



Oak Park Elementary School District 97

260 Madison ▪ Oak Park ▪ Illinois ▪ 60302 ▪ ph: 708.524.3000 ▪ fax: 708.524.3019 ▪ www.op97.org

**TO: Members, Board of Education
Dr. Carol Kelley, Superintendent**

FROM: District 97 Policy Review Team

RE: Policy Review and Discussion

DATE: February 28, 2017

The district's policy review team (Amy Felton, Rupa Datta and Chris Jasculca) is presenting the following information to the Board of Education tonight for review/discussion:

- Proposed changes/updates to policies and exhibits that were provided by the Policy Reference Education Subscription Service (PRESS) in its October 2016 Update Memo
- Revisions to policy 4:12 (Finance Goals and Objectives)
- Revisions to policy 5:240 (Suspension)

A second reading and approval/adoption of the revisions to these policies and exhibits are scheduled for the board meeting on March 14, 2017.

The team is also currently scheduled to present the board with the rest of the policies and exhibits from PRESS' October update, as well as any proposed changes to policies from section four of the district's manual that were identified during our tri-annual review process, for review and discussion during the March 14 meeting. Members of the district's administrative team are currently reviewing and spot checking these policies to ensure they align with the district's current practices.

Proposed Changes to Policies and Exhibits from PRESS

The policy review team reviewed/discussed the proposed changes to the policies and exhibits that were featured in the October 2016 Update Memo provided by PRESS. While the board does not normally review administrative procedures or exhibits, there are several exhibits dealing with school board procedures that PRESS recommends be included in the Board of Education section of the district's policy manual. In order to be included in the manual, these exhibits, along with any changes to them, must be reviewed and approved by the board.

In addition, several of the revisions outlined in the memo from PRESS were limited to the footnotes that correspond with the policies. Since changes to the footnotes do not require board action, the team did not include them in this document.

Below is a summary of the changes from PRESS' October 2016 update, as well as the team's recommendations.

- **Policy 2:120 (Board Member Development)** – PRESS recommends that the following revisions be made to the policy and cross references based on best practices or changes in the law or other policies:
 - Change the first item under the section titled "Mandatory Board Member Training" from:

Each Board member must complete at least 4 hours of professional development leadership

training in education and labor law, financial oversight and accountability, and fiduciary responsibilities within the first year of his or her first term. This requirement is applicable to Board members who are elected after June 13, 2011 or who are appointed to fill a vacancy of at least one year's duration after that date.

to:

Each Board member elected or appointed to fill a vacancy of at least one year's duration must complete at least four hours of professional development leadership training in education and labor law, financial oversight and accountability, and fiduciary responsibilities within the first year of his or her first term.

- Add a new optional subhead/section titled "Professional Development; Adverse Consequences of School Exclusion; Student Behavior." Per Illinois School Code, board members are encouraged to participate in training on these issues.
- Change the cross reference for policy 2:125 to 2:125 (Board Member Compensation; Expenses) to reflect the new name of the policy.

The team recommends that the board approve/adopt the changes as written.

- **Policy 2:200 (Types of School Board Meetings)** – PRESS recommends that the following revisions be made to the policy and cross references based on best practices or changes in the law or other policies:
 - Add the following sentence to item one under the section titled "Closed Meetings" to align the policy with a change in the law based on Public Act 99-646:

However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with [the Open Meetings Act]. 5 ILCS 120/2(c)(1), amended by P.A. 99-646.

- Change from 10 to ten in the third sentence under the section titled "Regular Meetings."
- Change from 3 to three in the second to last sentence/paragraph under the section titled "Closed Meetings" and in the first sentence under the section titled "Special Meetings."

The team recommends that the board approve/adopt the changes as written.

- **Policy 2:220 (School Board Meeting Procedure)** – PRESS recommends that the following revisions be made to the policy and cross references based on changes in the law, more specifically Public Acts 99-794 and 99-515, and other policies:
 - Change the second to last paragraph under the section titled "Minutes" from:

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

to:

Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection, except that Board members may access closed session minutes not yet released for public inspection (1) in the District’s administrative offices or their official storage location, and (2) in the presence of the Recording Secretary, the Superintendent or designated administrator, or any elected Board member. The minutes, whether reviewed by members of the public or the Board, shall not be removed from the District’s administrative offices or their official storage location except by vote of the Board or by court order.

- Change the last two paragraphs under the section titled “Verbatim Record of Closed Meetings” from:

Individual Board members may listen to verbatim recordings when that action is germane to their responsibilities while on School District premises at a designated location. Under no circumstances are recordings to be removed from the District premises.

