



Oak Park Elementary School District 97

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

**TO: Members, Board of Education
Dr. Albert Roberts, Superintendent**

FROM: Chris Jasculca

RE: Adoption of Policies

DATE: October 22, 2013

The District 97 Board of Education conducted a first reading of the following policies during its meeting on October 8, 2013:

- Policy 2:105 – Ethics and Gift Ban
- Policy 2:120 – Board Member Development
- Policy 5:20 – Workplace Harassment Prohibited
- Policy 6:120 – Education of Children with Disabilities
- Policy 7:230 – Misconduct by Students with Disabilities
- Policy 7:240 – Student Records

The board also discussed a request from the Oak Park Teachers' Association to reinstate policy 4362.01 (Threatening Behavior Toward Staff Members) and add it to the district's current policy manual. Additional information about the policy review and discussion that took place on October 8 can be accessed by visiting <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=34408533>.

Attached are the policies that are being presented to the board tonight for adoption. If the board adopts policy 4362.01 this evening, it will be assigned a new number by PRESS and included in both the print and online versions of our current manual.

Attachments:

- Policy 2:105 – Ethics and Gift Ban
- Policy 2:120 – Board Member Development
- Policy 4362.01 – Threatening Behavior Toward Staff Members
- Policy 5:20 – Workplace Harassment Prohibited
- Policy 6:120 – Education of Children with Disabilities
- Policy 7:230 – Misconduct by Students with Disabilities
- Policy 7:240 – Student Records

DRAFT UPDATE

Oak Park School District 97

2:105

Board of Education

Ethics and Gift Ban

Prohibited Political Activity

The following precepts govern political activities being conducted by Board of Education members:

1. No Board member shall intentionally use any District property or resources in connection with any political activity.
2. At no time shall any Board member intentionally require any other Board member to perform any political activity as part of that Board member's duties.
3. No Board member shall be required at any time to participate in any political activity in consideration for that Board member being awarded any benefit; nor shall any Board member be awarded any benefit in consideration for his or her participation in any political activity.

A Board member or employee may engage in ~~activities~~any activity that: (1) ~~are~~is otherwise appropriate as part of his or her official duties, or (2) ~~are~~is undertaken by the individual on a voluntary basis that ~~are~~is not prohibited by this policy.

Limitations on Receiving Gifts

Except as permitted by this policy, no Board member, and no spouse of or immediate family member living with ~~any~~a Board member shall intentionally solicit or accept any "gift" from any "prohibited source," as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board member, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fund-raising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of

DRAFT UPDATE

personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift, and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or their spouses or immediate family members.

8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business (or outside activities that are not connected to the official duties of a Board member), if the benefits have not been offered or enhanced because of the official position or employment of the Board member, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a Board member from another Board member and "inter-governmental gift" means any gift given to a Board member ~~by~~ from an officer of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Board member his or her spouse or an immediate family member living with the Board member, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

Enforcement

The Board President and Superintendent shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws. The Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Superintendent or Board President. If attempts to correct any misunderstanding or problem do not resolve the matter, the Superintendent or Board President shall, after consulting with the Board attorney, either place the alleged violation on a Board meeting agenda for the Board's disposition or refer the complainant to Board policy 2:260, *Uniform Grievance Procedure*. A Board member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall not participate in any decision-making capacity for the Board. If the Board finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney.

Definitions

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

"Political activity" means:

DRAFT UPDATE

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

“Prohibited source” means any person or entity who:

1. Is seeking official action by a Board member.
2. Does business or seeks to do business with a Board member.
3. Conducts activities regulated by: (a) a Board member, or (b) an employee or by the Board member or another employee directing that employee; ~~or~~
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board member or employee; ~~;~~
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or

DRAFT UPDATE

6. Is an agent of, a spouse of, or an immediate family member living with a prohibited source.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of a Board member.

Comment [AKL1]: The definition of prohibited source in this policy is updated in response to legislation. Other changes are made to clarify language.

