



Mid-Valley Special Education Cooperative

Dr. Marianne Fidishin, Executive Director
1304 Ronzheimer Avenue
St. Charles, IL 60174
Phone: 331-228-4873
Fax: 331-228-4874

MEMORANDUM

TO: Mid-Valley Special Education Cooperative Executive Advisory Board

FROM: Marianne Fidishin, PhD, Executive Director

DATE: December 6, 2017

RE: Updated Policies

The Executive Director recommends approval of the updated policies.

Attached are the policies updated in the Issue 92, July 2016; Issue 93, October, 2016; and Issue 94, March, 2017 of the Illinois Association of School Boards PRESS Plus. Updated policies include 2:260: Cooperative Board: Uniform Grievance Procedure; 6:210: Instruction: Instructional Materials; 6:80: Instruction: Teaching about Controversial Issues; 7:275: Students: Orders to Forgo Life-Sustaining Treatment; and 8:80: Community Relations: Accommodating Individuals with Disabilities. Please also note policy 4:170: Operational Services: Safety from PRESS Plus Issue 90, October, 2015 was on hold pending response. The requirements of this policy have been addressed and fulfilled as verified by Mr. John Baird, Assistant Superintendent for Operations, St. Charles Community Unit School District 303.

Cooperative Board

Uniform Grievance Procedure

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

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*
5. Title VI of the Civil Rights Act, 42 U.S.C. §2000d *et seq.*
6. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e *et seq.*
7. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)
8. Bullying, 105 ILCS 5/27-23.7
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, 820 ILCS 180
12. Illinois Equal Pay Act of 2003, 820 ILCS 112
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/
15. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff *et seq.*
16. Employee Credit Privacy Act, 820 ILCS 70/

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

Right to Pursue Other Remedies Not Impaired

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

Deadlines

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

Filing a Complaint

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

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

Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law, this policy, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

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

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this procedure about the status of the investigation. Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Executive Director. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Executive Director, the written report shall be filed with the Board, which will make a decision in accordance with the following section of this policy. The Executive Director will keep the Board informed of all complaints.

Decision and Appeal

Within 5 school business days after receiving the Complaint Manager's report, the Executive Director shall mail his or her written decision to the Complainant and the accused by first class U.S. mail with a copy to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

Within 10 school business days after receiving the Executive Director's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board. Within 30 school business days, the Board shall affirm, reverse, or amend the Executive Director's decision or direct the Executive Director to gather additional information. Within 5 school business days of the Board's decision, the Executive Director shall inform the Complainant and the accused and parent if applicable, the child's parent or guardian if under the age of 18, of the Board's action.

This grievance procedure shall not be construed to create an independent right to a hearing before the Executive Director or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

Appointing Nondiscrimination Coordinator and Complaint Managers

The Executive Director shall appoint a Nondiscrimination Coordinator to manage the Cooperative's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

The Executive Director shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Executive Director will appoint 2 Complaint Managers, one of each gender. The Cooperative's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

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

Nondiscrimination Coordinator:

Nancy Sporer

Name

1304 Ronzheimer Ave., St. Charles, IL 60174

Address

nancy.sporer@d303.org

Email

331-228-4928

Telephone

Complaint Managers:

Nancy Sporer

Name

1304 Ronzheimer Ave., St. Charles, IL 60174

Address

nancy.sporer@d303.org

Email

331-228-4928

Telephone

Timothy Stoudt

Name

1304 Ronzheimer Ave., St. Charles, IL 60174

Address

Timothy.Stoudt@d303.org

Email

331-228-6034

Telephone

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
Equal Pay Act, 29 U.S.C. §206(d).
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.
Illinois Genetic Information Privacy Act, 410 ILCS 513/.
Illinois Whistleblower Act, 740 ILCS 174/.
Illinois Human Rights Act, 775 ILCS 5/.
Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280.
Equal Pay Act of 2003, 820 ILCS 112.
Employee Credit Privacy Act, 820 ILCS 70/.
23 Ill.Admin.Code §§1.240 and 200-40.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public Suggestions and Complaints)

ADOPTED: November 4, 2015

DRAFT UPDATE

Mid-Valley Special Education Cooperative

6:210

Instruction

Instructional Materials

All Cooperative classrooms and learning centers should be equipped with an evenly-proportioned, wide assortment of instructional materials, including textbooks, workbooks, audio-visual materials, and electronic materials. These materials should provide quality learning experiences for students and:

1. Enrich and support the curriculum;
2. Stimulate growth in knowledge, literary appreciation, aesthetic values, and ethical standards;
3. Provide background information to enable students to make informed judgments and promote critical reading and thinking;
4. Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society; and
5. Contribute to a sense of the worth of all people regardless of sex, race, religion, nationality, ethnic origin, sexual orientation, disability, or any other differences that may exist.