In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

to:

Individual Board members may access verbatim recordings in the presence of the Recording Secretary, the Superintendent or designated administrator, or any elected Board member. Access to the verbatim recordings is available at the District’s administrative offices or the verbatim recording’s official storage location. Requests shall be made to the Superintendent or Board President. While a Board member is listening to a verbatim recording, it shall not be re-recorded or removed from the District’s main office or official storage location, except by vote of the Board or by court order.

Before making such requests, Board members should consider whether such requests are germane to their responsibilities, service to District, and/or Oath of Office in policy 2:80, *Board Member Oath and Conduct*. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

- Add policy 2:80 (Board Member Oath and Conduct) to the cross references.

The team recommends that the board approve/adopt the changes as written. In addition to approving/adopting these changes, the board has to decide if it wants to revise the final sentence under the section titled “Voting Method.” In our current version of the policy, the sentence reads:

Any Board member may include a written explanation of his or her vote in the District file containing individual Board member statements; the explanation will not be part of the minutes.

The board can leave the sentence as is, or change it to one of the following options:

Option 1

An individual Board member may request that a roll call vote be taken on any other matter; the President or other presiding officer may approve or deny the request but a denial is subject to being overturned by a majority vote of the members present.

Option 2

Any Board member may request that his or her vote be changed before the President announces the result.

- **First Exhibit for Policy 2:220 (School Board Meeting Procedure)** – PRESS recommends that the exhibit be renamed (i.e., change from Record to Recordings in the title) and that information related to board member access to the verbatim recordings and closed session minutes be updated to reflect changes to 5 ILCS 120/2.06 (e), which was amended in accordance with Public Act 99-515.

The team recommends that the board approve/adopt the changes as written.

- **Second Exhibit for Policy 2:220 (School Board Meeting Procedure)** – PRESS recommends that the exhibit be updated to reflect the implementation of the Local Government Travel Expense Control Act in accordance with Public Act 99-604.

The team recommends that the board approve/adopt the changes as written.

- **Fifth Exhibit for Policy 2:220 (School Board Meeting Procedure)** – PRESS recommends that the following language be added to the fourth step of the exhibit in response to Public Act 99-515.

and (4) maintains logs for access to closed session minutes pursuant to 5 ILCS 120/2.06(e), amended by P.A. 99-515.

The team recommends that the board approve/adopt the change as written.

- **Seventh Exhibit for Policy 2:220 (School Board Meeting Procedure)** – PRESS recommends adding this exhibit, which features sample implementation logistics, in response to Public Act 99-515.

The team recommends that the board approve/adopt the addition of this exhibit to the policy manual.

- **Eighth Exhibit for Policy 2:220 (School Board Meeting Procedure)** – PRESS recommends adding this optional exhibit, which summarizes school board records maintenance requirements under the Open Meetings Act (OMA) and the Local Records Act. It also includes a chart depicting answers to frequently asked questions about the approval, review, public release and destruction of minutes and verbatim recordings of both open and closed board meetings.

The team recommends that the board approve/adopt the addition of this exhibit to the policy manual with one revision. The district does not currently use the third exhibit for policy 2:220. As a result, we suggest removing the information about it that is featured in the section titled “Open Meetings Act.”

- **Policy 5:10 (Equal Employment Opportunity and Minority Recruitment)** – PRESS recommends revising the legal references in response to a change in the Privacy in the Workplace Law, 820 ILCS 55/10(b), which was amended in accordance with Public Act 99-610.

The team recommends that the board approve/adopt the changes as written.

- **Policy 5:125 (Personal Technology and Social Media; Usage and Conduct)** – PRESS recommends that the following revisions be made to the policy and cross references based on feedback from its advisory board and subscribers:

- Change the second sentence under the definition for social media from:

This includes *Facebook, LinkedIn MySpace, Twitter, and YouTube.*

to:

This includes, but is not limited to, services such as *Facebook, LinkedIn, Twitter, Instagram, Snapchat, and YouTube.*

- Add 5:100 (Staff Development Program) to the first item under the section titled “Usage and Conduct” and to the cross references.

The team recommends that the board approve/adopt the changes as written.

- **Policy 5:185 (Family and Medical Leave)** – PRESS recommends that the policy be updated for “non-substantive purposes” and “in response to some terminology changes in the regulations.” The primary proposed revision is to change the second sentence of the first item under the section titled “Eligibility” from:

However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.

to:

However, the District will not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring, except when the service break is due to fulfillment of a covered service obligation under the employee’s Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., or when a written agreement exists concerning the District's intention to rehire the employee.

The team recommends that the board approve/adopt the changes as written.

