

Operational Services

Revenue and Investments ¹

Revenue

The Superintendent or designee is responsible for making all claims for property tax revenue, State Aid, special State funds for specific programs, federal funds, and categorical grants.

Investments

The Superintendent shall either appoint a Chief Investment Officer or serve as one. ² The Chief Investment Officer shall invest money that is not required for current operations, in accordance with this policy and State law. ³

The Chief Investment Officer and Superintendent shall use the standard of prudence when making investment decisions. They shall use the judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of their capital as well as its probable income. ⁴

Investment Objectives ⁵

The objectives for the School District's investment activities are:

1. Safety of Principal - Every investment is made with safety as the primary and over-riding concern. Each investment transaction shall ensure that capital loss, whether from credit or market risk, is avoided.
2. Liquidity - The investment portfolio shall provide sufficient liquidity to pay District obligations as they become due. In this regard, the maturity and marketability of investments shall be considered.
3. Rate of Return - The highest return on investments is sought, consistent with the preservation of principal and prudent investment principles.
4. Diversification - The investment portfolio is diversified as to materials and investments, as appropriate to the nature, purpose, and amount of the funds.

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

¹ Each district must have an investment policy (30 ILCS 235/2.5); its detail and complexity must be appropriate to the nature of the funds, the funds' purpose, and the amount of the public funds within the investment portfolio.

² 30 ILCS 235/2.5(a)(7). Districts having a chief business official may use this alternative: "The Chief Business Official shall serve as the District's Chief Investment Officer." If a Township Treasurer manages the district funds, substitute this sentence: "The Township Treasurer shall serve as the Chief Investment Officer."

³ Township and school treasurers are authorized by 105 ILCS 5/8-7 to enter into agreements regarding the deposit, investment, and withdrawal of district funds.

⁴ The policy must include a standard of care (30 ILCS 235/2.5(a)(2).

⁵ The policy must address safety, liquidity, return (30 ILCS 235/2.5(a), as well as diversification (30 ILCS 235/2.5(a)(4). These objectives also serve as investment guidelines (30 ILCS 235/2.5(a)(3). How these are addressed is at the board's discretion.

Authorized Investments ⁶

The Chief Investment Officer may invest District funds in one or more of the following:

1. Bonds, notes, certificates of indebtedness, treasury bills, or other securities now or hereafter issued, that are guaranteed by the full faith and credit of the United States of America as to principal and interest.
2. Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and its instrumentalities.

The term “agencies of the United States of America” includes: (i) the federal land banks, federal intermediate credit banks, banks for cooperative, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 and Acts amendatory thereto, (ii) the federal home loan banks and the federal home loan mortgage corporation, and (iii) any other agency created by Act of Congress.

3. Interest-bearing savings accounts, interest-bearing certificates of deposit or interest-bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.
4. Short term obligations of corporations organized in the United States with assets exceeding \$500,000,000 if: (i) such obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and that mature not later than 270 days from the date of purchase, (ii) such purchases do not exceed 10% of the corporation’s outstanding obligations, and (iii) no more than one-third of the District’s funds may be invested in short term obligations of corporations.
5. Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of any such money market mutual fund is limited to obligations described in paragraph (1) or (2) and to agreements to repurchase such obligations.
6. Short term discount obligations of the Federal National Mortgage Association or in shares or other forms of securities legally issuable by savings banks or savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States. Investments may be made only in those savings banks or savings and loan associations, the shares, or investment certificates that are insured by the Federal Deposit Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. All such securities so purchased shall mature or be redeemable on a date or dates prior to the time when, in the judgment of the Chief Investment Officer, the public funds so invested will be required for expenditure by the District or its governing authority.
7. Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principle office of any such credit union must be located within the State of Illinois. Investments may be made only in those credit unions the accounts of which are insured by applicable law.

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

⁶ The policy must contain a “listing of authorized investments” (30 ILCS 235/2.5(a)(1)). Investments from which a board may choose are all listed in this policy (see 30 ILCS 235/2, amended by P.A. 96-741). Alternatively, a board may refer to that law by stating: “The Chief Investment Officer may invest any District funds in any investment as authorized in 30 ILCS 235/2, and Acts amendatory thereto.”

8. A Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act. The District may also invest any public funds in a fund managed, operated, and administered by a bank, subsidiary of a bank, or subsidiary of a bank holding company or use the services of such an entity to hold and invest or advise regarding the investment of any public funds.
9. The Illinois School District Liquid Asset Fund Plus.⁷
10. Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986, as now or hereafter amended or succeeded, subject to the provisions of said Act and the regulations issued there under. The government securities, unless registered or inscribed in the name of the District, shall be purchased through banks or trust companies authorized to do business in the State of Illinois.

Except for repurchase agreements of government securities that are subject to the Government Securities Act of 1986, as now or hereafter amended or succeeded, the District may not purchase or invest in instruments that constitute repurchase agreements, and no financial institution may enter into such an agreement with or on behalf of the District unless the instrument and the transaction meet all of the following requirements:

- a. The securities, unless registered or inscribed in the name of the District, are purchased through banks or trust companies authorized to do business in the State of Illinois.
- b. The Chief Investment Officer, after ascertaining which firm will give the most favorable rate of interest, directs the custodial bank to "purchase" specified securities from a designated institution. The "custodial bank" is the bank or trust company, or agency of government, that acts for the District in connection with repurchase agreements involving the investment of funds by the District. The State Treasurer may act as custodial bank for public agencies executing repurchase agreements.
- c. A custodial bank must be a member bank of the Federal Reserve System or maintain accounts with member banks. All transfers of book-entry securities must be accomplished on a Reserve Bank's computer records through a member bank of the Federal Reserve System. These securities must be credited to the District on the records of the custodial bank and the transaction must be confirmed in writing to the District by the custodial bank.
- d. Trading partners shall be limited to banks or trust companies authorized to do business in the State of Illinois or to registered primary reporting dealers.
- e. The security interest must be perfected.
- f. The District enters into a written master repurchase agreement that outlines the basic responsibilities and liabilities of both buyer and seller.
- g. Agreements shall be for periods of 330 days or less.
- h. The Chief Investment Officer informs the custodial bank in writing of the maturity details of the repurchase agreement.
- i. The custodial bank must take delivery of and maintain the securities in its custody for the account of the District and confirm the transaction in writing to the District. The custodial

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

⁷ The Illinois School District Liquid Asset Fund Plus is an Illinois trust organized to permit Illinois school districts, community colleges, and educational service regions to pool their investment funds to obtain the highest possible investment yield consistent with maintaining liquidity and preserving capital, and to engage in cooperative cash management activities resulting in more efficient financial resource utilization. The program was developed in cooperation with the Illinois Association of School Boards, the Illinois Association of School Business Officials, and the Illinois Association of School Administrators. To receive marketing information and the name of the marketing representative, contact: PMA Financial Network, Inc., Illinois School District Liquid Asset Fund Plus, www.isdlafplus.com, 27545 Diehl Road, Warrenville, Illinois 60555; or call 1-866-747-4477.

undertaking shall provide that the custodian takes possession of the securities exclusively for the District; that the securities are free of any claims against the trading partner; and that any claims by the custodian are subordinate to the District's claims to rights to those securities.

- j. The obligations purchased by the District may only be sold or presented for redemption or payment by the fiscal agent bank or trust company holding the obligations upon the written instruction of the Chief Investment Officer.
- k. The custodial bank shall be liable to the District for any monetary loss suffered by the District due to the failure of the custodial bank to take and maintain possession of such securities.

- 11. Any investment as authorized by the Public Funds Investment Act, and Acts amendatory thereto. Paragraph 11 supersedes paragraphs 1-10 and controls in the event of conflict.

Except as provided herein, investments may be made only in banks, savings banks, savings and loan associations, or credit unions that are insured by the Federal Deposit Insurance Corporation or other approved share insurer. **8**

Selection of Depositories, Investment Managers, Dealers, and Brokers **9**

The Chief Investment Officer shall establish a list of authorized depositories, investment managers, dealers and brokers based upon the creditworthiness, reputation, minimum capital requirements, qualifications under State law, as well as a long history of dealing with public fund entities. The Board will review and approve the list at least annually.

In order to be an authorized depository, each institution must submit copies of the last 2 sworn statements of resources and liabilities or reports of examination that the institution is required to furnish to the appropriate State or federal agency. **10** Each institution designated as a depository shall, while acting as such depository, furnish the District with a copy of all statements of resources and liabilities or all reports of examination that it is required to furnish to the appropriate State or federal agency. **11**

The above eligibility requirements of a bank to receive or hold public deposits do not apply to investments in an interest-bearing savings account, interest-bearing certificate of deposit, or interest-bearing time deposit if: (1) the District initiates the investment at or through a bank located in Illinois, and (2) the invested public funds are at all times fully insured by an agency or instrumentality of the federal government. **12**

The District may consider a financial institution's record and current level of financial commitment to its local community when deciding whether to deposit funds in that financial institution. The District may consider factors including: **13**

- 1. For financial institutions subject to the federal Community Reinvestment Act of 1977, the current and historical ratings that the financial institution has received, to the extent that those ratings are publicly available, under the federal Community Reinvestment Act of 1977;

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

8 30 ILCS 235/2.

9 The policy must address these topics (30 ILCS 235/2.5(a)(11).

10 30 ILCS 235/6.

11 Id.

12 30 ILCS 235/6.5.

13 This paragraph is optional, but is authorized by 30 ILCS 235/8.

2. Any changes in ownership, management, policies, or practices of the financial institution that may affect the level of the financial institution's commitment to its community;
3. The financial impact that the withdrawal or denial of District deposits might have on the financial institution;
4. The financial impact to the District as a result of withdrawing public funds or refusing to deposit additional public funds in the financial institution; and
5. Any additional burden on the District's resources that might result from ceasing to maintain deposits of public funds at the financial institution under consideration.

Collateral Requirements 14

All amounts deposited or invested with financial institutions in excess of any insurance limit shall be collateralized in accordance with the Public Funds Investment Act, 30 ILCS 235/6(d). ~~The Superintendent or designee shall keep the Board must approve each~~ informed of collateral agreements.

Safekeeping and Custody Arrangements 15

The preferred method for safekeeping is to have securities registered in the District's name and held by a third-party custodian. Safekeeping practices should qualify for the Governmental Accounting Standards Board Statement No. 3 Deposits with Financial Institutions, Investments (including Repurchase Agreements), and Reverse Repurchase Agreements, Category I, the highest recognized safekeeping procedures.

Controls and Report 16

The Chief Investment Officer shall establish a system of internal controls and written operational procedures to prevent losses arising from fraud, employee error, misrepresentation by third parties, or imprudent employee action.

The Chief Investment Officer shall provide a quarterly investment report to the Board. The report will: (1) assess whether the investment portfolio is meeting the District's investment objectives, (2) identify each security by class or type, book value, income earned, and market value, (3) identify those institutions providing investment services to the District, and (4) include any other relevant information. The investment portfolio's performance shall be measured by appropriate and creditable industry standards for the investment type. 17

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

14 Collateral requirements are permissive; if used, guidelines regarding their use must be included in the policy (30 ILCS 235/2.5(a)(5)). The requirements for collateral agreements are in 30 ILCS 235/6(d). ~~, amended by P.A. 95-331.~~ The sample policy ~~makes it clear~~ contains one guideline, that is, that the board ~~must approve~~ be kept informed of collateral agreements. An additional optional guideline follows: "In addition, the financial institution must provide the Board with a copy of its board of directors' meeting minutes evidencing that the board of directors approved the collateral agreement."

15 The policy must address safekeeping and custody arrangements (30 ILCS 235/2.5(a)(5)). Registration requirements are in 30 ILCS 235/3.

16 The policy must provide for internal controls, periodic review, and at least quarterly written investment reports (30 ILCS 235/2.5(a)(6), (9), and (10)). The operational procedures to prevent losses are best addressed by each district in consultation with its auditor and legal counsel. See 4:80, *Accounting and Audits*, and 4:80-AP, *Checklist for Internal Controls*.

