



Oak Park Elementary School District 97

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

FROM: Policy Committee – James Gates, Amy Felton and Chris Jasculca

RE: Changing policy service providers

DATE: March 13, 2012

During the past few months, the policy committee and administration have worked with Hodges Loizzi Eisenhammer Rodick & Kohn LLP (HLERK), the district's legal counsel, on the creation of or revisions to the following policies and their corresponding administrative guidelines:

- Policy 2260.01 – Nondiscrimination on the Basis of Disability
- Policy 5517.01 – Aggressive Behavior, Bullying and Harassment
- Policy 5600 – Student Discipline
- Policy 8330 – Student Records
- Policy 9150 – School/Classroom Visits
- Policy 9160 – Public Attendance at School Events

Through the course of this work, the committee, administration and HLERK identified several policies that adhere to the law, but need substantive changes to align them more closely to the Illinois School Code and ensure they effectively meet the needs of our students, staff, schools and community. There are also a number of policies and guidelines that need minor revisions or a thorough review to ensure that they reflect the current state of the district (e.g., update ones that include job titles such as assistant superintendent of teaching and learning and communications coordinator, which no longer exist).

We believe these issues reflect the need to conduct a comprehensive review of the district's policies and administrative guidelines to ensure they are legally compliant and in alignment with our role and responsibilities to deliver a high-quality education to the children of Oak Park. We recommend that this effort be undertaken starting this spring and be led by the policy committee and members of the district's administrative leadership team, most notably the superintendent and director of policy, planning and communications.

We also believe these issues highlight the need to switch from Neola, the district's current policy service provider, to the Illinois Association of School Board's Policy Reference Education Subscription Service (PRESS).

Background information about Neola and PRESS

Neola provides school districts with assistance in developing and updating their board bylaws and policies, administrative guidelines/procedures, forms, staff handbooks and student/parent handbooks in electronic and printed format. The company is currently working with more than 750 superintendents and school boards in Florida, Indiana, Illinois, Ohio, Michigan, Wisconsin and West Virginia. Its corporate office is located in Stow, Ohio.

PRESS offers a variety of services to school districts in Illinois, including the customization of policy manuals and administrative procedures and a full maintenance policy updating service. The company will also convert and format a district's policies into Web documents, complete with links to legal references, and maintain them online. PRESS currently works with 810 of the 864 school districts in Illinois.

District 97's history with Neola

District 97 has been a client with Neola since 2004. The company worked with the district to develop its current policies and administrative guidelines. The company provides the district with approximately two updates per year, which include recommended or required revisions to policies, guidelines and forms. It also hosts/maintains the district's policy manual online. The district spends an average of \$2500 per year on services provided by Neola—\$2000 for the two update packages and \$500 for the annual online maintenance.

Outreach conducted regarding potential switch from Neola to PRESS

In an effort to determine and formulate its recommendation regarding a potential switch from Neola to PRESS, the members of the policy committee spent several weeks researching the issue. We collected extensive background information about both companies, and met with representatives from each one to discuss plans and expectations for the future. In addition, we reached out to board members from other districts, and talked to members of the district's staff and legal counsel, about their experiences working with PRESS.

Reasons for recommending the switch from Neola to PRESS

After meeting with the representatives from both companies, communicating with our internal and external contacts and reviewing the available information, we are recommending that the district switch from Neola to PRESS for the following reasons:

1. **Efficiency** – Neola's current system of operations present challenges that impact our ability to update policies and guidelines in an efficient manner. These challenges include:
 - Lack of customization in the updates. The update packets from Neola feature recommended or required changes to the general policy and guideline templates they use for clients in several states. This means that any district-specific language we include in our policies or guidelines does not appear in the revised templates we receive. As a result, we often need to review/reference several versions of the same policy to ensure that we are incorporating the necessary changes into the right document.
 - Multiple points of contact. We currently work with three different representatives from Neola. One from Wisconsin who meets with us to review the update packets. One from Ohio who manages our day-to-day logistical needs (sends us the updates, posts adopted policies online, handles the billing, etc.). One from Ohio who assists us with general legal questions. While it is not uncommon for a company to have separate individuals/departments managing different functions, not having one point of contact we can funnel our requests through has resulted in breakdowns in communication internally at Neola, created a disjointed process for updating our policies and guidelines, and caused disruptions in our service.
 - Timely fulfillment of requests. There have been occasions when it took several weeks or a few months, and multiple requests, to get adopted policies posted online, which is the easiest, most convenient way for students, parents/guardians and staff to access them.