The Executive Director or designee shall annually provide a list or description of textbooks and instructional materials used in the Cooperative to the Board. Anyone may inspect any textbook or instructional material.

No movie above the PG rating shall be shown to students in elementary grades unless prior approval is received from the Executive Director or designee. No R rated movie shall be shown to high school students unless prior approval has been received from the Executive Director or designee. These restrictions apply to television programs and other media with equivalent ratings. Parents/guardians shall be given the opportunity to request that their child not participate in a class showing a movie, television program, or other media with an "R" or equivalent rating. No movie rated NC-17 (no one 17 and under admitted) shall be shown under any circumstances.

Instructional Materials Selection and Adoption

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

LEGAL REF.: 105 ILCS 5/10-20.8, ~~5/10-20.9~~, and 5/28-19.1.

CROSS REF.: 6:30 (Organization of Instruction and Curriculum Development), 6:80 (Teaching About Controversial Issues), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Complaints)

ADOPTED: January 9, 2013

Commented [APowell1]:
The Legal References are updated.

Issue 95, July 2017

DRAFT UPDATE

Mid-Valley Special Education Cooperative

6:80

Instruction

Teaching About Controversial Issues

The Executive Director or designee shall ensure that all school-sponsored presentations and discussions of controversial or sensitive topics in the instructional program, including those made by guest speakers, are:

- Age-appropriate. Proper decorum, considering the students' ages, should be followed.
- Consistent with the curriculum and serve an educational purpose.
- Informative and present a balanced view.
- Respectful of the rights and opinions of everyone. Emotional criticisms and hurtful sarcasm should be avoided.
- Not tolerant of profanity or slander—~~Disruptive conduct is prohibited and may subject a student to discipline.~~

The Cooperative specifically reserves its right to stop any school-sponsored activity that it determines violates this policy, is harmful to the Cooperative or the students, or violates State or federal law.

Commented [APowell1]:

The specific reference to student discipline is deleted to keep the focus of this policy on the broader topic of teaching.

Issue 95, July 2017

CROSS REF.: 6:255 (Assemblies and Ceremonies)

ADOPTED: May 2, 2012

DRAFT UPDATE

Mid-Valley Special Education Cooperative

7:275

Students

Orders to Forgo Life-Sustaining Treatment

Written orders from parent(s)/guardian(s) to forgo life-sustaining treatment for their child or ward must be signed by the child's physician and given to the Executive Director. This policy shall be interpreted in accordance with the Illinois Health Care Surrogate Act, (755 ILCS 40/).

Whenever an order to forgo life-sustaining treatment is received, the Executive Director shall convene a multi-disciplinary team that includes;

1. The child, when appropriate;
2. The child's parent(s)/guardian(s); and
3. Other medical professionals, e.g., licensed physician, physician's assistant, or nurse practitioner;
4. Local first responders for the building in which the child is assigned to attend school;
5. The school nurse;
6. Clergy, if requested by the child or his or her parent(s)/guardians(s);
7. Other individuals to provide support to the child or his or her parent(s)/guardian(s); and as well as
8. School personnel designated by the Executive Director.

The team shall determine guidelines specific interventions to be used by school staff members in the event the child suffers a life-threatening episode at school or a school event.

Cooperative personnel shall convey orders to forgo life-sustaining treatment to the appropriate emergency or healthcare provider.

LEGAL REF.: Health Care Surrogate Act, 755 ILCS 40/
Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990).
In re: C.A., a minor, 603 N.E.2d 1171 (Ill.App.1, 1992).

ADOPTED: June 7, 2012

Commented [APowell1]:

This optional policy is updated with suggestions from the PRESS Advisory Board (PAB). More members of the multidisciplinary team are added.

Consult the board attorney regarding the establishment of a multi-disciplinary team and whether attendance at meetings is necessary.

Issue 95, July 2017

Commented [APowell2]:

Consult the board attorney about requiring teachers and other non-administrative school employees to administer medical care and/or treatment to students who are the subject of orders to forgo life-sustaining treatment. Generally, only licensed (formerly certificated) school nurses and non-licensed (formerly non-certificated) registered professional nurses may be required to administer medication to students. See 105 ILCS 5/10-22.21b.