17 The policy must include performance measures (30 ILCS 235/2.5(8)).

The Board will determine, after receiving the Superintendent's recommendation, which fund is in most need of interest income and the Superintendent shall execute a transfer. This provision does not apply when the use of interest earned on a particular fund is restricted. **18**

Ethics and Conflicts of Interest **19**

The Board and District officials will avoid any investment transaction or practice that in appearance or fact might impair public confidence. Board members are bound by the Board policy 2:100, *Board Member Conflict of Interest*. No District employee having influence on the District's investment decisions shall:

1. Have any interest, directly or indirectly, in any investments in which the District is authorized to invest,
2. Have any interest, directly or indirectly, in the sellers, sponsors, or managers of those investments, or
3. Receive, in any manner, compensation of any kind from any investments in that the agency is authorized to invest.

LEGAL REF.: 30 ILCS 235/
105 ILCS 5/8-7, 5/10-22.44, 5/17-1, and 5/17-11.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:10 (Fiscal and Business Management), 4:80 (Accounting and Audits)

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

18 105 ILCS 5/10-22.44. "Chief Business Official" may replace "Superintendent." Interest income earned on any funds for IMRF, Tort Immunity Act, Fire Prevention, Safety and Environmental Energy, and Capital Improvement Act are restricted to the respective fund. Id.

19 The policy must address these topics (30 ILCS 235/2.5(a)(12). The conflict of interest prohibition is in 30 ILCS 235/2.

Operational Services

Purchases and Contracts ¹

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

Standards for Purchasing and Contracting

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

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

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. ~~Purchases of items ~~not included in the~~outside budget ~~parameters~~ require prior Board approval, except in an emergency.~~ ³

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

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted. ⁴
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21. ~~The Superintendent or designee shall keep a record of: ~~(1) each vendor, product, or~~~~

~~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. Many laws govern district contracts. For example, the Prevailing Wage Act requires, among other things, that a district specify in all contracts for public works that the prevailing wage rate must be paid (820 ILCS 130/). ~~When a district awards work to a contractor without a public bid, contract, or project specification, the district must provide the contractor with written notice on the purchase order or a separate document indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project (820 ILCS 130/4, amended by P.A. 96-437).~~

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

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

⁴ See 4:60-API, *Purchases*, P.A. 95-990. ~~While raised the statute specifically allows mandatory bidding threshold as provided herein; a board ~~to may~~ set a lower amount by policy but should first seek the advice of its attorney because such action may expand a board’s vulnerability to a bidding challenge; a board should seek the advice of its attorney before doing this. P.A. 96-392 added an exception to mandatory bidding for contracts providing for the transportation of students with special needs or disabilities. P.A. 96-841 added a process for electronic bid opening; however, bids for construction purposes are prohibited from being opened electronically.~~

service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed.- The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget. ⁵

6. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*. ⁶

The Superintendent or designee shall ~~manage~~: (1) execute the execution of reporting and website posting mandates in State law concerning District contracts, including: (1) complying with requirements concerning listing certain expenditures in the Annual Statement of Affairs, (2) listing on the District's website all contracts in excess of \$25,000 and any contracts with an exclusive bargaining representative, and (3) monitoring ² monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided. ⁷

LEGAL REF.: 105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-22.34c, and 5/19b-1 et seq.
820 ILCS 130/~~0.01~~ et seq.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150 (Facility Management and Building Programs)

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

⁵ The mandates in this sub-section are required by 105 ILCS 5/10-20.21.

⁶ 105 ILCS 5/10-20.19c, ~~as amended by P.A. 95-741~~.

⁷ As an alternative, a board may list the mandates as follows, with or without the legal citations in parenthesis:

The Superintendent or designee shall execute the reporting and website posting mandates in State law concerning District contracts, including, but not limited to: (a) listing expenditures as required in the Annual Statement of Affairs (105 ILCS 5/10-17, www.isbe.state.il.us/sfms/afr/asp.htm); (b) listing on the District's website all contracts in excess of \$25,000 (105 ILCS 5/10-20.44, added by P.A. 95-707); (c) posting on the District's website, on or before October 1 of each year, an itemized salary compensation report for administrators and any contract with an exclusive bargaining representative (105 ILCS 5/10-20.46, added by P.A. 96-434); and (d) annually reporting to ISBE, on or before July 1, the salaries and benefits for administrators and teachers (105 ILCS 5/10-20.46, amended by P.A. 96-266).

Operational Services

Administrative Procedure - Purchases

~~All purchases of goods, services, and equipment, except purchases made from the petty cash fund or as otherwise specifically authorized by the Superintendent, shall be made through the use of purchase orders.~~ The School Board Attorney should be consulted, as needed, regarding the legal requirements presented by this administrative procedure as well as before a contract is presented to the Board. ¹ ~~These procedures must be followed for all District purchases:~~

~~A. The following govern awarding contracts for the purchase of supplies, materials or work, and/or contracts with private carriers for transporting students:~~

Requirements for Purchases and Contracts

A. Each of the following requirements describes the type of purchase and/or contract to which it applies; requirements in Sections B and C may also apply to a specific purchase or contract.

1. All purchases of goods or services must be made through the use of contracts or purchase orders, except for those purchases made from petty cash funds or the Imprest Fund, or as otherwise specifically authorized by the Superintendent.

~~1.2.~~ Illinois Use Tax Act compliance: (105 ILCS 5/10-20.21(b) and 35 ILCS 105):

- a. Persons bidding for and awarded a contract, and all affiliates of the person, must collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provision of the Illinois Use Tax Act.
- b. All bids and contracts must include: (1) a certification that the bidder or contractor is not barred from bidding for or entering into a contract, and (2) an acknowledgment that the Board may declare the contract void if the certification is false.

~~2.3.~~ All entities seeking to enter into a contract with the District must provide written certification to the District that it will provide a drug free workplace by complying with the Illinois Drug Free Workplace Act, 30 ILCS 580. All contractors must comply with the notification mandates and other requirements in the Illinois Drug Free Workplace Act, 30 ILCS 580. "Contractor" is defined in the Drug Free Workplace Act as "a corporation, partnership, or other entity with 25 or more employees at the time of letting the contract, or a department, division, or unit thereof, directly responsible for the specific performance under a contract of \$5,000 or more."

~~3.4.~~ Before soliciting bids or awarding a contract for supplies, materials, equipment, or services, a certified education purchasing contract that is already available through a State education purchasing entity (as defined in the Education Purchasing Program, Article 28A of The School Code), may be considered as a bid. 105 ILCS 5/10-20.21(d).

~~4.5.~~ All contracts must include provisions required by State or federal law, as applicable. Topics commonly requiring a provision include equal opportunity employment, prevailing wage, minimum wage, and performance bond.

The footnotes should be removed before the material is used.

¹ Many legal problems will be avoided by early and frequent consultation with the board attorney.

6. The procurement of architectural, engineering, and land surveying services is governed by the Local Government Professional Services Selection Act, 50 ILCS 510/, implemented by 2:170-AP, Administrative Procedure - Qualified Based Selection.
- ~~5.7.~~ All contracts in excess of \$25,000 and all contracts with an exclusive bargaining representative must be listed on the District's website, if any. 105 ILCS 5/10-20.40. Each contract with an exclusive bargaining representative must be posted on the website, if any. 105 ILCS 5/10-20.46, amended by P.A. 96-434.
- B. The following govern ~~purchasing, and/or awarding~~ all purchases and/or the award of contracts for ~~the purchase of,~~ supplies, materials, or work, and/or contracts with private carriers for transporting ~~pupils~~ students, involving: (a) an expenditure of \$25,000 or less, or (b) in an emergency, ~~expenditures~~ an expenditure in excess of \$25,000, provided such expenditure is approved by three-quarters of the Board.²
1. Telephone quotations, verbal quotations, or catalog prices are used to purchase materials that are needed urgently, or small quantity orders.
 2. Written quotations are used to purchase materials or services when time requirements allow. Whenever possible, quotations should be received from at least 2 competitors. The Superintendent or designee may negotiate with vendors at any time, including after receiving quotations.
- C. The following govern ~~purchasing~~ all purchases and/or awarding the award of contracts involving an expenditure in excess of \$25,000 for ~~purchase of~~ supplies, materials, or work, and/or contracts with private carriers for transporting ~~pupils~~ students. 105 ILCS 5/10-20.21(a), amended by P.A. 95-990 and P.A. 96-392.
1. Contracts are awarded to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, except contracts or purchases for:
 - a. Services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;
 - b. Printing of finance committee reports and departmental reports;
 - c. Printing or engraving of bonds, tax warrants, and other evidences of indebtedness;
 - d. Purchase of perishable foods and perishable beverages;
 - e. Materials and work that have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price;
 - f. Maintenance or servicing of, or provision of repair parts for, equipment ~~that~~ which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent;
 - g. Use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;

The footnotes should be removed before the material is used.

²~~Section~~ The safeguards in section B is of this procedure are not governed by State law except for the provisions on transportation contracts (105 ILCS 5/29-6.1) and the ~~extra-board majority vote~~ requirement that three-quarters of the board approve an emergency expenditure in excess of \$25,000 when the bidding process is not used (105 ILCS 5/10-20.21), ~~as amended by P.A. 95-990). While the statute specifically states that a board may set a lower amount by policy, such action may expand a board's vulnerability to a bidding challenge; a board should seek the advice of its attorney before doing this.~~

- h. Duplicating machines and supplies;
 - i. Natural gas when the cost is less than that offered by a public utility;
 - j. Equipment previously owned by some entity other than the District itself;
 - k. Repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility;
 - l. Goods or services procured from another governmental agency;
 - m. Goods or services that are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone, or telegraph; ³
 - n. Emergency expenditures when such an emergency expenditure is approved by three-quarters of the members of the Board; ~~and~~
 - o. Goods procured through an education master contract, as defined in the Education Purchasing Program, Article 28A of The School Code; ~~and~~
 - p. Providing for the transportation of students with special needs or disabilities, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder(s) most able to provide safety and comfort for the students with special needs or disabilities, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price.
2. Competitive bidding process: ⁴
- a. An invitation for bids is advertised, where possible, by public notice at least 10 days before the bid date in a newspaper published in the District, or if no newspaper is published in the District, in a newspaper of general circulation in the area of the District. 105 ILCS 5/10-20.21(a).
 - b. The following information should be included in the advertisement for bids:
 - 1) A description of the materials, supplies, or work involved;
 - 2) Completion or delivery date requirements;
 - 3) Requirements for bids, bonds, ~~and~~/or deposits;
 - 4) Requirements for performance, labor, and material payment bonds;
 - 5) Date, time, and place of the bid opening;
 - 6) The approximate time period between the opening of bids and the award of the contract; and
 - 7) Any other useful information.
 - c. If specifications are available, the advertisement for bids describes where they may be obtained and/or inspected.
 - d. All bids must be sealed by the bidder. 105 ILCS 5/10-20.21(a).

The footnotes should be removed before the material is used.

³ See Tarsitano v. The Bd. of Ed. of Tsp. H.S. Dist. No. 211, 896 N.E.2d 359 (Ill.App.1., 2008-WL 4445006,-) (holding that school districts may ~~continue to~~ enter into contracts for utility services, such as “water, light, heat, telephone or telegraph,” without ~~engaging in The School Code’s using the~~ competitive bidding process).

⁴ ~~Only subsections a, d, and e are mandatory (105 ILCS 5/10-20.21(a), as amended by P.A. 95-990).~~ The Ill. Criminal Code, 720 ILCS 5/33E-1 et seq., prohibits certain conduct that promotes deception and collusion arising during the bidding process, e.g., interference with public contracting, bid-rigging, and acquisition or disclosure of bidding information by public official.

d.e. A Board member or District employee opens the bids at a public bid opening at which time the contents are announced. 105 ILCS 5/10-20.21(a). With the exception of bids for construction purposes, bids may be communicated, accepted, and opened electronically. The following safeguards apply to an electronic bid opening (105 ILCS 5/10-20.21, amended by P.A. 96-841):

- 1) On the date and time of a bid opening, the primary person conducting the electronic bid process shall log onto a specified database using a unique username and password previously assigned to the bidder to allow access to the bidder's specific bid project number.
- 2) The specified electronic database must be on a network that: (i) is in a secure environment behind a firewall; (ii) has specific encryption tools; (iii) maintains specific intrusion detection systems; (iv) has redundant systems architecture with data storage back-up, whether by compact disc or tape; and (v) maintains a disaster recovery plan.

e.f. Each bidder is given at least 3 days' notice of the time and place of the bid opening. 105 ILCS 5/10-20.21(a).

