#### River Forest District 90 PRESS Policy Update Issue 95 – July, 2017

Second Reading – November 20, 2017

Policy Number	Policy Description	Recommended Action
2:260	Uniform Grievance Procedure	Recommend as Presented
2:220-E3	Closed Meeting Minutes	Recommend as Presented
6:210	Instructional Materials	Recommend as Presented
8:70	Accommodating Individuals with Disabilities	Recommend as Presented
3:62	Administrators Contracts	Recommend with Changes
5:330	Sick Days, Vacation, Holidays, and Leaves	Exhibit`

#### **Board of Education**

#### Uniform Grievance Procedure

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

- Title II of the Americans with Disabilities Act
- Title IX of the Education Amendments of 1972
- 3. Section 504 of the Rehabilitation Act of 1973
- Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.
- Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
- 6. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e
- Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and 7. Title IX of the Education Amendments of 1972)
- 8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
- Curriculum, instructional materials, and/or programs
- 10. Victims' Economic Security and Safety Act, 820 ILCS 180
- 11. Illinois Equal Pay Act of 2003, 820 ILCS 112
- 12. Provision of services to homeless students; or
- 13. Illinois Whistleblower Act, 740 ILCS 174/1 et seq.

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this procedure policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this procedure-policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to the grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

#### Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

All deadlines under this procedure policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, school business days means days on which the District's main office is open.

Commented [APowell1]:

Title II of the ADA of 1990 also includes website accessibility. Title II of the ADA of 1990 also includes website accessibility. Addressing website accessibility is complicated. Many entities addressing website accessibility use Web Content Accessibility Guidelines (WCAG) 2.0, a frequently cited accessibility standard that contains guidelines developed by a private group of accessibility experts. WCAG 2.0 is the standard the U.S. Dept. of Justice referenced in its recent Title II rulemaking. While it is not adopted as the formal legal standard for public accommodation websites, it has been used in many consent decrees and settlement agreeme Find it at: <a href="https://www.w3.org/TR/WCAG20/">www.w3.org/TR/WCAG20/</a>.

To avoid allegations that a district violated Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA of 1990, many attorneys suggest that school districts' websites meet the WCAG 2.0

See also policy 8:70, Accommodating Individuals with Disabilities.

Issue 95, July 2017

Commented [APowell2]:

Edits are made throughout to clarify that, although titled "Uniform Grievance Procedure," this is a Board policy.

Issue 95, July 2017

#### Filing a Complaint

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

For bullying and cyber-bullying, the Complaint Manager shall process and review the complaint according to Board policy 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment, in addition to any response required by this policy.

#### Investigation

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

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

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

#### Decision and Appeal

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

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

Illinois regulations provide that individuals alleging that they have been discriminated against on the basis of their sex have a right to appeal the Board's decision to the Regional Superintendent and, thereafter, to the State Superintendent of Education. The Regional Superintendent retains discretion as to whether he or she will hear an appeal.

This <u>policygrievance</u> precedure shall not be construed to create an independent right to a Board hearing. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

Page 2 of 4

#### Appointing Complaint Managers

The Superintendent shall appoint 2-two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator, if any, may be appointed as one of the Complaint Managers. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

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

#### Nondiscrimination Coordinator:

Name	Edward Condon, Superintendent.	
Address	7776 Lake Street	
	River Forest, IL 60305	
Email:	condone@district90.org	
Telephone No.	708/771-8282	
Complaint Mana Name	ngers:  Dr. Alison Hawley,  Director of Curriculum &  Instruction	Anthony Cozzi, Director of Finance and Facilities
Address	7776 Lake Street	7776 Lake Street
Address	River Forest, IL 60305	River Forest, IL 60305
Email:	hawleya@district90.org	cozzia@district90.org
Telephone No.	708/771-8282	708/771-8282

LEGAL REF.:

Age Discrimination in Employment Act, 29 U.S.C. §621 <u>et seq.</u> Americans With Disabilities Act, 42 U.S.C. §12101 et seq.

Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.

Equal Pay Act, 29 U.S.C. §206(d).

Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.

Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.

McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.

Rehabilitation Act of 1973, 29 U.S.C. §791 et seq. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.

Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.

105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.

Illinois Genetic Information Privacy Act, 410 ILCS 513/.

Illinois Whistleblower Act, 740 ILCS 174/. Illinois Human Rights Act, 775 ILCS 5/.

Victims' Economic Security and Safety Act, 820 ILCS 180/, 56 Ill.Admin.Code

Part 280.

Equal Pay Act of 2003, 820 ILCS 112/. Employee Credit Privacy Act, 820 ILCS 70/. 23 Ill.Admin.Code §§1.240 and 200-40.

CROSS REF .:

5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 6:120 (Education of Children with

Disabilities), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public

Suggestions and Concerns)

ADOPTED:

October 19, 2015

River Forest School District 90

2:220-E3

#### **Board of Education** Exhibit - Closed Meeting Minutes

Closed Meeting Minutes <u>Tems in bold are required by 5 ILCS 120/</u>	2.06(a)(1)-(3). Non-bolded items align with best practices.	
Date:	Time:	
Location:		
Name of person taking the minutes:		
Name of person recording the closed meeting:		
Names of members present:	Names of members absent:	
Summary of the discussion on all matt	ters (as specified in the vote to close the meeting):	
Racio for the finding that lifestion is t	probable or imminent, if applicable (5 ILCS	
120/2(c)(11)):		
	a dia m	
Time of adjournment or return to open m	neeting:	

Commented [APowell1]: Requirements previously included in the footnote of the PRESS sample have been incorporated into this exhibit.

Issue 95, July 2017

Page 1 of 2

			~
longer need con	ng its semi-annual review of close fidential treatment, <u>5 ILCS 120/2.0</u> ites are available for public inspe		<i>o</i> _•
These minu	tes are available for public maps	(Date)	
DATED.	March 19, 2007		

Page 2 of 2

River Forest School District 90

6:210

#### Instruction

#### Instructional Materials

All District classrooms and learning centers shall have access to teaching tools, textbooks, workbooks, audio-visual materials, technology, and equipment to meet the students' needs. The term instructional materials means both print and non-print materials, including electronic materials accessed through the Internet or the cloud, that are used in the educational process. The term "textbook" includes electronic or digital textbooks that are used for educational purposes. Textbooks and instructional materials shall provide effective learning experiences for students and:

- 1. Enrich and support the curriculum;
- 2. Stimulate growth in knowledge, literary appreciation, aesthetic values, ethical standards;
- 3. Provide background information to enable students to make intelligent judgments;
- 4. Present opposing sides of controversial issues;
- 5. Be representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
- Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

A list or description of textbooks and instructional materials used in the District shall be revised by administrators under the Superintendent's direction and shall be made available to the Board and professional staff as a reference. Upon reasonable notice, anyone may inspect any textbook or

No R-rated movie shall be shown to students unless prior approval is received from the Building Principal, and no NC-17 movie shall be shown under any circumstances. The Superintendent or designee shall give parents/guardians an opportunity to request that their child not participate in a class showing a movie, television program, or other media with an R or equivalent rating

#### Instructional Materials Selection and Adoption

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

LEGAL REF .:

105 ILCS 5/10-20.8<del>, 5/10-20.9.</del> and 5/28-19.1.

CROSS REF .:

6:220 (Instructional Materials Selection and Adoption), 7:10 (Equal Educational

Opportunities), 8:110 (Public Suggestions and Concerns).

ADOPTED:

February 21, 2016

Commented [APowell1]:

Optional. While allowing parents/guardians to opt their child out of viewing such material is not a legal requirement, it is a best practice.

#### **Community Relations**

#### Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities and will not be subject to illegal discrimination. When appropriate, the District may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others.