Issue 95, July 2017

Commented [APowell3]:

Either or both of the following optional sentences may be added at the end of this paragraph:

Option 1: The Executive Director or designee will ensure minutes are taken that summarize the decisions and guidelines made during multi-disciplinary meetings and obtain signatures of the child's parent(s)/guardian(s) on the minutes of each multi-disciplinary meeting.

Option 2: The Executive Director or designee will monitor the effectiveness of the guidelines established during the multi-disciplinary meetings at times the multi-disciplinary team determines are necessary.

Issue 95, July 2017

DRAFT UPDATE

Mid-Valley Special Education Cooperative

8:70

Community Relations

Accommodating Individuals with Disabilities

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

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

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

The Executive Director or designee is designated the Title II Coordinator and shall:

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

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

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

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq.; 28 C.F.R. Part 35.
Rehabilitation Act of 1973 §104, 29 U.S.C. §794 (2006).
105 ILCS 5/10-20.51.
410 ILCS 25/, Environmental Barriers Act.
71 Ill.Admin.Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and Expansion Programs)

ADOPTED: February 1, 2017

Commented [APowell1]:

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

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

Issue 95, July 2017

Commented [APowell2]:

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

Issue 95, July 2017

N/A

DRAFT UPDATE

Pending Response

Mid-Valley Special Education Cooperative

4:170

Operational Services

Safety

Safety and Security

All MVSEC operations, including the education program, shall be conducted in a manner that will promote the safety and security of everyone on Cooperative property or at a Cooperative event. The Executive Director or designee shall develop, implement, and maintain a comprehensive safety and security plan that includes, without limitation:

1. An emergency operations plan(s) addressing prevention, preparation, response, and recovery for each school;
2. Provisions for a coordinated effort with local law enforcement and fire officials, emergency medical services personnel, and the Board Attorney;
3. A school safety drill plan;
4. Instruction in safe bus riding practices; responding to emergencies while on school-owned vans; and
5. A clear, rapid, factual, and coordinated system of internal and external communication.

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to follow the best practices discussed for their building regarding the use of any available cellular telephones.

School Safety Drill Plan

During every academic year, each school building that houses school children shall conduct, at a minimum, each of the following in accordance with the School Safety Drill Act, 105 ILCS 128/:

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

Carbon Monoxide Alarms

The Director or designee shall implement a plan with the Cooperative's local fire officials to:

1. Determine which school buildings to equip with approved carbon monoxide alarms or carbon monoxide detectors.
2. Locate the required carbon monoxide alarms or carbon monoxide detectors within 20 feet of a carbon monoxide emitting device, and
3. Incorporate carbon monoxide alarm or detector activation procedures into each school building that requires a carbon monoxide alarm or detector. The Superintendent or designee shall ensure each school building annually reviews these procedures.

Commented [AKL1]: 105 ILCS 5/10-20.56, added by P.A. 99-470, eff. 1-1-16. *Carbon monoxide detector and detector* mean a device having a sensor that responds to carbon monoxide gas and that is connected to an alarm control unit and approved in accordance with rules adopted by the Ill. State Fire Marshal. *Approved carbon monoxide alarm or alarm* means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Ill. State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association (430 ILCS 135/5). **Consult both the board attorney and the local fire officials about whether a school building is exempt from this law. Remove this subhead if the board attorney determines that every building across the entire school district is exempt. The law applies to school buildings that have or are close to any sources of carbon monoxide; however, it does not specifically define what that means. 430 ILCS 135/20 defines exemptions for residential units and may provide guidance on the exemption for schools. The law also fails to define carbon monoxide emitting device, which triggers the placement point in a school building for a carbon monoxide alarm or carbon monoxide detector.**

Issue 90, October 2015

DRAFT UPDATE

Pending Response

Emergency Closing

The Executive Director is authorized to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property.

Annual Review

The Board or its designee will annually review each school building's safety and security plans, protocols, and procedures, as well as each building's compliance with the school safety drill plan.

LEGAL REF.: 105 ILCS 5/10-20.2, 5/10-20.56, 5/18-12, 5/18-12.5, and 128/
210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act.

CROSS REF.: 4:110 (Transportation), 4:175 (Convicted Child Sex Offender; Criminal
Background Check and/or Screening; Notifications), 4:180 (Pandemic
Preparedness), 5:30 (Hiring Process and Criteria), 8:30 (Visitors to and Conduct
on School Property), 8:100 (Relations with Other Organizations and Agencies)

ADOPTED: November 5, 2014