incompatible offices. Some offices found by Attorney General opinions to be incompatible with the office of school board member are: Board of Review member, City Council member, City Manager, Community College District Trustee, County Board Member, County Engineer, County Zoning Administrator, County Zoning Board of Appeals Member, Educational Labor Relations Board Member, Fire Protection District Trustee, Park District Board Member, Township Assessor, and Township School Trustee. The Attorney General's index of opinions can be found at: [www.illinoisattorneygeneral.gov/opinions](http://www.illinoisattorneygeneral.gov/opinions).

A board member may also be a city councilman, a city alderman or a village trustee if the village, city or unincorporated town has 2,500 or fewer inhabitants. 50 ILCS 105/1.3.

##### B. Can a board member be employed by another public body (e.g., a park district) that may have dealings with the school district?

If the employment position is one of authority or policy making, the analysis contained in the above answer would seem to indicate that a conflict of interest exists, even though the two positions may not strictly be incompatible.

## **5. Fiduciary duty and oath of office**

### **A. Does a board of education member owe a fiduciary obligation to the school district? If so, what is that obligation?**

As elected public officials, school board members hold a fiduciary position and owe duties of loyalty and good faith to their school districts. The fiduciary duty requires the board member to put the best interests of the district ahead of his or her other personal or financial interests. As the Illinois Supreme Court has noted, "The faithful performance of official duties is best secured if a governmental officer, like any other person holding a fiduciary position, is not called upon to make decisions that may advance or injure his individual interest." *City of Chicago v. Keane*, 64 Ill.2d 559 (Ill. 1976). Moreover, in the mandated oath of office, each board member swears or affirms to faithfully discharge the duties of the office in accordance with the state and federal constitutions and laws, and to "respect taxpayer interests by serving as a faithful protector of the school district's assets." 105 ILCS 5/10-16.5. Training on fiduciary responsibilities is included in the list of topics on which each board member must complete training within the first year of his or her term. 105 ILCS 5/10-16a(b).

### **B. What is the board of education member's obligation when his or her personal or financial interests conflict with the best interests of the school district?**

The board member is expected to act in the best interest of the school district and not in his or her own personal or financial interest. When a conflict arises between the district's interests and the school board member's personal and financial interest, the board member should carefully review and consider his or her role in the decision. Sometimes conflict can be resolved by the board member's abstaining from discussion and action on the matter. However, there may be occasions when the board member's conflict of interest cannot be removed through non-participation in the decision-making process. This is addressed in Section 1 above.

Similarly, the board member should not use his or her position as a board member to influence the outcome of day-to-day decisions left in the administration's hands. Use of such influence could be considered a breach of the board member's fiduciary obligations to the school district.<sup>3</sup>

### **C. What are the considerations for a board member who simultaneously serves as a board member in both a high school and elementary school district?**

Lawyers disagree whether this constitutes incompatible office holding; an individual considering being on both boards should obtain a legal opinion. See Section 4 above. In addition to this consideration, the board member should be mindful that he or she has a fiduciary duty to both the high school district and the elementary district. If a conflict arises between the two districts, the board member should obtain guidance from legal counsel on how to best address the potential conflict.

### **D. What are the consequences if a board member breaches the fiduciary duty?**

In some instances, the board member may forfeit his or her seat on the school board as a consequence of the breach. Depending upon the nature of the breach, the board member could also face legal action by the school district, a taxpayer, or a member of the public for an accounting and possible restitution. The board member could further face criminal penalties imposed by statutes, including penalties under the Gift Ban Act or the Public Officer Prohibited Activities Act.

### **E. Can a board member be prohibited from participating in a closed meeting if he or she has a personal interest adverse to the district as regards the matter being discussed?**

Illinois statutes do not specifically address whether a board of education member can be excluded from a closed meeting because of a perceived conflict of interest. The Illinois Attorney General's office has opined that a board member cannot be sanctioned in the absence of a statute authorizing such action by the board. See *Op. Att'y Gen. No. 91-001* (1991). Furthermore, the Appellate Court has held that school board members hold a property right in their election to the board, thus requiring due process before removal. *East St. Louis Federation of Teachers, AFL, AFL-CIO v. East. St. Louis School District No. 189 Financial Oversight Panel*, 178 Ill.2d 399, 417-18 (Ill. 1997).