- Repetition of information. We currently have a set of policies for each of the following employee groups: administration, professional staff and classified staff. Within each set, there are a number of policies that, with the exception of the policy number, feature the exact same language for every group. When we approached Neola about consolidating these sets into one general employee category that would feature subsets of policies that apply to specific groups (a request they accommodated for Superintendent Roberts in his previous districts), we were encouraged to maintain all three sets because they believe there are subtle differences in several of them that don't universally apply to all types of employees.

By moving to PRESS, the district will:

- Receive updates that feature recommended or required revisions to district-specific versions of policies and guidelines. There will not be a need to review/reference several versions of the same documents in order to make changes.
 - Have one person who will serve as our point of contact on the customization of our policy manual and administrative guidelines. Once those tasks are complete, we will be assigned a different person who will serve as our point of contact for updates, legal questions, billing issues, etc.
 - Have updates made to our policy and guideline manuals no later two weeks after approved changes are sent to the company. The only exception will be when changes are sent during the holiday season. In these cases, updates may take three to four weeks.
 - Have one section of policies for employees that will feature subsets of policies that apply to specific groups.
2. **Alignment with state law** – While Neola's policies and administrative guidelines are legally compliant, we have discovered, through the policy work we have conducted with HLERK, that they do not align as closely as they should with the Illinois School Code. As a result, we have had to revise or rewrite several policies and guidelines to bring them into alignment.

Please note that Neola works with a school law firm in Chicago that recommends revisions to policies and guidelines for the company's local clients that are based on changes to state law. However, we believe that the company's use of the same or similar templates for clients in multiple states impacts its ability to effectively develop policies and guidelines that are specific to Illinois.

PRESS is located in Illinois and works with local law firms, government agencies, etc. to draft and update policies and guidelines for its clients. In fact, an attorney from HLERK sits on the company's advisory board, which offers input and suggestions on updates to policies and guidelines before they are issued to school districts. All of the templates it uses for its policies and guidelines are Illinois-specific.

3. **Quality of the written updates** – As referenced above in the section about efficiency on page two, Neola's written updates feature recommended or required revisions to its standard templates for policies and guidelines rather than the ones that were adopted/approved by the district. For example, on June 28, 2011, we adopted a new student discipline policy that was a consolidation of the 10 individual policies about discipline provided by Neola. When Neola sent an update in October 2011 that included changes related to the suspension and expulsion of nondisabled students, it provided those changes on its standard template rather than on the policy we adopted in June. In these cases, the policy committee often has to review/reference several versions of a policy to ensure the necessary changes are incorporated into the right document. The representative from PRESS assured us that its updates will

feature recommended or required revisions to the district's existing policies and guidelines, not the company's standard templates.

Written updates from Neola also include a memo that features a brief explanation of the reasons why revisions are recommended or required, and references to the law that applies. An example of an update from Neola is featured in Attachment A. Updates from PRESS feature a similar memo, but offer a more thorough explanation of the changes, as well as legal references, in footnotes on the policies and guidelines. An example of an update from PRESS is featured in Attachment B. Since the district's questions about policies and guidelines tend to be legal in nature, having a more extensive explanation of how changes in the law relate to recommended or required revisions will save time, as well as the money spent consulting with legal counsel.

4. **Cost** – As referenced above in the section about history on page two, the district spends an average of \$2,500 per year on services provided by Neola—\$2,000 for the two update packages and \$500 for the annual online maintenance. The representative we met with from Neola does not believe we need to perform a comprehensive review of the district's policies. However, the district has spent \$13,311.97 in legal fees during the past three years in conjunction with the work we conducted with HLERK to bring several of our existing policies and guidelines into alignment with the Illinois School Code. We have also identified several additional policies that require the same level of extensive revision.