Issue 82, July 2013

LEGAL REF.: 5 ILCS 430.1 ~~1-1 et seq.~~ State Officials and Employees Ethics Act.
10 ILCS 5/9-25.1, Election Interference Prohibition Act.

CROSS REF.: 5:120 (Ethics and Conduct)

ADOPTED: ~~March 19, 2013~~

DRAFT UPDATE

Oak Park School District 97

2:120

Board of Education

Board Member Development

The Board of Education desires that its individual members learn, understand, and practice effective governance principles. The Board is responsible for Board member orientation and development. Board members have an equal opportunity to attend State and national meetings designed to familiarize members with public school issues, governance, and legislation.

The Board President and/or Superintendent shall provide all Board members with information regarding pertinent education materials, publications, and notices of training or development.

Mandatory Board Member Training

Each Board member is responsible for his or her own compliance with the mandatory training laws that are described below:

1. Each Board member ~~taking office after June 13, 2011~~ must complete at least 4 hours of professional development leadership training in education and labor law, financial oversight and accountability, and fiduciary responsibilities within the first year of his or her first term. ~~that begins after that date. This requirement is applicable to Board members who are elected after June 13, 2011 or who are appointed to fill a vacancy of at least one year's duration after that date.~~
2. Each Board member ~~who was in office on January 1, 2012~~ must complete training on the Open Meetings Act ~~within one year of that date. Each Board member taking office after January 1, 2012 must complete this training no later than 90 days after taking the oath of office for the first time. After completing the training, each Board member must file a copy of his or her the certificate of completion with his or her Board the Board.~~ Training on the Open Meetings Act is only required once.
3. ~~After the District's implementation of the Performance Evaluation Reform Act (PERA) evaluations. Each Board member must complete a training program on PERA evaluations under the Performance Evaluation Reform Act (PERA) before participating in a vote on a tenured teacher's dismissal based on an using the optional alternative evaluative evaluation dismissal process. This dismissal process is available after the District's PERA implementation date.~~

Comment [AKL1]: Policy is updated for clarity and to remove dates that are no longer pertinent.
Issue 82, July 2013

The Superintendent or designee shall maintain on the District website a log identifying the complete training and development activities of each Board member, including both mandatory and non-mandatory training.

Board Self-Evaluation

The Board will conduct periodic self-evaluations with the goal of continuous improvement.

New Board Member Orientation

The orientation process for newly elected or appointed Board members includes:

1. The Board President or Superintendent, or their designees, shall give each new Board member a copy of or online access to the Board Policy Manual, the Board's regular meeting minutes for the past year, and other helpful information including material describing the District and explaining the Board's roles and responsibilities.
2. The Board President may request a veteran Board member to mentor a new member.

DRAFT UPDATE

3. All new members are encouraged to attend workshops for new members conducted by the Illinois Association of School Boards.

Candidates

The Superintendent or designee shall invite all current candidates for the office of Board member to attend: (1) Board meetings, except that this invitation shall not extend to any closed meetings, and (2) pre-election workshops for candidates.

LEGAL REF.: 5 ILCS 120/1.05 and 120/2.
105 ILCS 5/10-16a and 5/24-16.5.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:125 (Board Member Expenses),
2:200 (Types of Board of Education Meetings)

ADOPTED: ~~March 19, 2013~~

DRAFT UPDATE

Oak Park School District 97

5:20

General Personnel

Workplace Harassment Prohibited

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

The School District shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting 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 environment. 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

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding 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 the harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board policy 2:260, *Uniform Grievance Procedure*. Employees may choose to report to a person of the employee's same sex. 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

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

DRAFT UPDATE

Nondiscrimination Coordinator:

~~Joanne Schochat~~ Steve Cummins
Name
970 Madison Street
Address
Oak Park, IL 60302
708/524-3000
Telephone

Complaint Managers:

Joanne Schochat <u>Steve Cummins</u>	Mike Padavic <u>Felicia Starks Turner</u>
Name	Name
970 Madison Street	970 Madison Street
Address	Address
Oak Park, IL 60302	Oak Park, IL 60302
708/524-3000	708/524-3000
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 and posting on the District's website.