If because of his or her own personal or financial interests the board member cannot act in the best interest of the school district, the board member should voluntarily refrain from participation and discussion of the topic.

#### **F. What is the significance of the school board member oath of office?**

Board members are required to take the oath of office, administered as determined by the board, in substantially the form set out in 105 ILCS 5/10-16.5.<sup>4</sup> In addition to fiduciary and other duties imposed by statute, the oath of office could be a basis for legal action against the school board member. Courts have found government officials liable for breach of contract for violating the oath of office. The violation of the oath of office may also be grounds for removal from office. A violation of the oath in most cases, however, is not subject to a private right of action for damages. *Collins v. Bd. of Educ. of N. Chicago Cmty. Unit Sch. Dist. 187*, 792 F. Supp. 2d 992, 999 (N.D.Ill. 2011).

Board members should carefully read the required oath of office to better understand the obligations it imposes on school board members.

#### **G. When does a seat on the board of education become vacant?**

According to the *School Code*, a school board seat becomes vacant if one of the following occurs during the board member's term of office: (1) death of the incumbent; (2) resignation provided to the Secretary or Clerk of the board; (3) lacking legal capacity to serve in the position; (4) no longer residing in the district; (5) conviction of certain crimes involving a violation of official oath, or conviction of a violent crime against a child; (6) removal from office; (7) a finding by a court or other competent tribunal that the election of the board member is void; and (8) no longer residing in the particular area that the school board member was elected to represent. 105 ILCS 5/10-11.

Other actions may lead to a vacancy under other state or federal law. For example, a vacancy occurs if a board member is convicted of having a prohibited interest in a district contract, official misconduct, or engaging in bid rigging activities. A board member may also forfeit his or her office by failing to file a statement of economic interest, accepting an incompatible office, or violating the working cash fund provisions. See *Answers to FAQs: Vacancies on the Board of Education*, published on the IASB website at [www.iasb.com/law/vacancies.cfm](http://www.iasb.com/law/vacancies.cfm).

### **6. Gift ban and prohibited political practices**

#### **What does the Ethics Act prohibit?**

The State Officials and Employees Ethics Act, 5 ILCS 430/70-0.01 *et seq.* (Ethics Act), prohibits the acceptance of certain gifts by public officials and identifies prohibited political activities. The Ethics Act is a lengthy and complex law. A school board should consult with its attorney for legal advice or a legal opinion concerning specific fact situations.

The Ethics Act is designed for state employees and officials but requires local governments to adopt an ordinance or resolution no less restrictive than the Act's provisions. Thus, school officials are left to figure out how to make a piece of legislation that was not designed for them, fit their situation. The enforcement provisions are particularly problematic because school boards do not have the power to adopt penal ordinances and penalties, particularly upon elected officials. Regardless of enforcement uncertainties, school officials should pay attention to the Act's prohibitions because violation charges are tried in the court of public opinion.

Determining what political activities are prohibited by the Ethics Act depends on three factors: the actor (board member or employee), the context (location and time), and the activity. No employee may intentionally perform any political activity during compensated time. No board member or employee may intentionally use any district property or resources in connection with any political activity (similar to the prohibition in the Election Interference Prohibition Act, 10 ILCS 5/9-25.1, that bars spending public money to advance a candidate or proposition), intentionally require any other board member or employee to perform any political activity, or award board members or employees compensation or benefits for participating in any political activity.

The Ethics Act's gift ban prohibits school officials (board members and employees) from accepting a gift from a *prohibited source* unless the gift falls within one or more of 12 exceptions to the ban. A person or entity becomes a *prohibited source* by seeking official action from, or doing or seeking to do business with, school officials, among other types of conduct described in the statute.

The 12 exceptions include receipt of educational materials, a gift from a relative or personal friend, goods or refreshments not exceeding \$75 per person in value on a single calendar day, and any item(s) from one prohibited source during any calendar year having a cumulative total value of less than \$100. The ban applies to spouses and immediate family members living with the school official.