3. Following the opening of bids, the Superintendent (and Board Attorney, if needed) determines the lowest responsible bidder and ~~verify~~ verifies the bidders' qualifications. Contracts are awarded at a properly called open meeting of the Board. If the Superintendent recommends a bidder other than the lowest bidder, the Superintendent must provide the Board with the factual basis for the recommendation in writing. The Board, if it accepts a bid from a bidder other than the lowest, records the factual basis for its decision in its minutes. A contract arises only when the Board votes to accept a bid, although written notice of the award will later be given to the successful bidder.
4. Notwithstanding the foregoing, the District is relieved from bidding when making joint purchases with other public entities in compliance with the Governmental Joint Purchasing Act (30 ILCS 525/0.01).

LEGAL REF.: 30 ILCS 580/, Ill. Drug Free Workplace Act.
50 ILCS 510/, Local Government Professional Services Selection Act.
105 ILCS 5/10-20.21- and 5/10-20.40.

Operational Services

Activity Funds ¹

The School Board, upon the Superintendent or designee's recommendation, establishes student activity funds to be managed by student organizations under the guidance and direction of a staff member for educational, recreational, or cultural purposes. ²

The Superintendent or designee shall ~~:(1)~~ be responsible for supervising student activity funds in accordance with Board policy, 4:80, *Accounting and Audits*, ~~and~~; State law; and ~~(2) have all of the responsibilities listed in~~ the Illinois State Board of Education rules for student activity funds. The Board will appoint a treasurer for each fund to serve as the fund's sole custodian and be bonded in accordance with The School Code. ³ The treasurer shall have all of the responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, including the authority to make loans between activity funds. ⁴

Unless otherwise instructed by the Board, a student activity fund's balance will carry over to the next fiscal year. An account containing student activity funds that is inactive for 12 consecutive months shall be closed and its funds transferred to another student activity fund with a similar purpose. ⁵

LEGAL REF.: 105 ILCS 5/8-2 and 5/10-20.19.
23 Ill.Admin.Code §§100.20 and 100.80.

CROSS REF.: 4:80 (*Accounting and Audits*), 7:325 (*Student Fund-Raising Activities*)

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

¹ State law controls this policy's content. See 105 ILCS 5/10-20.19 and 23 Ill.Admin.Code §100.80. ISBE's rules in Part 125 (*Student Activity Funds and Convenience Accounts*) were in effect only through 6-30-08 after which they were replaced by Part 100. The rules in Part 100 do not provide for "convenience accounts." Another policy, 7:325, *Student Fund-Raising Activities*, contains the elements required by State law for a policy on student fund-raising activities.

² Student activity funds are established to account for money used to support the activities of student organizations and clubs, e.g., homeroom, yearbook, class year, choral or band group, class projects, student clubs, student council, and student-sponsored bookstore (23 Ill.Admin.Code §100.20). The funds are under the school board's control giving it a fiduciary responsibility to safeguard them along with district assets.

³ 105 ILCS 5/8-2.

⁴ ISBE's rule permits the activity fund treasurer to make loans between funds "if and as authorized by the board's policy," (23 Ill.Admin.Code §100.80). A board that does not want to allow loans between activity funds should choose one of these alternatives:

Alternative 1: The treasurer shall have all of the authority and responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer is not authorized to make loans between activity funds.

Alternative 2: The treasurer shall have all of the authority and responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer must have the Board's approval before making a loan between activity funds.

⁵ The authority for this paragraph's first sentence is 23 Ill.Admin.Code §100.80(c); the second sentence is up to the local board's discretion. The following option may be inserted after the first sentence: "However, money remaining in the any Senior Class fund after graduation will automatically transfer to the next year's class."

Operational Services

Transportation ¹

The District shall provide free transportation for any student in the District who resides: (1) at a distance of one and one-half miles or more from his or her assigned school, unless the School Board has certified to the Illinois State Board of Education that adequate public transportation is available, 2 or (2) within one and one-half miles from his or her assigned school where walking to school or to a pick-up point or bus stop would constitute a serious hazard due to vehicular traffic or rail crossing, and adequate public transportation is not available. 3 A student's parent(s)/guardian(s) may file a petition with the Board requesting transportation due to the existence of a serious safety hazard. 4 Free transportation service and vehicle adaptation is provided for a special education student if included in the student's individualized educational program. 5 Non-public school students shall be transported in accordance with State law. 6 Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act. 7

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. A district that chooses to consider locations other than individual students' residences as pick-up and drop-off locations must adopt a policy establishing this practice to receive State reimbursement (23 Ill.Admin.Code §120.30). Each district must have a pre-trip and post-trip inspection policy (625 ILCS 5/12-816, amended by P.A. 96-818). An ISBE rule requires boards to "institute policies and practices that promote the safety and well-being of school bus passengers," (23 Ill.Admin.Code §1.510). See the cross references for such policies and procedures.

² The following districts must provide free transportation as described in the sample policy: community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, and combined school districts if the combined district includes any district that was previously required to provide transportation (105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510(a)). Districts that are not required to provide free transportation may do so (Id.). Districts may provide transportation within 1-1/2 miles and may charge for such transportation (105 ILCS 5/29-2). To qualify for State reimbursement, districts electing to provide transportation when they are not required to do so must afford the same service to all students in that same situation (23 Ill.Admin.Code §1.510(b)).

Optional provision: (105 ILCS 5/29-3.1)

The District may provide transportation to and from school-sponsored activities and may charge for such transportation.

³ 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510.

⁴ Required by 105 ILCS 5/29-3. If a petition is filed, the district must conduct a study and forward its findings to the Illinois Department of Transportation for review.

⁵ ~~34 C.F.R. §300.34 and 23 Ill.Admin.Code §§226.750, 20d(5), 226.910, and 226.960.~~

⁶ 105 ILCS 5/29-3.2 and 5/29-4.

⁷ 42 U.S.C. §11431 et seq., amended by the No Child Left Behind Legislation of 2001. This federal legislation requires a district to provide transportation to a homeless student at the request of the parent/guardian (or in the case of an unaccompanied youth, the Liaison for Homeless Children), to and from the school of origin [42 U.S.C. §11432(g)(1)(J)(iii)]. The term *school of origin* means the school that the student attended when permanently housed or the school in which the student was last enrolled [42 U.S.C. §11432(g)(3)(G)]. Transportation must be arranged as follows:

1. If the homeless student continues to live in the area served by the school district in which the school of origin is located, the student's transportation to and from the school of origin shall be provided or arranged by the district in which the school of origin is located [42 U.S.C. §11432(g)(1)(J)(iii)(D)].
2. If the homeless student's living arrangements in the area served by the district of origin terminate and the student, though continuing his or her education in the school of origin, begins living in an area served by another school district, the district of origin and the district in which the homeless student is living shall agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally [42 U.S.C. §11432(g)(1)(J)(iii)(II)].

If a student is at a location within the District, other than his or her residence, for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the 1½ miles from the school attended. Unless the Superintendent or designee establishes new routes, pick-up and drop-off locations for students in day care must be along the District's regular routes. The District will not discriminate among types of locations where day care is provided, which may include the premises of licensed providers, relatives' homes, or neighbors' homes. 8

Bus schedules and routes shall be determined by the Superintendent or designee and shall be altered only with the Superintendent or designee's approval and direction. In fixing setting the routes, the pick-up and discharge points should be as safe ~~and convenient~~ for students as possible. 9

No school employee may transport students in school or private vehicles unless authorized by the administration. 10

Every vehicle regularly used for the transportation of students must pass safety inspections in accordance with State law and Illinois Department of Transportation regulations. 11 The strobe light on a school bus may be illuminated any time a bus is bearing one or more students. 12 The Superintendent shall implement procedures in accordance with State law for accepting comment calls about school bus driving. 13

All contracts for charter bus services must contain the clause prescribed by State law regarding criminal background checks for bus drivers. 14

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

8 This paragraph may be deleted if a district will not seek State reimbursement for transportation to and from locations other than individual students' residences. As a condition for receiving State reimbursement, an ISBE rule requires boards to have a policy with the provisions in this paragraph (23 Ill.Admin.Code §120.30). This rule also contains the non-discrimination language.

9 The paragraph is optional. As an alternative, a board may state that pick-up and discharge points "should be as safe and convenient as possible."

10 Optional. This presents an opportunity for each board to discuss this issue with the superintendent and direct the superintendent to include it in the curriculum for the required in-service on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39, amended by P.A. 96-431). See 5:120, *Ethics* (f/n 2), and 5:100 *Staff Development* (f/n 3), for more detailed discussions. Include policies 5:100, *Staff Development* and 5:120, *Ethics*, in the cross references when this sentence is used.

11 625 ILCS 5/13-109.

625 ILCS 5/11-1414.1, amended by P.A. 96-410, requires districts to transport students to and from any curriculum-related school activity in a school bus or vehicle as defined at 625 ILCS 5/1-182, amended by P.A. 96-410. This transportation includes: (1) to and from home and school, (2) tripper or shuttle services between school attendance centers, (3) to and from a vocational or career center or other trade-skill development site, (4) to and from a regional safe school, (5) to and from a school-sponsored alternative learning program, and (6) trips directly related to the regular curriculum of a student for which he or she earns credit.

105 ILCS 5/29-6.3, amended by P.A. 96-410, requires districts to transport students to and from specified interscholastic or school-sponsored activities in: (1) a school bus (see definition in above paragraph), (2) a vehicle manufactured to transport not more than 10 persons including the driver, or (3) a multifunction school-activity bus manufactured to transport not more than 15 persons including the driver (defined at 625 ILCS 5/1-148.3a-5, added by P.A. 96-410). These activities do not require student participation as part of the education services of the district and are not associated with the regular class-for-credit schedule or required 5 clock hours of instruction.

12 625 ILCS 5/12-815.

13 625 ILCS 5/12-821(b), amended by both P.A. 95-176 and 96-410, requires districts that own school busses (P.A. 95-176) and multifunction school activity busses (P.A. 96-410) to establish procedures for accepting comment calls and responding to them. In accordance with good governance principles, this duty is delegated to the superintendent. For a sample procedure, see 4:110-AP2, *Pre-Trip and Post-Trip Inspection; Bus Driving Comments*.

14 105 ILCS 5/10-20.21a, requires all contracts for providing charter bus services to transport students to or from interscholastic athletic or interscholastic or school sponsored activities to contain clause (A) except that a contract with an out-of-state company may contain clause (B) or clause (A). The clause must be set forth in the contract's body in at least 12 points typeface and all upper case letters:

Pre-Trip and Post-Trip Vehicle Inspection 15

The Superintendent or designee shall develop and implement a pre-trip and post-trip inspection procedure to ensure that the school bus driver: (1) tests the two-way radio and ensures that it is functioning properly before the bus is operated, and (2) walks to the rear of the bus before leaving the bus at the end of each route, work shift, or work day, to check the bus for children or other passengers in the bus.

(A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

(B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

15 625 ILCS 5/12-816(a), amended by P.A. 96-818, requires school districts to have a school bus pre- and post-trip inspection policy with the components as contained in this policy. See also 23 Ill.Admin.Code §1.510(i)(3) and 92 Ill.Admin.Code §440-3. For a sample procedure, see 4:110-AP2, *Pre-Trip and Post-Trip Inspection; Bus Driving Comments*. School district contracts with a private sector school bus company must require the company to have a pre- and post-trip inspection policy that is equivalent to this section of the policy (625 ILCS 5/12-816(b), amended by P.A. 96-818).