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 5/5-102.2.
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).
Crawford v. Metro. Gov't of Nashville & Davidson County, 129 S. Ct. 846 (2009).
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).
Vance v. Ball State University, 133 S. Ct. 2434 (2013).

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

ADOPTED: ~~March 19, 2013~~

Comment [AKL1]: Legal references are updated to add two U.S. Supreme Court decisions. See the Update Memo for more information.

Issue 82, July 2013

DRAFT UPDATE

Instruction

Education of Children with Disabilities

The School District shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the District, as required by the Individuals With Disabilities Education Act (IDEA) and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act. The term "children with disabilities," as used in this policy, means children between ages 3 and 15 (inclusive) for whom it is determined, through definitions and procedures described in the Illinois State Board of Education's *Special Education* rules, that special education services are needed.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the Illinois State Board of Education's *Special Education* rules. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s) to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), representation by counsel, and a review procedure.

The District may maintain membership in one or more cooperative associations of school districts that shall assist the District in fulfilling its obligations to the District's disabled students.

If necessary, students may also be placed in nonpublic special education programs or education facilities.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 et seq.
Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794.
105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02ab.
23 Ill.Admin.Code Part 226.
34 C.F.R. §300.

CROSS REF.: 2:150 (Committees), 7:230 (Misconduct by Students with Disabilities)

ADOPTED: ~~March 19, 2013~~

Comment [AKL1]: Legal references are edited
Issue 82, July 2013

DRAFT UPDATE

Oak Park School District 97

7:230

Students

Misconduct by Students with Disabilities

Behavioral Interventions

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The Board of Education will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities.

Discipline of Special Education Students

The District shall comply with the Individuals With Disabilities Education Improvement Act of 2004 and the Illinois State Board of Education's *Special Education* rules when disciplining special education students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of his or her disability.

LEGAL REF.: Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §§1412, 1413, and 1415.
Gun-Free Schools Act, 20 U.S.C. §337151 et seq.
34 C.F.R. §§300.101, 300.530 - 300.536.
105 ILCS 5/10-22.6 and 5/14-8.05.
23 Ill.Admin.Code §226.400.
Honig v. Doe, 108 S.Ct. 592 (1988).

CROSS REF.: 2:150 (Committees), 6:120 (Education of Children with Disabilities), 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct)

ADOPTED: ~~March 19, 2013~~

Comment [AKL1]: Legal references are edited
Issue 82, July 2013

DRAFT UPDATE

Oak Park School District 97

7:340

Students

Student Records

School student records are confidential and information from them shall not be released other than as provided by law. A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or at its direction or by a school employee, regardless of how or where the information is stored, except for certain records kept as provided in a staff member's sole possession, records maintained by State or federal law as summarized below, enforcement officers working in the school, video and other electronic recordings that are created in part for law enforcement, security, or safety reasons or purposes, and electronic recordings made on school buses.

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school.
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 17 years who has been arrested or taken into custody.

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school student records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The District may release directory information as permitted by law, but a parent/guardian shall have the right to object to the release of information regarding his or her child. However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian.

The Superintendent or designee shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records.

Comment [AKL1]: The definition of school student record is amended to align with 23 Ill AdminCode section 375.10.

OPTION

Rather than listing the exceptions in the policy, the board may choose to end the sentence after the proviso "except as provided in State or federal law." To use the shorter option, check 7 340 OPTION on the response form.

Please see the Update Memo for important information regarding other aspects of your student records policy.

Issue 82, July 2013

4362.01 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning his/her physical and/or psychological well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

105/10-21.7

Revised 4/11/06