## 7. Illinois Governmental Ethics Act

### A. What is required by the Governmental Ethics Act?

The Governmental Ethics Act requires each school board member and certain employees to annually file a verified Statement of Economic Interests. 5 ILCS 420/4A-101. A school board candidate must also file a *Statement of Economic Interests*. 105 ILCS 5/9-10; 5 ILCS 420/4A-105.

Campaign contributions are not included in the *Statement of Economic Interests*, but must be disclosed pursuant to the Election Code. 10 ILCS 5/9-1 *et seq.*

The Governmental Ethics Act provides instructions and deadlines for filing a Statement of Economic Interests. The required form is also posted on the Illinois Secretary of State's website [www.cyberdriveillinois.com/publications/home.html](http://www.cyberdriveillinois.com/publications/home.html). An individual must file the Statement upon initial appointment or employment and by May 1 of each year unless he or she has already filed that calendar year. A candidate for the school board must file a Statement with the county clerk and give the receipt to the county clerk or the county board of election commissioners at the time he or she files nominating papers. 105 ILCS 5/9-10. Failing to comply with the deadline or filing an intentionally false or incomplete *Statement* may subject an individual to a fine, criminal charge, and/or forfeiture of office or employment.

### B. Are items that are required to be listed in a board member's Statement of Economic Interests also prohibited conflicts of interest?

Not necessarily. The interests that must be disclosed in the *Statement of Economic Interests* are independent from the prohibited interests contained in other laws. These laws do not correlate to each other. Thus, an interest disclosed in the *Statement of Economic Interests* does not necessarily give rise to a prohibited conflict of interest, but it may.

## 8. Grant Accountability and Conflicts of Interest

### A. What board member conflicts of interests are prohibited if a school district receives federal or state grant awards?

The Grant Accountability Transparency Act (GATA) is a State law intended to increase accountability and transparency in the use of grant funds and to streamline federal and state grant administration through the adoption of uniform federal procurement standards. 30 ILCS 708/1 *et seq.* The federal standards apply to most federal grant funds that pass through ISBE and now, through GATA, these standards also apply to ISBE-administered grants (with some exceptions, including evidence based funding, mandated categoricals, and drivers' education).

The rules prohibit board members and employees of a school district from participating in the selection, award, or administration of a contract supported by a grant award if they have a *real or apparent* conflict of interest. 2 C.F.R. §200.318(c)(1). For a board member, such a conflict arises when the board member, his or her immediate family member, business partner, or an organization that employs or is about to employ one of those individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. *Id.* Additionally, board members may not solicit or accept gratuities, favors, or anything of monetary value from contractors. *Id.* However, boards do have the flexibility to set standards for situations when the financial interest is not substantial or the gift is unsolicited and of nominal value. The gift ban in the Ethics Act may serve as a source for those types of standards. See Section 6 above.

A formal guidance document from the State lists examples of conflicts of interest which may be prohibited or present a potential conflict under GATA and federal procurement standards, such as ownership of stocks or bonds in an grant applicant firm, outstanding financial commitment to an applicant, employment in any capacity by the applicant, including employment of an immediate family member, or a close personal relationship with the applicant. See the guidance titled *Conflict of Interest*, available at <https://www.illinois.gov/sites/GATA/Pages/ResourceLibrary.aspx>. The term *apparent* conflict of interest is not specifically defined in GATA or the federal rules; however, see Section 10 below regarding the *appearance of impropriety*. Whether a real or apparent conflict exists under grant rules is a fact-specific inquiry; a board member should seek legal counsel before voting or otherwise participating in a grant award when there is the potential for a conflict.

Under the provisions of GATA, a board must disclose in writing any potential conflict of interest to the *pass-through entity* (defined as a non-federal entity that provides a subaward to a subrecipient to carry out part of a program). 30 ILCS 708/35.