Each school bus must contain an operating two-way radio while the school bus driver is in possession of a school bus (625 ILCS 5/12-813, amended by P.A. 96-818). The two-way radio must be turned on and adjusted in a manner that would alert the driver of an incoming communication request. Two-way radios may not be as effective as cell phones: they do not work when the bus driver is out of the bus with children (the radio is in the bus but the driver is with the children on a field trip, for example) and their range may be inferior to that of cell phones. Bus drivers may still have cell phones although they are generally prohibited from using them while the bus is in motion (625 ILCS 5/12-813.1). Four important exceptions allow a driver to use a cell phone while operating a bus: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) if "a cellular radio telecommunication device ... has a digital two-way radio service capability owned and operated by the school district, when that device is being used as a digital two-way radio;" and (34) when the bus is parked (625 ILCS 5/12-813.1(c)).

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
105 ILCS 5/10-22.22 and 5/29-1 et seq.
105 ILCS 45/1-15.
625 ILCS 5/1-148.3a-5, 5/1-182, 5/11-1414.1, 5/12-815, 5/12-816, 5/12-821, and
5/13-109.
23 Ill.Admin.Code §§1.510 and 226.~~935~~750; Part 120.
92 Ill.Admin.Code §440-3.

CROSS REF.: 4:170 (Safety), 5:100 (Staff Development), 5:120 (Ethics), 5:280 (Educational
Support Personnel - Duties and Qualifications), 6:140 (Education of Homeless
Children), 7:220 (Bus Conduct)

ADMIN. PROC.: 4:110-AP2 (Pre-Trip and Post-Trip Inspection; Bus Driving Comments), 4:170-
AP3 (School Bus Safety Rules), 4:170-E3 (Emergency Medical Information for
Students Having Special Needs or Medical Conditions Who Ride School Buses),
6:140-AP (Education of Homeless Children)

Operational Services

Safety 1

Safety Program

All District operations, including the education program, shall be conducted in a manner that will promote the safety of everyone on District property or at a District event. ²

The Superintendent or designee shall develop and implement a comprehensive safety and crisis plan incorporating both avoidance and management guidelines. ³ The comprehensive safety and crisis plan shall specifically include provisions for: injury prevention; bomb threats, weapons, and explosives on campus; school safety drill program; ⁴ tornado protection; instruction in safe bus riding practices;⁵ emergency aid; post-crisis management; and, responding to medical emergencies at an indoor and outdoor physical fitness facility. ⁶ During each academic year, each school building that houses school children must conduct a minimum of: ⁷

1. Three school evacuation drills,
2. One bus evacuation drill, and
3. One severe weather and shelter-in-place drill.

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 requires a policy on some aspects of this policy and 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.

² This simple end statement should be discussed (what effect or impact will this district statement have on the students and the community?) and altered accordingly before board adoption.

³ See administrative procedure 4:170-AP1, *Comprehensive Safety and Crisis Program*.

⁴ See the School Safety Drill Act, 105 ILCS 128/.

⁵ Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14 for all students.

⁶ The Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/, amended by P.A. 95-712, broadened the definition of physical fitness facility to include outdoor facilities. Entities operating a "physical fitness facility must adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." ~~The term "physical fitness facility" does not include use by the public unless the activity is directly supervised by an employee of the district (210 ILCS 74/5.25). However this issue is an unsettled area of the law. In such situations, the district, perhaps along with the third party user, may remain responsible for compliance with the Act and providing AEDs and trained users on site. Consult the board attorney regarding this issue and how to manage compliance with the Act.~~ Administrative procedures, consistent with the Ill. Dept. of Public Health rules (77 Ill.Admin.Code Part 527), must support this policy in order to comply with the law.

A school with a physical fitness facility must ensure that there is a trained AED user on staff during staffed business hours (210 ILCS 74/15 (b), amended by P.A. 96-748). "During staffed business hours" is not well defined and may change based upon the school's various circumstances. "Physical fitness facility" excludes any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the school (210 ILCS 74/5.25, amended by P.A. 96-873). Schools with an outdoor physical fitness facility must have an AED on site and a trained AED user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the school (210 ILCS 74/15(b-15), amended by P.A. 96-873). Consult the board attorney about AED issues and how to manage compliance with the Act and its implementing rules.

Insert the following language if a board wants to define "physical fitness facility" in the policy:

The term "physical fitness facility" excludes any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the school.

⁷ Required by the School Safety Drill Act, 105 ILCS 128/. 105 ILCS 5/2-3.12 authorizes fire officials to conduct routine fire safety checks, provided written notice is given to the principal requesting to schedule a mutually agreed upon time. No more than 2 routine inspections may be made in a calendar year.

When contacted by the appropriate local law enforcement agency with a request to conduct and participate in a law enforcement drill, the Superintendent or appropriate designee must conduct a law enforcement drill during the academic year. ⁸ The law enforcement drill must be conducted according to the District's comprehensive safety and crisis plan and it may be conducted on days and times that students are not present in the building. ⁹

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to use any available cellular telephone. ~~A school bus driver is prohibited from operating a school bus while using a cellular telephone, except: (1) during an emergency situation, (2) to call for assistance if there is a mechanical problem, (3) where a cellular telephone is owned by the School District and used as a digital two-way radio, and (4) when the school bus is parked.~~ ¹⁰

Convicted Child Sex Offender and Notification Laws ¹¹

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 meets either of the following two exceptions:

1. The offender is 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: ~~the parent/guardian is:~~ (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; ~~and notifies the Building Principal of his or her presence at the school,~~ or

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

⁸ A law enforcement drill is not mandatory for every school building that houses school children; 105 ILCS 128/20 (c), amended by P.A. 95-1015, does not contain the same language in 105 ILCS 128/20 (a), (b), and (d) that requires during each academic year, school evacuation, bus evacuation, and severe weather and shelter-in-place drills shall be conducted at *each school building that houses school children*. 105 ILCS 128/20 (c) requires the appropriate local law enforcement agency to contact the appropriate school administrator during each calendar year; however, schools must conduct the law enforcement drill during each academic year.

⁹ 105 ILCS 128/20 (c); footnote 3 *supra*.

¹⁰ Cell phone use is addressed in 105 ILCS 5/10-20.28 (allows boards to regulate student use of cell phones; also see 7:190, *Student Discipline*) and 625 ILCS 5/12-610.1(e), amended by P.A. 96-131 (prohibits wireless telephone use at any time while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes). 625 ILCS 5/12-813.1, amended by P.A. 96-818, requires a school bus to have a two-way radio and prohibits a school bus driver from operating a school bus while using a cellular telephone, except: (1) during an emergency situation, (2) to call for assistance if there is a mechanical problem, (3) where a cellular telephone is owned by the School District and used as a digital two-way radio, and (4) when the school bus is parked. See f/n 15 of policy 4:110, *Transportation*, for a more detailed discussion of two-way radios and cellular telephone use.

¹¹ Four laws are relevant to this section:

- Paragraphs 1-3 contain the requirements in the Criminal Code, 720 ILCS 5/11-9.3, regulating a child sex offender's presence on school property;
- Paragraph 4 concerns the Sex Offender Community Notification Law, 730 ILCS 152/101 et seq., and Child Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105;
- Paragraph 5 contains the requirements in The School Code concerning mandatory criminal history records check on those contractors' employees who have a "direct, daily contact with students," (105 ILCS 5/10-21.9(f)). Sample policy 5:30, *Hiring Process and Criteria*, and administrative procedure 5:30-AP2, *Investigations*, address the State law listing criminal offenses listed at 105 ILCS 5/21-23a. Being that being convicted of one will disqualify an individual from school district employment (105 ILCS 5/10-21.9, amended by P.A. 96-431).

An Illinois federal court denied a father's request to enjoin a school's policy that prohibited him, as a child sex offender, from attending his children's school activities in Doe v. Paris Union School Dist., No. 05-2249, 2006 WL 44304 (C.D.Ill., 2006).

2. The offender **received** ~~Has~~ permission to be present from the School 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. **12**

If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school. **13**

The Superintendent shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Child Murderer and Violent Offender Against Youth Community Notification Law. The Superintendent or designee shall serve as the District contact person for purposes of these laws. **14** The Superintendent and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. **15** This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.

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

12 720 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 policy 8:30, *Visitors to and Conduct on School Property*.

13 Aside from rumor and notoriety, there are 3 ways that school officials may learn that an enrolled student is a sex offender or a violent offender against youth, that is:

1. By being informed by the student or the student's parent/guardian.
2. Through the Illinois State Police Sex Offender Database, www.isp.state.il.us/sor. A juvenile sex offender is listed there after the juvenile becomes 17 years old and will be listed for the remaining registration period (730 ILCS 150/2). The database is updated daily and allows searching by name, city, county, zip code, compliance status, or any combination thereof.
3. From receiving a notification from a law enforcement agency that a juvenile sex offender or juvenile violent offender against youth is enrolled in a school. The law enforcement agency having jurisdiction to register the juvenile must provide a copy of the offender registration form to the building principal and guidance counselor designated by the principal; the school must keep the registration form separately from the student's school records (730 ILCS 152/121).

If a sex offender is enrolled in a school, guidelines for managing the sex offender's presence in school should be prepared. The components will depend on the situation but generally should include asking the parent/guardian of a sex offender below the age of 17 years for permission to share the information with certain staff for the protection of both the student and other students. In addition, the guidelines should include a supervision plan providing supervision for the student during all aspects of his or her school day. Finally, the guidelines must respect the privacy of juvenile records and comply with the Ill. School Student Records Act, 105 ILCS 10/. The board attorney should be consulted.

14 Law enforcement officials must notify school districts of the names, addresses, and offenses of registered offenders residing in their respective jurisdictions who have committed sex offenses and violent offenses against youth (see footnote 9). These laws are silent with regard to what, if anything, districts do with the information. The Sex Offender Community Notification Law, however, provides immunity for "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law," (730 ILCS 152/130).

Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and boards may wish to have a contact person from each building. See administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*, for sample implementing procedures.

15 State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/101 et seq. In an effort to keep this policy aligned with good governance practices, the responsibility is given to the superintendent and building principal to manage. While State law allows the notification to be made during registration or parent-teacher conferences, the sample policy makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

All contracts with the School District that may involve an employee or agent of the contractor having any contact, direct or indirect, with a student, shall contain the following: **16**

The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105 ILCS 5/10-21.9, or who is listed in the Statewide Sex Offender Registry or the Statewide Violent Offender Against Youth Database. The contractor shall obtain a fingerprint-based criminal history records check before sending any employee or agent to any school building or school property. Additionally, at least quarterly, the contractor shall check if an employee or agent is listed on the Statewide Sex Offender Registry or the Statewide Violent Offender Against Youth Database.

Unsafe School Choice Option **17**

The unsafe school choice option allows students to transfer to another District school or to a public charter school within the District. The unsafe school choice option is available to:

1. All students attending a persistently dangerous school, as defined by State law and identified by the Illinois State Board of Education.
2. Any student who is a victim of a violent criminal offense, as defined by 725 ILCS 120/3, that occurred on school grounds during regular school hours or during a school-sponsored event.

The Superintendent or designee shall develop procedures to implement the unsafe school choice option.

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

16 105 ILCS 5/10-21.9(f) requires a criminal history background investigation to be performed on those contractors' employees who have a "direct, daily contact with students." State law places the same restrictions on contractors' employees that it does on district employees. Board policy should address these issues:

- Who performs the background checks? It is virtually impossible to screen all contractors' employees. Thus, a contractor should warrant that none of its employees who may have contact with a student at school has committed an offense that would prohibit district employment.
- On whom are the checks performed? State law requires the check on those who have a "direct, daily contact with students." The sample policy is more comprehensive by requiring checks for any contractor's employee who may work in any school building or on school property - after all, the burden is on the contractor to do the checking.
- How is compliance assured? This sample policy requires the inclusion of a clause in district contracts prohibiting the use of any sex offender on school property. As an alternative, a board can convert the contract clause to a policy statement, but note that having a clause in the contract more easily enforces compliance. ~~Delete~~ ~~the~~ striked-out portion and add the underscored words following to convert the contract clause into a policy statement:

~~All contracts with the School District that may involve an employee or agent of the contractor having any contact, direct or indirect, with a student, shall contain the following:~~

~~The District contractors shall not send . . .~~

See administrative procedure 5:30-AP2, *Investigations*.