If we switch to PRESS, we would pay a one-time fee of approximately \$22,100 to perform a comprehensive review of our policies and guidelines, which would include drafting new policy and guideline manuals for the district. When the manuals have been completed and approved, we would pay approximately \$3,695 in annual fees—\$1,195 per year for PRESS Plus and \$2,500 for School Board Policy Online. PRESS Plus is the company's full maintenance policy updating service that identifies suggested policy and guideline changes for districts, provides written updates that include suggested changes to districts' policies and guidelines, and offers any necessary word processing support to ensure that adopted/approved revisions to policies and guidelines are incorporated into districts' manuals. School Board Policy Online is the service the company offers to districts that are interested in posting their policy manuals online. This service includes:

- Publication of current district policies on the Web.
- Interactive links from each policy to the statutes, available regulations and/or case law related to it.
- Updates to the online manual every time policies are added, deleted or revised (usually completed within two weeks of adoption).
- A search engine designed especially for school board policy manuals.

The cost for PRESS may increase by a maximum of three percent on an annual basis. While the annual cost of using PRESS is more than Neola, we believe, and our legal counsel agrees, that the unique services offered by PRESS (recommended revisions to district-specific policies rather than standard templates; interactive links to statutes, regulations and/or case law related to policies; one point of contact; updates made to the online policy manual within two weeks of policies being added, deleted or revised; intuitive, user-friendly search engine for the online manual; closer alignment with state law; etc.) will save us time and money (e.g., legal fees) moving forward.

5. **Input from internal and external contacts** – As referenced above in the section about outreach on page two, we reached out to board members from other districts, and talked to members of the district's staff and legal counsel, about their experiences working with PRESS. We received an overwhelmingly positive response about PRESS from board members and district staff who have worked with the company.

HLERK also endorses the use of PRESS, and believes switching policy service providers will benefit the district legally and financially. Feedback from the firm is featured in Attachment C. Please note that while HLERK endorses the use of PRESS, and has a member of its firm serving on the company's advisory board, it does not receive compensation from the company nor will it benefit financially if the district switches service providers.

Contract with Neola

The district currently has an annual contract with Neola that is automatically renewed unless we notify the company in writing that we are canceling it. Once notification is received, it takes Neola approximately 30 days to process the cancellation. The only fees we would incur if we cancel the contract are the cost of any extra copies, shipping and handling associated with written updates we have received, but not been billed for yet.

Process with PRESS

If the district switches from Neola to PRESS, the following are the steps we must complete to develop new policy and administrative guideline manuals in an effective, timely fashion.

- Provide the representative from PRESS with copies of the district's current policy and administrative guideline manuals.
- Meet with the representative from PRESS to discuss the current state of the district's policies and administrative guidelines, and the process for keeping them updated moving forward.
- The representative from PRESS will use the existing policy and administrative guideline manuals and information collected during the meeting to develop drafts of new manuals for the district.
- The policy committee and members of the administration will work with the representative from PRESS to edit the policy and administrative guideline manuals. This editing will be done during several meetings, each of which will last approximately two hours. This step may take several months to complete.
- Final drafts of both manuals will be presented to the district. Since it is not customary for the board to review administrative guidelines, the policy manual is the only one that will be presented to its members for review and approval. However, the administrative guideline manual will be provided to any board member who is interested in reading it in conjunction with its review of the policy manual.
- The board will conduct an official first reading of the policy manual in open session during one of its meetings, and approve/adopt the manual at a subsequent meeting. Based on the size of the manual, we anticipate this step will take several weeks to complete and may require more than one review prior to approval/adoption. During the time between the first reading and approval/adoption, the draft policy manual will be made available for review by the general public.
- When the policy manual is approved by the board, it will be posted online and linked to from the district's Web site. The district will also make the general public aware of the online location of the manual. A hard copy of the policy and administrative guideline manuals will be provided to each school building and the administration building. We hope to have both manuals drafted and approved early in the fall of 2012.