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

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

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

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

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

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

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

LEGAL REF.:

Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq.; 28

C.F.R. Part 35.

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

105 ILCS 5/10-20.51.

410 ILCS 25/, Environmental Barriers Act.

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

CROSS REF.:

2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and

Expansion Programs)

ADOPTED:

January 17, 2017

Commented [APowell1]:

"Website" was added to the policy to clarify that Title II of the ADA applies to websites. Even though the law has always included websites, websites have emerged into everyday life since this law was passed. Adding website to the policy is a way to inform the community that websites are included under Title II of the ADA.

See also policy 2:260, Uniform Grievance Procedure. While the U.S. Dept. of Justice (DOI) under President Obama's Administration proposed regulations for public accommodations of websites (set to be final in 2018), President Trump signed an executive order in early 2017 entitled Reducing Regulation and Controlling Regulatory Costs, which makes it highly unlikely that the DOJ will issue any website regulations during the Trump Administration's tenure.

Issue 95, July 2017

Commented [APowell2]:

Consult the board attorney about procedures for the superintendent or designee to perform his or her duties as Title II Coordinator.

Issue 95, July 2017

#### **General School Administration**

#### **Administrators Contracts**

The Superintendent's annual salary shall be for the service period July 1 through June 30.

The Building Principal's annual salaries shall be for a term of service as provided in their contracts.

The annual salary for each administrator shall be set no later than June 30.

In the event the contract of a Building Principal is not to be renewed or his/her assignment is to be changed, the Board of Education shall notify the administrator of such action no later than April I where practicable.

Administrators who are employed on a twelve (12) month basis shall receive twenty-one (21) working days vacation or such other amount as established by contract. Accrued vacation time may be taken no later than September 1 of the contract year following the contract year in which it accrued, or it will be lost and may not thereafter be used, compensated, or considered as accumulated without the approval of the Board. Vacation periods shall be subject to the approval of the Superintendent.

An early retirement plan established by the Board of Education for teachers shall also be available to administrators.

Administrators may be granted emergency leave by the Superintendent.

Administrators shall be entitled to all leaves granted to teachers and any leaves granted by individual contract with the Board.

LEGAL REF.:

NOV. 1

10 ILCS 5/4-6.2.

105 ILCS 5/10-20.14 and 5/10-21.4a.

105 ILCS 127/1 et seq.

23 III.Admin.Code §§1.320x, 1.230b, and 1.320c.

CROSS REF .:

3:50 (Administrative Personnel Other Than the Superintendent), 5:250 (Leave of

Absence)

ADOPTED:

June 20, 2011

#### **Educational Support Personnel**

#### Sick Days, Vacation, Holidays, and Leaves

#### Sick Days

Full-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year for the first three consecutive years of full-time service. Beginning the fourth year of service an employee receives 20 sick days a year. Part-time employees will receive prorated sick leave. Unused sick leave shall accumulate to a maximum of 240 days.

Any full-time educational support personnel hired after July 1, 2007 who work at least 600 hours per year receive 10 paid sick leave days per year for every consecutive year of full-time service. Unused sick leave shall accumulate to a maximum of 240 days. This policy is the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon a District employee's retirement under the Illinois Municipal Retirement Fund.

Sick leave is defined in State law as personal illness, or as may be deemed necessary in other cases, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. The Superintendent and/or designee shall monitor the use of sick leave.

As a condition for paying sick leave after 3 days absence for personal illness or after 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Family and Medical Leave Act ("FMLA") leave is normally unpaid. The Board may always designate an employee's qualifying leave as FMLA leave. In the case of any FMLA leave, all policies and rules regarding the use of paid sick leave apply when paid leave is substituted for unpaid FMLA leave. However, any substitution of sick leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. In cases of the birth of the employee's child or the employee's adoption of a child, the employee may elect to substitute his/her accrued paid sick leave for unpaid FMLA leave as permitted by the FMLA and the Illinois School Code. Use of compensated FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond twelve (12) weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave.