17 A policy provision is required on this topic (105 ILCS 5/10-21.3a). See also 20 U.S.C. §7912. ISBE maintains a list of persistently dangerous schools. Districts having only one school or attendance center may substitute the following provision for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the district in certain situations. This transfer option is unavailable in this District because the District has only one school or attendance center. A student who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee."

Student Insurance **18**

The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company. Students participating in athletics, cheerleading, or pompons must have school accident insurance unless the parents/guardians state in writing that the student is covered under a family health insurance plan.

Emergency Closing

The Superintendent is authorized to close the schools in the event of hazardous weather or other emergencies that threaten the safety of students, staff members, or school property. **19**

LEGAL REF.: 105 ILCS 5/10-20.28, 5/10-21.3a, 5/10-21.9, and 128/
210 ILCS 74/
625 ILCS 5/12-813.1.
720 ILCS 5/11-9.3.
730 ILCS 152/101 et seq.

CROSS REF.: 5:30 (Hiring Process and Criteria), 6:190 (Extracurricular and Co-Curricular Activities), 6:250 (Community Resource Persons and Volunteers), 7:220 (Bus Conduct), 7:300 (Extracurricular Athletics), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

ADMIN. PROC.: 4:170-AP2 (Criminal Offender Notification Laws), 4:170-AP3 (School Bus Safety Rules), 4:170-AP6 (Responding to Medical Emergencies Occurring at Physical Fitness Facilities), 5:30-AP2 (Investigations)

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

18 This subhead is optional. 105 ILCS 5/22-15 allows districts to purchase insurance on athletes. A form on which parents/guardians check-off whether they want school accident insurance or already have the student covered by other health insurance will suffice for purposes of this policy. Requiring students participating in athletics to have accident insurance is a best practice because: (1) waivers of liability do not prevent a student from bringing suit, and (2) waivers of liability are not favored by Illinois courts.

19 When adverse weather conditions force a school's closing or a delayed start, the district may count a partial day of attendance as a full day for State aid purposes, provided: (1) at least one hour of instruction was provided, and (2) the superintendent provides the Regional Superintendent with a written report in support of the partial day within 30 days (105 ILCS 5/18-12, amended by P.A. 96-734).

Operational Services

Administrative Procedure - Plan for Responding to a Medical Emergency at a Physical Fitness Facility

The following operations implement School Board policy 4:170, *Safety*, requiring a plan for responding to medical emergencies at a physical fitness facility. These operations shall be completed consistent with the Physical Fitness Facility Medical Emergency Procedures Act, 210 ILCS 74/, and the Illinois Department of Public Health Rules, Part 527, “Physical Fitness Medical Emergency Preparedness Code.” Any definitions of terms found in this Act and IDPH implementing Rules are used as the definitions of those terms in this Procedure. **1**

Actor	Action
<p>Superintendent or designee</p>	<p>Appoints a staff member to coordinate the operations in this Procedure who will be known as the “Plan Coordinator.” 2</p> <p>Plan Coordinator:</p> <p>_____</p> <p style="display: flex; justify-content: space-between;"> Name Position </p> <p>Files this plan with the Dept. of Public Health, Division of EMS & Highway Safety, 500 E. Monroe - 8th Floor, Springfield, IL 62701. <u>77 Ill.Admin.Code §527.400(a)</u>. Files an updated plan with the IDPH after a change in the facility that affects the ability to comply with a medical emergency, such as the facility was closed for more than 45 days. <u>77 Ill.Admin.Code §527.400(c)</u>.</p> <p>Dates plan submitted:</p> <p>_____</p> <p>_____</p> <p>Decides, with input from the Plan Coordinator, the schedule for purchasing AEDs. <u>210 ILCS 74/50</u>.</p> <p><u>Indoor Facility - Every district must have all applicable facilities equipped with an AED.</u></p> <p><u>Outdoor Facility</u> - A district with 4 or fewer physical fitness facilities must have at least one such facility in compliance; its second facility by July 1, 2010; its third facility by July 1, 2011; and its fourth facility by July 1, 2012. A district with more than 4 physical fitness facilities must have 25% of those facilities in compliance; 50% by July 1, 2010; 75% by July 1, 2011; and 100% by July 1, 2012.</p> <p>If the AED becomes inoperable, the district must replace or repair it</p>

The footnotes should be removed before the material is used.

1 See, 33 Ill. Reg. 10947 for the proposed amendments to Part 527 in response to P.A. 95-712. The amendments provide direction regarding outdoor physical fitness facilities.

2 According to sample procedure 4:170-AP1, *Comprehensive Safety and Crisis Program*, the Superintendent appoints a district “Safety Program Coordinator.” If a district uses 4:170-AP1, consider giving that person the responsibilities of the “Plan Coordinator” and substituting “Safety Program Coordinator” for “Plan Coordinator” throughout this procedure.

Actor	Action																
	<p>within the applicable time frame in <u>77 Ill.Admin.Code §527.600</u>. ³</p> <p>Designates each Building Principal as the individual who must be notified in the event of a medical emergency. ⁴ <u>77 Ill.Admin.Code §527.400(a)</u>.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Building</td> <td style="width: 50%; text-align: center;">Office Contact</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table> <p>Follows the requirements of <u>77 Ill.Admin.Code §525.500</u> upon receiving a completed report that an AED was used (<u>4:170-AP6, E2, <i>Automated External Defibrillator Incident Report</i></u>).</p>	Building	Office Contact	_____	_____	_____	_____	_____	_____								
Building	Office Contact																
_____	_____																
_____	_____																
_____	_____																
Plan Coordinator	<p>Responsibilities Concerning Emergency Responders</p> <p>With the Building Principal, identifies all staff members who, through their education or training, are appropriate emergency responders for specific facilities. If possible, train all emergency responders in CPR and AED use.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Facility</td> <td style="width: 50%; text-align: center;">Emergency Response Providers</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table> <p>Responsibilities Concerning AED Users</p> <p>Determines the appropriate number of trained AED users and anticipated rescuers or users needed for each facility equipped with an AED. <u>Each facility with an AED must have at least one trained AED user on staff during staffed business hours (210 ILCS 74/15, amended by P.A. 96-748) and take reasonable measures to ensure that anticipated rescuers or users are trained pursuant to 410 ILCS 4/15 and 77 Ill.Admin.Code §527.800.</u></p> <p>Working with the Building Principal, identifies trained AED users and requests that other appropriate staff members and anticipated rescuers or users become trained.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Facility</td> <td style="width: 50%; text-align: center;">Trained AED Users</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table> <p>Responsibilities Concerning AED Registration</p> <p>Coordinates with local emergency medical services systems. <u>77 Ill.Admin.Code §527.500.</u></p> <p>Notifies an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the automated external</p>	Facility	Emergency Response Providers	_____	_____	_____	_____	_____	_____	Facility	Trained AED Users	_____	_____	_____	_____	_____	_____
Facility	Emergency Response Providers																
_____	_____																
_____	_____																
_____	_____																
Facility	Trained AED Users																
_____	_____																
_____	_____																
_____	_____																

³ The IDPH proposed a change from the current 45 days to 30 days. See f/n 1.

⁴ The IDPH Rules only require that an “office contact” for a specific facility be designated to receive notification of a medical emergency; the Rules do not assign any responsibilities to this individual. Someone other than the Building Principal could be named.

Actor	Action								
	<p>defibrillator (<u>410 ILCS 4/20(b)</u>; <u>77 Ill.Admin.Code §527.500</u>).</p> <p>Makes any other required notifications in accordance with <u>77 Ill.Admin.Code §527.500</u>.</p> <p>Responsibilities Concerning Location of AED and Other First Aid Equipment</p> <p>Indoor Facility - Decides, with input from the Building Principal or designee, where to place the AED and other first aid equipment so that their location will be conspicuous, easily accessible, and convenient; the AED must be mobile and accessible at all times. <u>77 Ill.Admin.Code §527.600</u>.</p> <p>Outdoor Facility - Ensures: (1) the AED is placed within 300 feet of the outdoor facility in an open building that has marked directions to the AED at its entrances, or (2) that when no building within 300 feet of the outdoor facility exists, the person responsible for supervising the activity has the AED available at the outdoor facility during the event or activity. <u>77 Ill.Admin.Code §527.600</u>.</p> <table data-bbox="565 821 1425 976"> <thead> <tr> <th data-bbox="565 821 1036 856">Facility</th> <th data-bbox="1036 821 1425 856">First Aid & AED Location</th> </tr> </thead> <tbody> <tr> <td data-bbox="565 884 1036 898">_____</td> <td data-bbox="1036 884 1425 898">_____</td> </tr> <tr> <td data-bbox="565 926 1036 940">_____</td> <td data-bbox="1036 926 1425 940">_____</td> </tr> <tr> <td data-bbox="565 968 1036 982">_____</td> <td data-bbox="1036 968 1425 982">_____</td> </tr> </tbody> </table> <p>Keeps a copy of the AED’s manual with the AED. <u>77 Ill.Admin.Code §527.700(b)</u>.</p> <p>Responsibilities Concerning Notification and Posting</p> <p>Along with the Building Principal, notifies all staff members of the location of any AEDs as well as the instructions for responding to medical emergencies. <u>77 Ill.Admin.Code §527.800(b)</u>.</p> <p>Responsibilities Concerning Training</p> <p>Coordinates, with input from the Building Principal, the training of: (1) all staff members who regularly supervise students in physical fitness facilities in the use of CPR and, if appropriate, AEDs, and (2) any non-employee coaches, instructors or other similarly situated anticipated rescuers or users. <u>77 Ill.Admin.Code §527.800 and 210 ILCS 74/15(b-5) and (b-10)</u>.</p> <p>Responsibilities Concerning Instructions for Responding to Medical Emergencies</p> <p>Along with the Building Principal, notifies all facility staff of the location of any AEDs and the <i>Step-by-Step Emergency Response Plan</i> described below. <u>77 Ill.Admin.Code §527.800(b)</u>.</p> <p>Coordinates, along with the Building Principal, the posting of the <i>Step-by-Step Emergency Response Plan</i> described below. <u>77 Ill.Admin.Code §527.800(b)</u>.</p> <p>Responsibilities Concerning Maintenance and Testing of AEDs</p> <p>Ensures that all AEDs are maintained and tested according to manufacturer’s guidelines. <u>77 Ill.Admin.Code §527.700(a)</u>.</p>	Facility	First Aid & AED Location	_____	_____	_____	_____	_____	_____
Facility	First Aid & AED Location								
_____	_____								
_____	_____								
_____	_____								