#### **B. What are the penalties or consequences if any of these provisions are violated?**

If a board member has a *real or apparent* conflict of interest and nevertheless participates in the contract supported by the grant award, the awarding or pass-through agency may employ a variety of remedies, including temporarily holding cash payments pending correction of the issue, suspending or terminating the grant award, and/or withholding further awards for the project. 2 C.F.R. §200.338. A grantee board can also be subject to the same types of penalties if it fails to disclose in writing to the pass-through agency any violations of State or federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award. 30 ILCS 708/40.

Depending on the facts of a situation, conduct which violates these provisions may also violate other State laws, including those discussed in this *FAQ*. In that case, the penalty provisions of those other laws may also be enforced.

### **9. Removal of a board member**

#### **May a school board member be removed from office? If so, what are the procedures?**

The regional superintendent of schools is authorized to remove a school board member during his or her term of office. The regional superintendent may do so if the school board member has willfully failed to perform his or her duties as a member. 105 ILCS 5/3-15.5.

If a board member fails to perform a mandatory duty, a proceeding known as *quo warranto* may be brought against the board member. If a court determines that the board member did not perform a mandatory duty, the court can impose a \$25,000 fine or oust the board member from office. 735 ILCS 5/18-108.

If a *priority district* (a low performing district designated by ISBE) is unable to obtain accreditation from an independent organization selected by ISBE due, in whole or in part, to reasons related to board governance, the State Board of Education may authorize the State Superintendent to direct the regional superintendent to remove school board members. 105 ILCS 5/2-3.25f-5.

### **10. Appearance of impropriety**

#### **What does appearance of impropriety mean? Is this a legal standard?**

*Appearance of impropriety* is not a legal standard; it refers to conduct that appears questionable although it may be legal. Community members might assume, based on their knowledge of the facts, that a board member has violated some rule or law because his or her conduct appears suspicious, self-serving, or improper. To avoid accusations of misconduct and the resultant loss of credibility, board members generally seek to avoid the *appearance of impropriety*. For example, to avoid the *appearance of impropriety*, a board member may want to refrain from voting on any matter that will financially affect him or her and his or her spouse or family member, even if there is no legal conflict of interest.

<sup>1</sup> The following attorneys are members of the 2018 committee: Heather Brickman, Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP; John Izzo, Hauser, Izzo, Petrarca, Gleason and Stillman, LLC; J. Christian Miller, Miller, Tracy, Braun, Funk & Miller, Ltd.; Merry Rhoades, Tueth, Keeney, Cooper, Mohan & Jackstadt, P.C.; James Petrungaro, Scariano, Himes & Petrarca, Chtd.; Kimberly Small and Debra Jacobson, Illinois Association of School Boards; and Peter Wilson, Jr., Mickey, Wilson, Weiler, Renzi & Andersson, P.C. The 2018 ICSA Executive Committee provided peer review.

<sup>2</sup> The *prohibited interests* sections of the *School Code* and Public Officer Prohibited Activities Act have different limits. Here we used the limits in the *School Code* because they are specifically applicable to school board members. The Public Officer Prohibited Activities Act permits a contract to be awarded to a governing body member if it “would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed \$4,000.” The similar provision in the *School Code* is up to \$2,000, but it permits contracts up to the aggregate amount of \$5,000 in the same fiscal year if the labor is not otherwise available in the district.

<sup>3</sup> The principle that board members should not involve themselves in the day-to-day operations of a district, which are instead delegated to the superintendent, is also reflected in the Illinois Association of School Boards' *Foundational Principles of Effective Governance*, published on the IASB website at [www.iasb.com/principles.cfm](http://www.iasb.com/principles.cfm).

<sup>4</sup> The following is the text of the oath of office to be administered to board members:

I, (name of member or successful candidate), do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Education (or Board of School Directors, as the case may be) of (name of school district), in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

I further swear (or affirm) that:

I shall respect taxpayer interests by serving as a faithful protector of the school district's assets;

I shall encourage and respect the free expression of opinion by my fellow board members and others who seek a hearing before the board, while respecting the privacy of students and employees;

I shall recognize that a board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public board meeting; and

I shall abide by majority decisions of the board, while retaining the right to seek changes in such decisions through ethical and constructive channels.

105 ILCS 5/10-16.5.

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