- **Policy 5:280 (Duties and Qualifications)** – PRESS recommends that the reference to No Child Left Behind (NCLB) be removed from the legal references. The team recommends that the board approve/adopt this change as written.
- **Policy 6:15 (School Accountability)** – PRESS recommends that information regarding NCLB be removed from the policy. The team recommends that the board approve/adopt the changes as written.
- **Policy 6:60 (Curriculum Content)** – Most of PRESS’ recommended changes to the policy, legal references and cross references are specific to high schools. However, there are three revisions that apply to our district that the team recommends the board approve/adopt as written. These revisions include:
 - Changing the name of policy 7:260 to Exemption from Physical Education in item eight and the cross references.
 - Changing the name of policy 7:190 to Student Behavior in the cross references.
- **Policy 6:170 (Title I Programs)** – PRESS recommends that the policy and Incorporated by Reference section be updated to reflect the new Title I program requirements under ESEA, which was amended in

accordance with ESSA. More specifically, references to parental involvement would be changed to parent and family engagement. The team recommends that the board approve/adopt the changes as written.

- **Policy 7:15 (Title I Programs)** – PRESS recommends that the following revisions be made to the policy and cross references to align them more closely with policy 7:240 (Conduct Code for Participants in Extracurricular Activities):
 - Add the following as the third item under the section titled “Physical Exams or Screenings:”

Is administered pursuant to the District’s extracurricular drug and alcohol testing program (see Policy 7:240, Conduct Code for Participants in Extracurricular Activities).
 - Move “Is otherwise authorized by Board policy” to item four under the section titled “Physical Exams or Screenings.”
 - Add 7:240 (Conduct Code for Participants in Extracurricular Activities) and 7:300 (Extracurricular Athletics) to the cross references.

The team recommends that the board approve/adopt the changes as written.

- **Policy 7:30 (Student Assignment and Intra-District Transfer)** – PRESS recommends that references to transfers pursuant to Title I that are covered in policy 6:15 (School Accountability) be removed from the policy and cross references. These transfers are no longer required due to the repeal of NCLB by ESSA. The team recommends that the board approve/adopt the changes as written.
- **Policy 7:190 (Student Behavior)** – PRESS recommends making non-substantive changes to the policy that include quality assurance updates and the removal of expired effective dates. The team recommends that the board approve/adopt the changes as written.
- **Policy 7:310 (Restrictions on Publications; Elementary Schools)** – PRESS recommends changing the title of the policy to “restrict it to elementary students in response to the Speech Rights of Student Journalists Act, 105 ILCS 80/1, added by Public Act 99-678, which applies to high school students only.” The team recommends that the board approve/adopt the change as written.
- **Policy 8:70 (Accommodating Individual with Disabilities)** – PRESS recommends that the following revisions be made to the policy and legal references:
 - Update an outdated responsibility of the Title II Coordinator.
 - Change the third legal reference from 105 ILCS 5/10-20.46 to 105 ILCS 5/10-20.51.

The team recommends that the board approve/adopt the changes as written.

Policy 4:12 (Finance Goals and Objectives)

During its meeting on February 14, 2017, the board discussed a proposed change to policy 4:12 (Finance Goals and Objectives) that would lower the top end of the district’s targeted overall fund balance from 75 percent to 50 percent. The team recommends that the board approve/adopt the change.

Policy 5:240 (Suspension)

The current version of policy 5:240 (Suspension) states that only the Board of Education has the authority to suspend a professional employee without pay. The administration contacted the board attorney to inquire about

whether the policy could be revised to give the superintendent the authority to immediately suspend an employee without board approval if that individual participates in significantly egregious behavior. The attorney confirmed that changes could be made to the policy that would give the superintendent the flexibility to suspend a professional employee, without pay, without initial board approval. However, such changes would also need to include:

- Language about pre- and post-suspension due process rights that provide the professional employee with sufficient notice of the charges, an opportunity to rebut those charges, and a mechanism to appeal the superintendent's decision through a hearing before the board.
- Language that complies with Article VII(F) of the Oak Park Teachers' Association's (OPTA) collective bargaining agreement, which governs the suspension of a teacher.

In addition, the attorney informed us that the OPTA had the right to mid-term bargain over any changes to the terms and conditions of employment, which would include revisions to policy 5:240. With this in mind, we shared the proposed changes with the OPTA, as well as our reasons/rationale for making them. We then worked with the OPTA and board attorney to revise the policy to achieve the stated goal of providing the superintendent with the authority to suspend professional employees, without pay, without initial board approval, while also granting those employees their due process rights and complying with the OPTA's collective bargaining agreement. The updated version of the policy is attached with recommended changes in bold text.

The team recommends that the board approve/adopt the changes to this policy as written.