Actor	Action
	Keeps a copy of the maintenance and testing manual at the facility and keeps a copy of the manual with each AED. <u>77 Ill.Admin.Code §527.700(b).</u>
Building Principal	<p>In a conspicuous place in the physical fitness facility, posts: (1) the list of all staff members who are emergency responders, and (2) the <i>Step-by-Step Emergency Response Plan</i> described below. <u>77 Ill.Admin.Code §527.400(a).</u></p> <p>Posts a notice at the facility’s main entrance stating that an AED is located on the premises.</p> <p>Receives notice in the event of a medical emergency. <u>77 Ill.Admin.Code §527.400(a).</u></p>
School Nurse(s)	<p>Along with the Plan Coordinator, helps staff members understand the instructions for responding to medical emergencies.</p> <p>These instructions must provide that the AED should be operated only by trained AED users, unless the circumstances do not allow time to be spent waiting for a trained AED user to arrive. <u>77 Ill.Admin.Code §527.800(c).</u></p>
Trained AED User(s) and/or Other Emergency Responder(s)	<p>According to their training, uses appropriate emergency responses upon the occurrence of any sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person required urgent or unscheduled medical care. <u>77 Ill.Admin.Code §527.400(a).</u></p> <p>According to their training, uses the AED to help restore a normal heart rhythm when a person’s heart is not beating properly. <u>77 Ill.Admin.Code §527.400(a).</u></p> <p>Calls 9-1-1 for medical emergencies and whenever an AED is used. <u>77 Ill.Admin.Code §527.400(b).</u></p> <p>Informs the Building Principal whenever the AED or other emergency response is used. <u>77 Ill.Admin.Code §527.400(b).</u></p> <p>Whenever an AED is used, completes 4:170-AP6, E2, <i>Automated External Defibrillator Incident Report</i>, and forwards it to the Superintendent for compliance with the requirements of <u>77 Ill.Admin.Code §525.500(a).</u></p>
All Facility Staff Members and Users	<p>Follow the <i>Step-by-Step Emergency Response Plan</i> described below:</p> <ol style="list-style-type: none"> 1. Immediately notify the building’s emergency responder(s) whose contact information is posted in the facility. Under life and death circumstances call 9-1-1 without delay. 2. Bring the first aid equipment and AED to the emergency scene. The AED should be operated only by trained AED users for the intended purpose of the AED, unless the circumstances do not allow time for a trained AED user to arrive. 3. Immediately inform the Building Principal or designee of the emergency. 4. The emergency responder will take charge of the emergency. This person will apply first aid, CPR, and/or the AED, as appropriate. 5. If necessary, the emergency responder instructs someone to call 9-1-1, providing the location in the building and which entrance to use. This

Actor	Action
	<p>person should make sure someone is sent to open the door for paramedics and guide them to the scene.</p> <ol style="list-style-type: none"> 6. When paramedics arrive and assume care of the victim, the emergency responder or other staff person notifies the victim's parent/guardian or relative. 7. If an AED was used, the person using it completes the <i>Automated External Defibrillator Incident Report</i>, 4:170-AP6, E2. If appropriate, a supervising staff member completes an accident report. 8. If an adult refuses treatment, the emergency responder documents the refusal and, if possible, asks the adult to sign a statement stating that he or she refused treatment.

Operational Services

Exhibit - School Staff AED Notification Letter

On District letterhead

Date:

To: Staff members

Re: Notification to School Staff of the Physical Fitness Facility Medical Emergency Response Instructions and AED Availability

We would like to notify you about our plan for responding to medical emergencies that might occur in our ~~gymnasium or other~~ physical fitness ~~facilities. facility.~~ This plan includes access to an ~~Automated Automatic~~ External Defibrillator (AED) in the following locations in these facilities:

Facility	Location
_____	_____
_____	_____
_____	_____

The AEDs are strategically placed and readily accessible to predetermined AED users to maximize rapid use. The AED is available during school hours and after school during any activity or program organized by the on-site school and supervised by a school employee. activities. The predetermined AED users are school nurses and any other person who has received AED training (American Heart Association, American Red Cross, or equivalent training) and has a completion card on file with the Superintendent. Any anticipated rescuers or users should now also be trained and certified.

The following information is posted with each AED:

1. Instructions to immediately call 9-1-1 and instructions for emergency care.
2. Instructions for using an AED.

Please contact me if you would like information on becoming a trained AED user. If you anticipate that your duties make you more likely to use an AED, you should become trained and certified. It is important to note that the Physical Fitness Facility Medical Emergency Preparedness Act and the Local Governmental and Governmental Employees Tort Immunity Act protect staff members from liability. We appreciate your support.

Sincerely,

Superintendent

Attachments: Step-by-Step Emergency Response Plan (bottom of page 4 of 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility*)

Operational Services

Exhibit - Automated Automatic External Defibrillator Incident Report

To be completed by the person who used the AED

Patient name: _____ Age: _____

Patient identification: Student Parent Other: _____

Date of incident: _____ Description of incident: _____

Name of person who determined victim's unresponsiveness: _____

Name of person applying AED: _____

Number of times patient was defibrillated: _____

Time 9-1-1 was called: _____

Patient vitals prior to arrival of EMS: Breathing Yes No
Pulse Yes No
Heart rhythm: _____

Time EMS arrived: _____

Patient vitals after arrival of EMS: Breathing Yes No
Pulse Yes No
Heart rhythm: _____

Patient transported to: _____

List series of events from start of emergency until conclusion:

Forward completed incident report to the Superintendent. Upon receipt, the Superintendent or designee shall ~~follow~~ send or fax this incident report to the requirements at 77 Ill.Admin.Code §527.500 EMS System Resource Hospital.

Signature of person who administered the AED

Date

Address

Telephone

General Personnel

Sexual Harassment Workplace Harassment Prohibited 1

The School District expects the workplace environment to be productive, respectful, and free of unlawful harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex, sexual orientation, age, citizenship status, disability, or other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy 7:20, *Harassment of Students Prohibited*.

Sexual Harassment Prohibited 2

The School District shall provide ~~employees an employment a workplace~~ environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting ~~sexual~~ harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working

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. Federal law requires districts to take action to eliminate sexual harassment (29 C.F.R. §1604.11(f); 34 C.F.R. §106.9). Harassment based on a protected status is a form of discrimination that violates many State and federal laws (see the policy's Legal References).

Workplace harassment policies have typically focused on sexual harassment since it receives the most attention. However, the broad prohibitions against discrimination in State and federal civil rights laws will cover harassing conduct that is motivated by animus against any protected status. See *Porter v. Erie Foods International, Inc.*, 576 F.3d 629 (7th Cir. 2009)(recognizing a cause of action for race harassment). For a list of protected statuses, see policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. This policy prohibiting harassment has a separate section on sexual harassment because of the extensive statutory and case law regarding it.

If the perpetrator is a supervisor and s/he demotes, discharges, or takes other negative job action against the victim, the employer is liable. When no job injury occurs, the employer may raise the existence of an anti-harassment policy as a defense. Lack of knowledge of a supervisor's misconduct is no defense. See, *Burlington Industries v. Ellerth*, 118 S.Ct. 2257 (1998); *Faragher v. City of Boca Raton*, 118 S.Ct. 2275 (1998) and *Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n*, 908 N.E.2d 39 (Ill., 2009)(holding the Ill. Human Rights Act, 775 ILCS 5/2-102(D), imposes strict liability on the employer, regardless of whether the employer knew of the offending conduct, when an employee has been sexually harassed by supervisory personnel regardless of whether the harasser has any authority over the complainant). Lack of knowledge may, however, be a defense when the perpetrator and victim are co-workers.

Not all harassing conduct is unlawful discrimination, even if it is disruptive and hurtful. If a board wants to include language in this policy prohibiting employees from engaging in intimidating or offensive conduct that is not a civil rights violation, it should consult the board attorney.

² The Ill. Human Rights Act (775 ILCS 5/2-102(D) provides that sexual harassment is a civil rights violation:

For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by non-employees or non-managerial and non-supervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

environment. ³ Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Complaint; Enforcement ⁴

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding ~~sexual~~ harassment will likewise be subject to disciplinary action, up to and including discharge. An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing bona fide complaints or providing information about harassment is prohibited (see Board policy 2:260, Uniform Grievance Procedure).

Aggrieved persons, who feel comfortable doing so, should directly inform the person engaging in ~~sexually-the~~ harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees should report claims of ~~sexual~~ harassment to the Nondiscrimination Coordinator and/or use the ~~School~~ Board policy 2:260, *Uniform Grievance Procedure*. Employees may choose to report to a person of the employee's same sex. ~~Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments.~~

There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

Whom to Contact with a Report or Complaint ⁵

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

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

³ This definition is from State and federal law (775 ILCS 5/2-101(E) and 29 C.F.R. §1604.11). The harassing conduct must be severe or pervasive enough so as to create an alter the conditions of the employee's work environment that a reasonable person would find- by creating a hostile or abusive situation. Williams v. Waste Management, 361 F.3d 1021 (7th Cir. 2004). The surrounding circumstances, expectations, and relationships will distinguish between teasing or roughhousing and conduct ~~which that~~ a reasonable person would find severely hostile or abusive. In addition, while same-sex gender harassment claims are actionable, the victim must show that s/he suffered disadvantageous employment conditions to which members of the other sex were not exposed. Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).

⁴ See Berry v. Delta Airlines, 260 F.3d 803, 811 (7th Cir.2001) ("If an employer takes reasonable steps to discover and rectify the harassment of its employees ... it has discharged its legal duty.")

In addition to violating other civil rights laws, a school district violates the public accommodations article in the III. Human Rights Act if it fails to take corrective action to stop severe or pervasive harassment (775 ILCS 5/5-102 and 5/5-102.2, amended by P.A. 96-814).

⁵ Title IX regulations require districts to identify the name, address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. A policy should not be adopted with a person's name in it; rather, the identifying information can be added and amended as necessary.

Nondiscrimination Coordinator:

Name

Address

Telephone

Complaint Managers:

Name

Name

Address

Address

Telephone

Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in the appropriate handbooks. ⁶

LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq., 29 C.F.R. §1604.11.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.; 34 C.F.R. §1604.11.
Ill. Human Rights Act, 775 ILCS 5/2-101(E), 5/2-102(D), 5/5-102, and 5/~~25~~-102.2.
~~(D)~~
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).
Jackson v. Birmingham Board of Education, 125 S.Ct. 1497 (2005).
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).
Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).
Porter v. Erie Foods International, Inc., 576 F.3d 629 (7th Cir. 2009).
Sangamon County Sheriff’s Dept. v. Ill. Human Rights Com’n, 908 N.E.2d 39 (Ill., 2009).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 7:20 (Harassment of Students Prohibited)

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

⁶ A district must notify employees of the grievance procedure and the person(s) designated to coordinate the district’s compliance with Title IX (34 C.F.R. §§106.8(a)). The Nondiscrimination Coordinator can be the same individual for both this policy and policy 7:10, *Equal Educational Opportunities*, as well as the Complaint Manager in policy 2:260, *Uniform Grievance Procedure*. A comprehensive faculty handbook can provide required notices, along with other important information to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. Any “working conditions” contained in the handbook may be subject to mandatory collective bargaining.

Instruction

Administrative Procedure - Access to Classrooms and Personnel

Access to classrooms and personnel is permitted in limited situations by Section 105 ILCS 5/14-8.02(g-5), amended by P.A. 96-657. Guidelines follow:

1. These guidelines apply to access requested by the parent/guardian of a student receiving special education services or being evaluated for eligibility, an independent educational evaluator, or a qualified professional retained by or on behalf of a parent/guardian or child. A *qualified professional* means “an individual who holds credentials to evaluate the child in the domain or domains for which an evaluation is sought or an intern working under the direct supervision of a qualified professional, including a master’s or doctoral degree candidate.” These individuals are referred to in this procedure as *visitors*.
2. Visitors will be afforded reasonable access to educational facilities, personnel, classrooms, and buildings and to the child. To minimize disruption, reasonable access means that the parent(s)/guardian(s) or qualified professional retained by or on behalf of a parent/guardian or child is allowed access once per school quarter for up to one hour or one class period. ¹ A visitor may request the authorized administrator to grant longer or additional observations based on individual circumstances and provide any supporting documentation in support of such a request. A professional evaluator can request longer or additional observations in his or her initial request. The administrator may grant, deny, or modify the request, and the administrator’s decision shall be final.
3. Visitors must comply with:
 - a. School safety, security, and visitation policies at all times.
 - b. Applicable privacy laws, including those laws protecting the confidentiality of education records such as the federal Family Educational Rights and Privacy Act and the Illinois School Student Records Act.
 - c. Board policy 8:30, *Visitors to and Conduct on School Property*. Visitors may not disrupt the educational process.
4. If the visitor is a parent/guardian, he or she will be afforded reasonable access as described above for the purpose of:
 - a. Observing his or her child in the child’s current educational placement, services, or program, or
 - b. Visiting an educational placement or program proposed for the child by the IEP team.
5. If the visitor is an independent educational evaluator or a qualified professional retained by or on behalf of a parent or child, he or she must be afforded reasonable access of sufficient duration and scope for the purpose of conducting an evaluation of the child, the child’s performance, the child’s current educational program, placement, services, or environment, or any educational program, placement, services, or environment proposed for the child,

¹ State law is silent on the frequency and length of access. These provisions may be omitted or changed. If the frequency or length of access is limited, the procedure should allow a visitor to request longer or additional access (as in the next sentence).

including interviews of educational personnel, child observations, assessments, tests, or assessments of the child's educational program, services, or placement or of any educational program proposed by the IEP team, services, or placement. If one or more interviews of school personnel are part of the evaluation, the interviews must be conducted at a mutually agreed upon time, date, and place that do not interfere with the school employee's school duties. The Building Principal or designee may limit interviews to personnel having information relevant to the child's current educational services, program, or placement or to a proposed educational service, program, or placement.