#### Vacation

Full-time, twelve-month employees hired on or after July 1, 2007 shall be eligible for paid vacation days based upon the fiscal year of July 1 to June 30 according to the following schedule:

1		Monthly	Maximum Vacation
Length of E	mployment	<u>Accumulation</u>	Leave Earned Per Year
From initial employment	To June 30	0.83 Days	As earned up to 10 days
Beginning July 1	End of year 5	0.83 Days	10 Days per year
,	End of year 10	1.25 Days	. 15 Days per year
Beginning of year 6	-	1.67 Days	20 Days per year
Beginning of year 11	End of employment	1.07 25 45 2	

Full-time twelve month employees hired prior to July 1, 2007 shall be eligible for paid vacation days according to the following schedule, except that days in the first and last year of employment shall be prorated:

Length of Employment	Eligible Vacation Days		
Initial to Year 5	10		
Years 6 to 10	15		
Year 11 and after	20		

Vacation days earned in one fiscal year must be used by November 1 of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

#### Holidays

Unless the District has a waiver or modification of the School Code pursuant to Section 2-3.25g or 24-2(b) allowing it to schedule school on a holiday listed below, District staff members who are employed for twelve months shall be entitled to the following, paid holidays:

The day before Thanksgiving will be a half-day of work. \*If Veterans' Day is a day of school attendance, then the day before Thanksgiving (if a non-attendance day for students) shall be a paid holiday.

If Christmas Day and New Year's Day fall on a Saturday or Sunday, a compensatory holiday date shall be scheduled.

The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

#### Personal Leave

Full-time educational support personnel have two paid personal leave days per year (based on a fiscal year of July 1 to June 30) provided, however, employees hired between January 1 and June 30 shall receive one day. The use of two personal days is subject to the following conditions:

- 1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal 3 days before the requested date.
- No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
- 3. Personal leave may not be used in increments of less than one-half day.
- Personal leave is subject to any necessary replacement's availability.
- 5. Personal leave may not be used on an in-service training day.
- 6. Personal leave may not be used when the employee's absence would create an undue hardship.
- 7. Vacation, sick leave and personal benefits shall be prorated during the first and last years of employment if necessary.
- 8. In the case of an unforeseen emergency, the Superintendent may, in his/her sole discretion, permit an employee to use one day of sick leave for personal reasons during the school year.

#### Leaves for Service in the Military and General Assembly

Educational support personnel receive military and General Assembly leaves on the same terms and conditions granted professional staff.

#### Bereavement Leave

Educational support personnel receive bereavement leave on the same terms and conditions granted professional staff.

#### School Visitation Leave

Educational support personnel receive school visitation leave on the same terms and conditions granted professional staff.

#### Leaves for Victims of Domestic or Sexual Violence

Educational support personnel receive a leave for victims of domestic or sexual violence on the same terms and conditions granted professional staff.

### Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.

#### Unexcused Absence

An unexcused absence may be considered a breach of contract.

#### Child Bereavement Leave

Educational support personnel receive child bereavement leave on the same terms and conditions granted professional staff.

#### Leave to Serve as an Election Judge

Educational support personnel receive a leave to serve as an election judge on the same terms and conditions granted professional staff.

LEGAL REF .:

20 ILCS 1805/30.1 et seq.

105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.

820 ILCS 147 and 180/.

820 ILCS 154/.

School Dist 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987); Elder v. School Dist.

No.127 1/2, 208 N.E.2d 423 (III.App.1, 1965).

CROSS REF .:

5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical

Leave), 5:250 (Leaves of Absence)

ADOPTED:

January 17, 2017

District 90 Policy Reviews in Process: Fall-Winter, 2017

## Age Requirements for Students Enrolling in Kindergarten and 1<sup>st</sup> Grade – (Administrative Recommendation)

Use of Technology in Schools – (Board Recommendation)

### **Enrollment/Residency Requirements and Documentation** – (Administrative Recommendation)