6. Prior to visiting a school, school building, or school facility, a visitor must complete 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*. This form serves to:
 - a. Inform the Building Principal or designee in writing of the proposed visit(s), the purpose, and the duration, and
 - b. Identify requested dates/times for the visit(s) to facilitate scheduling.
7. The student's parent/guardian must consent in writing to the student being interviewed by the named evaluator as part of a visit. The parent/guardian will grant this consent by completing 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*.
8. The student's parent/guardian, or the student, if he or she is over the age of 18, must execute an Authorization to Release Student Record Information before an independent educational evaluator or a qualified professional retained by or on behalf of a parent/guardian or child will be given access to student school records or to personnel who would likely release such records during discussions about the student. If a student is over the age of 12 and the records contain mental health and/or developmental disability information, the student must also be requested to sign the Authorization to Release information before any observation by or disclosure of school student records or information to a visitor.
9. The visitor must acknowledge, before the visit, that he or she is obligated to honor students' confidentiality rights and refrain from any re-disclosure of such records. The visitor will provide this acknowledgment and agreement by completing 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*.
10. The Building Principal or designee will attempt to arrange the visit(s) at times that are mutually agreeable. The Building Principal or designee will accompany any visitor for the duration of the visit, including during any interviews of staff members.
11. If the visitor is a professional retained by the parent/guardian, the visitor must provide identification and credentials before the visit.
12. This procedure applies to any public school facility, building, or program and to any facility, building, or program supported in whole or in part by public funds. The student's case manager or other District designee must facilitate such visit(s) when the student attends a program outside of the School District, such as at a private day program or residential program, provided it is supported in whole or in part by public funds.

Instruction**Exhibit - Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes**

Student name: _____ DOB: _____

School attending: _____ Grade: _____

The following information must be completed by individuals requesting to access a school building, facility, and/or educational programs or to interview District personnel or the student named above for the purpose of assessing the student's special education needs. Please complete this form and return it to the Building Principal or Program Director where the student is enrolled. He or she will contact you to coordinate your visit:

Parent/Guardian (*Complete this section if the person making the request is the parent/guardian.*)

Name: _____ Title: _____ Phone: _____

Address: _____

I am the parent/guardian of the above-named student and wish to observe my child in the following classroom/settings: _____

for the purpose of: _____

I am the parent/guardian of the above-named student and wish to observe the following classroom/settings which have been recommended for my child: _____

_____ for the purpose of: _____

*Observations are limited to one hour or one class period per school quarter.***Parent's Independent Evaluator or Other Qualified Professional** (*Complete this section if the person making the request is not the parent/guardian.*)

Name: _____ Agency/Company: _____

Phone: _____ Email address: _____

Address: _____

My professional training and/or licensure or certification, if applicable, is (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Teacher, certified in the areas of: _____ | Illinois certified? <input type="checkbox"/> Y <input type="checkbox"/> N |
| <input type="checkbox"/> Clinical Psychologist | <input type="checkbox"/> School Psychologist |
| <input type="checkbox"/> Licensed Clinical Social Worker | <input type="checkbox"/> Licensed Social Worker |
| <input type="checkbox"/> School Social Worker | <input type="checkbox"/> Occupational Therapist |
| <input type="checkbox"/> Physical Therapist | <input type="checkbox"/> Speech/Language Pathologist |
| <input type="checkbox"/> Audiologist | <input type="checkbox"/> Psychiatrist |
| <input type="checkbox"/> Registered Nurse | <input type="checkbox"/> Certified School Nurse |
| <input type="checkbox"/> Other qualified professional (list credentials): _____ | |

I have been requested by the above named student's parent/guardian to conduct an evaluation of the student for the purpose of: _____

As part of this evaluation, I am requesting the following for the length of time noted (check all that apply):

Observation of student in the following classroom(s)/setting(s): _____
_____ Duration: _____

Opportunity to interview the following personnel believed to work with the student: _____
_____ Duration: _____

Opportunity to interview the student.

I will need more than one hour or one class period for my visit for the following reason(s): _____

Student records, as noted in the attached, signed Authorization to Release Student Record Information.

Acknowledgement *(To be completed by the person making the access request.)*

I understand that the School District will allow me reasonable access to the school, school facilities, or educational programs or individual(s) I have requested as related to the purpose of my visit. I have been provided with a copy of 6:120-AP2, *Access to Classrooms and Personnel*, and agree to comply with its terms and conditions. I further understand that during my visit, I must honor all students' confidentiality rights and refrain from any re-disclosure of such records.

Individual Requesting Access Signature

Date

Parent/Guardian Verification *(Must be completed whenever an independent evaluator or other qualified professional requests access.)*

I, _____, am the parent/guardian of the above-named student, and I confirm that I have requested an evaluation of my child by the individual named herein, for the stated purpose(s). If requested above, I consent to my child being interviewed by the named evaluator as part of this visit understanding that the District has not conducted a background check on the evaluator. I have no reason to believe the evaluator poses a safety risk to my child or others. I further understand and agree that it is my responsibility to notify the School District in writing if I end my working relationship with the named evaluator prior to the completion of the tasks outlined herein and that the School District otherwise will work with the evaluator to provide reasonable access to the school, school building, school facility, personnel, or my child at mutually agreed upon times and in a manner that is least disruptive to the school setting or my child's academic program.

Parent/Guardian Signature

Date

Students

School Admissions and Student Transfers To and From Non-District Schools ¹

Age [Elementary or Unit Districts only]

To be eligible for admission, a child must be 5 years old on or before September 1 of that school term. ~~2 Children who enter~~ A child entering first grade must be 6 years of age on or before September 1 of that school term. 3 Based upon an assessment of the child's readiness, a child will be allowed to attend first grade if he or she attended a non-public preschool, continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately certified teacher, and will be 6 years old on or before December 31. ⁴ A child with exceptional needs who qualifies for special education services is eligible for admission at 3 years of age. ⁵

Parents/guardians may request early admission for a child. ⁶ The Superintendent or designee shall assess the child's readiness to attend school and make the decision accordingly.

Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent.

Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. ~~The~~ If a birth certificate is not presented, the Superintendent or designee shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified copy of the student's birth certificate. When a certified copy of the birth certificate is presented, the school shall promptly make a copy ~~of the certified copy~~ for its records, place the copy in the student's temporary record, and return the original to the person enrolling the child. ~~Upon the failure of~~ If a person enrolling a

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

¹ State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6).

² 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old (105 ILCS 5/10-20.19a and 5/10-22.18). Any child between the ages of 7 and 17 must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute (105 ILCS 5/26-1).

³ Optional sentence.

⁴ Required by 105 ILCS 5/10-20.12, amended by P.A. 96-864. Use the following alternative in a district operating on a full year school basis:

To be eligible for admission, a child must be at least 5 years old within 30 days after the commencement of that school term. Based upon an assessment of the child's readiness, a child may attend first grade if he or she attended a non-public preschool and continued his or her education at that school through kindergarten, was taught in kindergarten by an appropriately certified teacher, and will attain age 6 within 4 months after the commencement of the term.

⁵ 105 ILCS 5/14-1.02 and 5/14-1.03a. An ISBE rule states: "Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 C.F.R. §300.131) who may be eligible for special education and related services." (23 Ill.Admin.Code §226.100). Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester (105 ILCS 5/14-8.02(b)).

⁶ 105 ILCS 5/10-20.12. Districts that do not permit early admission should omit this paragraph.

student fails to provide a certified copy of the student's birth certificate, the Building Principal Superintendent or designee shall immediately notify the local law enforcement agency, and shall also notify the person enrolling the student in writing that, unless he or she complies within 10 days, the case shall will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, the Principal Superintendent or designee shall so refer the case. The Principal Superintendent or designee shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content. ⁷

2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*. ⁸

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment. ⁹ Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

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

⁷ Two laws govern this requirement: Missing Children Records Act (325 ILCS 50/) ~~et seq.~~ and the Missing Children Registration Law (325 ILCS 55/) ~~et seq.~~. A We reconciled their differences as much as possible but chiefly used the language from the Registration Law because it has the clearest explanation. The statutory enforcement requirements, as nonsensical as they may seem, are quoted in the policy.

According to the State Police, a certified copy of the student's birth certificate is the only acceptable proof of the child's identity and age (20 Ill.Admin.Code §1290.60(a)). The Missing Children's Records Act ~~as amended by P.A. 95-793,~~ requires schools to make prompt copies of these certified copies. Once made, ~~the~~ schools need not request another certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity. While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's temporary record. See 23 Ill.Admin.Code §375.10. The school person who receives the copy of the certified birth certificate should initial and date the document. That way, if there is a question or an investigation (which can happen even years after enrollment) there will not be an issue as to who received the document and the date it was processed.

A district must also "flag" a student's record on notification by the State police of the student's disappearance and report to the State police any request for a "flagged" student record.

⁸ Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/27-8.1 ~~as amended by P.A. 95-422 and P.A. 95-674;~~ 23 Ill.Admin.Code §1.530(a). A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis.

⁹ Required by 105 ILCS 45/ ~~1-1 et seq.~~ and the McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq. ~~as~~ amended by the No Child Left Behind Act. See §11432(g)(3)(C)(i).

Student Transfers To and From Non-District Schools 10

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent. A student seeking to transfer into the District must serve the entire term of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

Foreign Students [*High School or Unit Districts only*] 11

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

10 105 ILCS 5/2-3.13a requires each transferor (original) school to keep documentation of transfers in the student's record. An ISBE rule provides: "If within 150 days after a student leaves a school, that school or school district has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school's or school district's calculation of its annual dropout rate," (23 Ill.Admin.Code §375.75(d).

105 ILCS 5/10-22.6 requires boards to adopt a policy restricting a student from transferring from another school while under a suspension or expulsion from that school. A board has 2 basic options: under option one, it may comply with the minimum requirements of State law by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act, (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for any reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative. Under either option, however, a board may allow placement of the student in an alternative school program established under Article 13A for the remainder of the suspension or expulsion, as reflected in the following optional addition:

Upon the Superintendent or designee's recommendation, the Board may allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of The School Code for the remainder of the suspension or expulsion.

11 Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Department of State, Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission.
2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition free. Their "visitor" visa is evidence of non-resident status. Call INS or the district's attorney for guidance.
4. The qualified school-age child of an alien who holds another type of visa (i.e., A, E, H, I, L, etc.), other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
5. No immigration documentation. Plyler v. Doe, 102 S.Ct. 2382 (1982). A school cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission.
6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). See §641, Illegal Immigration Reform and Immigrant Responsibility Act. Section 641 is an exception to the Family Educational Rights and Privacy Act. See 8 C.F.R. §214.1(h). SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the INS and Department of State throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for INS and DOS offices.

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition. **12**

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship, and the student lives in the home of that guardian. Exchange students on an F-1 visa are required to pay tuition at the established District rate. **13** F-1 visa student admission is limited to high schools, and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

Re-enrollment **14** [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities ~~in~~ Education Improvement Act or accommodation plans under the ~~Americans with Disabilities~~ Rehabilitation Act, Section 504.

According to federal regulations, students who apply for F-1, M-1, F-3, or M-3 visas must pay a \$100 fee, and students who apply for J-1 visas must pay a \$35 fee, to the Department of Homeland Security. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay (8 C.F.R. Parts 103, 214, and 299).

Important: Admitting students on an F-1 visa may require the district to admit students transferring from another district under NCLBA's school choice provisions. See policy 7:60, *Residence*.

12 State law allows, but does not require, boards to waive nonresident tuition for these students (105 ILCS 5/10-22.5a).

13 Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. (8 U.S.C. §1101). Boards may not waive the fee.

14 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section, (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program), (3) it is mandatory to provide due process before denying re-enrollment, (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs, and (5) it is mandatory ~~to~~ that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See policy 7:70, *Attendance and Truancy*.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
 Family Educational Rights and Privacy Act, 20 U.S.C. §1232.
 Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. §1101.
Individuals With Disabilities Education Improvement Act, 20 U.S.C. §1400 et seq.
~~42~~Rehabilitation Act, Section 504, 29 U.S.C. §794. ~~12101 et seq.~~
 105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2,
 5/27-8.1, ~~and~~ 10/8.1, 45/.
325 ILCS 50/ and 55/.
 410 ILCS 315/2e.
~~325 ILCS 55/1 et seq. and 50/1 et seq.~~
 20 Ill.-Admin.Code §Part 1290 et seq., Missing Person Birth Records and School
Registration.
 23 Ill.Admin.Code §Part 375 et seq., Student Records.

CROSS REF.: 6:30 (Organization of Instruction), 6:110 (Programs for Students At Risk of
 Academic Failure and/or Dropping out of School and Graduation Incentives
 Program), 6:140 (Education of Homeless Children), 6:310 (Credit for Alternative
 Courses and Programs, and Course Substitutions), 7:~~50 (School Admissions and~~
~~Student Transfers To and From Non-District Schools)~~, 7:60 (Residence), 7:70
 (Attendance and Truancy), 7:100 (Health, Eye, and Dental Examinations;
 Immunizations; and Exclusion of Students), 7:340 (Student Records)

Community Relations

Exhibit - Application and Procedures for Use of School Facilities 1

To be submitted to the Superintendent

This application must be approved before a non-school related group is allowed to use school facilities. School organizations, school-sponsored programs, and organizations whose primary purpose is to provide financial assistance to the school are all considered, for the purpose of this application, to be school-related. Use of school facilities for school purposes has precedence over all other uses.

Organization name	<u>Requested</u> school facility
<u>Adult Supervisor from Organization</u> (must be 21 years of age or older)	<u>Phone/email address</u>
Program/Activity	<u>Date(s) and start/end time(s)</u>Program/Activity
Equipment needed	Materials to be brought into facility
Room arrangement, including decorations	Food service required

- 1. All non-school related groups must supply adequate supervision to ensure proper care and use of school facilities.**
 - The non-school related group is responsible to the Board for the use and care of the school facility. All adult supervisors must have cell phones with them at all times.
 - Sufficient, competent adult supervision must be provided and the adult supervisor must ensure that no minor is left alone after the activity.
 - Only the cafeteria, auditorium, gymnasium, and athletic field, along with needed hallways and parking areas, are available for community use. Entering any room or area not in use by the group is prohibited. The adult supervisor will vacate the facility at the scheduled end time. Use of the school facility is not permitted past the agreed end time.
 - No furniture or equipment may be moved without prior approval from the Building Principal.
 - Signs, displays, or materials may not be attached, nailed, or otherwise affixed to walls.

The footnotes should be removed before the material is used.

~~1 When The application and procedures implementing a policy allowings for community use of school facilities, the application and implementing procedures should have provisions to protect those facilities from damage and the district from unnecessary liability. The application and procedures should also clearly identify which groups are considered "school-related," and what facilities are involved, and fees (if a tax supported body within rental charges. Finally, the district wants to use a school facility, a board may want its fees to cover only direct costs to the district, e.g., personnel, utilities or other out-of-pocket expenses). The application and implementing procedures should also require that non-school related groups follow the district's Plan for Responding to a Medical Emergency at a n Indoor Physical Fitness Facility (See 4:170-AP6). No trained AED user is required on the premises when the activity is not directly supervised by an employee of the district (210 ILCS 74/5.25) and the activity occurs outside of staffed business hours (210 ILCS 74/15 (b), amended by P.A. 96-748). There is no requirement that a trained AED user be on the premises, but a district could require this of a non-school related group if the district believes it would be appropriate (this sample application encourages, but does not require, the presence of a trained AED user). Districts have wide discretion regarding these issues because State law does not address them.~~

_____Initial here if this is agreeable

2. All non-school related groups must agree to:

- Indemnify and hold harmless the District and its agents and employees for and from any and all loss including attorneys' fees, damages, expense, and liability arising out of its use of school property.
- Pay any damages to school facilities, furniture, or equipment arising out of its use of school property whether such damage was accidental or deliberate. The cost of damages will be based on the repair or replacement cost, the choice of which is at the School Board's discretion.
- Supply proof of insurance naming [insert name of the District] as an additional insured and verifying that the group maintains adequate insurance coverage against personal injury and/or property loss: _____

Insurance provider name and contact number

_____Initial here if this is agreeable

3. All non-school related groups must pay the following fees:

Rental charge (unless waived by Board policy): _____

Meal and beverage service (cost as determined by the cafeteria supervisor): _____

_____Initial here if this is agreeable

4. Payment Method: Check Money Order Credit Card

If payment is by check, please make check payable to: The District

If payment by credit card, please indicate the following: Visa Master Card Am Ex

Expiration date: _____ Credit Card No. _____ Today's date _____

Authorized amount: _____ Authorized signature: _____

5. All non-school related groups must agree to use appropriate emergency procedures including calling 9-1-1 for medical emergencies and whenever an AED is used.

_____Initial here if this is agreeable

6. All non-school related groups must agree to follow the District's Plan for Responding to a Medical Emergency at an Indoor Physical Fitness Facility, 4:170-AP6. Important: The District will not supervise the activity nor will it supply trained AED users individuals to act as emergency responders at any time, including during staffed business hours.

Activity being proposed is not in an indoor physical fitness facility.

_____Initial here if this is agreeable

Copy of the District's Plan for Responding to a Medical Emergency at a Physical Fitness Facility has been provided. (77 Ill.Admin.Code §527.800(c).

Initial here that a copy was received.

7. If the request involves an indoor physical fitness facility, the non-school related group must:

- Designate at least one adult supervisor who agrees to be an emergency responder. All if possible, all emergency responders are encouraged to should be trained in CPR and trained AED users.
- Give a copy of the District's plan for responding to medical emergencies to each designated emergency responder.
- Require that 9-1-1 be called for medical emergencies and whenever an AED is used.
- Ensure that each designated emergency responder knows the location of first aid equipment and any AED.
- Ensure that only trained AED users operate an AED, unless the circumstances do not allow time for a trained AED user to arrive.
- Arrange for at least one emergency responder to have a tour of the facility before the activity.
- Ensure that if an AED is used, the Superintendent is informed and all appropriate forms are completed (4:170-E6, Automated Automatic External Defibrillator Incident Report).

_____Initial here if this is agreeable

I certify that I am authorized to act for the above-named organization. I understand that: (1) the granting of this request does not constitute recognition of my organization as a school-related group or activity, and (2) my organization may not represent itself or any of its activities as school-related.

I agree to: (1) abide by the conditions stated in this application, and (2) ~~agree to~~ adhere to all Board policies and administrative procedures applicable to this use of the school's facility.

Applicant name <i>(please print)</i>	Telephone number
Address	<u>Email address</u>
Applicant signature	Date

The Superintendent or designee will base his or her decision on the information being provided in this application as well as other criteria deemed important. *(Note to Superintendent or designee: After approving or denying this application, return a copy of it to the person making the request, keep the original in the central office, and send a copy to the appropriate Building Principal.)*

Approved **Denied**

Superintendent or designee	Date
----------------------------	------

Community Relations

Visitors to and Conduct on School Property ¹

The following definitions apply to this policy:

School property - School buildings and grounds, all District buildings and grounds, vehicles used for school purposes, and any location used for a School Board meeting, school athletic event, or other school-sponsored event.

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 and friends are invited onto school property, 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. ²

Any Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member by telephone or email 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. ³

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

¹ State or federal law controls this policy's content. 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). 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 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 5/21-3 (criminal trespass to real property); 5/21-5 (criminal trespass to State supported land); 5/21-9 (criminal trespass to a place of public amusement). This sample policy classifies board members as visitors, even though visiting schools is a power/duty (105 ILCS 5/10-20.6); students may not recognize them and be afraid to see an adult visitor without a badge.

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.

³ 105 ILCS 5/14-8.02(g-5), added by P.A. 96-657. 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:

1. Strike, injure, threaten, harass, or intimidate a staff member, a Board member, sports official or coach, or any other person; **4**
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language;
3. Possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device; **5**
4. Damage or threaten to damage another's property; **6**
5. Damage or deface school property; **7**
6. Violate any Illinois law, **8** or town or county ordinance;
7. Smoke or otherwise use tobacco products; **9**
8. Consume, possess, distribute, or be under the influence of alcoholic beverages or illegal drugs; **10**
9. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner); **11**
10. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board;
11. 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; **12**
12. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding; **13**
13. Violate other District policies or regulations, or a directive from an authorized security officer or District employee; or
14. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

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

4 See e.g., 720 ILCS 5/12-9 (threats to public officials); 720 ILCS 5/9-1, 5/12-4.2, 5/24-1.2 (crimes against school employees); 720 ILCS 5/12-2 (assaulting a sports official or coach).

5 See e.g., 705 ILCS 405/5-407; 720 ILCS 5/24-9; and 725 ILCS 5/110-4, 5/110-10 (firearms in schools); 720 ILCS 5/24-1.2, 5/24-3 (discharge of 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).

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

7 See e.g., 720 ILCS 5/21-1.3, 5/21-4.

8 See e.g., 720 ILCS 5/11-14, 5/11-15, 5/11-16, 5/11-18, and 5/11-19 (prostitution near schools); 720 ILCS 5/21.3-5 (soliciting students to commit illegal act).

9 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. §6081); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

10 See e.g., 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school).

11 See e.g., 720 ILCS 5/21.2-1 et seq., amended by P.A. 96-807 (interference with a public institution of education).

12 See e.g., 625 ILCS 5/11-605 (speed limit) and 625 ILCS 5/11-1414 (passing a stopped school bus on school property). 625 ILCS 5/12-610.1(e), amended by P.A. 96-131, prohibits wireless telephone use while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes.

13 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.

Convicted Child Sex Offender 14

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 the parent/guardian is: (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 and notifies the Building Principal of his or her presence at the school; 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 15

Authorized agents of an exclusive bargaining representative, upon notifying the Building Principal's office, may meet with a school employee (or group of employees) in the school building during 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. **16** 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. **17**

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

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

14 720 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.*); Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, *Safety*; and administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*.

15 105 ILCS 5/24-25. Omit this section if it is covered in a collective bargaining agreement.

16 105 ILCS 5/24-25.

17 See *Nuding v. Cerro Gordo Community Unit School Dist.*, 730 N.E.2d 96 (Ill.App.4, 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 Dist.*, 706 N.E.2d 137 (Ill.App.5, 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).

hearing notice, delivered or sent by certified mail with return receipt requested, at least 10 days before the Board hearing date. The hearing notice must contain: **18**

1. The date, time, and place of the Board hearing;¹⁸
2. A description of the prohibited conduct;¹⁸
3. The proposed time period that admission to school events will be denied;¹⁸ and
4. Instructions on how to waive a hearing. **19**

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 730 N.E.2d 96 (Ill.App.4, 2000).

Pro-Children Act of 1994, 20 U.S.C. §7181 et seq.
105 ILCS 5/10-20.5b, 5/24-24, and 5/24-25.
720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 6:[120 \(Education of Children with Disabilities\)](#), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Discipline), 8:20 (Community Use of School Facilities)

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

18 Id. If a violator is a student, the hearing should be held in a closed meeting (5 ILCS 120/2). If, however, the violator is not a student, the hearing must be held in an open session.

19 The hearing requirement is for the violator's benefit and, consequently, the violator should be able to waive it.