- After the process of drafting the manuals is complete, the policy committee and administration will work with PRESS to keep both documents up-to-date and aligned with the law.

Miscellaneous information

- If the district does switch from Neola to PRESS, Neola has informed us that our existing online policy manual will be taken down as soon as we terminate our contract with the company. Since we want to ensure that the general public will continue to have access to our policies during the transition, we will work with our Web master to identify a way to post and maintain a user-friendly version of the current manual on the main district site until the new one has been approved/adopted and posted online.
- While we anticipate that a switch to PRESS will significantly reduce the amount of time and money we spend working with HLERK on policies and administrative guidelines, there may be times when we need to consult with them on legal issues that are specific to the district. However, for legal matters that apply to most or all Illinois school districts, we will first seek the advice of the experts that work for PRESS.
- As with Neola, PRESS cannot legally stand behind any policies or administrative guidelines that we change to make more specific to our district. If a legal issue does arise that is related to district-specific policies and guidelines, we will need to handle them with the assistance of HLERK.
- There are several policies and administrative guidelines that the district has written from scratch, including:
 - Policy 2531.01 – Instructional Digital and Analog Video
 - Policy 5517.01 – Aggressive Behavior, Bullying and Harassment
 - Policy 5600 – Student Discipline
 - Policy 6144 – Investments
 - Policy 7440.01 – Video Surveillance and Electronic Monitoring

If we switch to PRESS, we will request that these policies be included in the new manual as is.

The policy committee, with the support of Superintendent Roberts, is presenting the board with its formal recommendation this evening to switch from Neola, the district's current policy service provider, to the Illinois Association of School Board's Policy Reference Education Subscription Service. This recommendation will be brought back before the board for action during its meeting on April 10, 2012.

Attachment A

responsibilities. IASB is authorized to provide this training which will be available on the *Online Learning Center* at www.IASB.com in January 2012.

3. A board member must receive training on evaluations under the Performance Evaluation Reform Act before voting on a dismissal based upon the alternative evaluation dismissal process. The requirement will not be applicable to most board members until 2015. IASB will develop this training after the Illinois State Board of Education publishes its implementing rules.

Administration

- ▶ **3:60, Administrative Responsibility of the Building Principal.** This policy is updated, along with the footnotes and Legal References. In response to P.A. 97-217, we added assistant principal where appropriate.

Operations

- ▶ **4:80, Accounting and Audits.** This is updated for two reasons:

1. Illinois Program Accounting Manual (IPAM) references. We deleted all policy and footnote references to IPAM and replaced them with the "Requirements for Accounting, Budgeting, Financial Reporting, and Auditing."
2. Governmental Accounting Standards Board (GASB) rules. We added the following sentence to help alleviate concerns about GASB rules: "Determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with government accounting standards as directed by the auditor designated by the Board."

- ▶ **4:140-E3, Exhibit - Resolution to Increase Driver Education Fees.** This **NEW** exhibit contains a resolution to increase the driver education course fee. A school board may increase the driver education fee to an amount not to exceed \$250 by school board resolution following a public hearing on the increase. 105 ILCS 5/27-24.2, amended by P.A. 97-145. The fee must be waived for students who are unable to pay for the course.

Personnel

- ▶ **5:90, Abused and Neglected Child Reporting.** The policy is updated to reflect the exact language from the

Abused and Neglected Child Reporting Act as follows: "Any District employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, shall immediately: (1) report or cause a report to be made to the Illinois Department of Children and Family Services..." The footnotes also reflect P.A. 97-189. Knowingly transmitting a false report to DCFS is a Class 4 felony. Other outdated information in the footnotes is deleted.

- ▶ **5:100, Staff Development Program.** Another policy is added to the Cross References to reflect professional development for staff teaching transitional bilingual education. The footnotes are also updated to reflect P.A. 97-150. It amended the Good Samaritan Act and now exempts persons performing CPR from civil liability if they are *trained* (as opposed to certified) in CPR. Other outdated information in the footnotes is deleted.

- ▶ **5:200, Terms and Conditions of Employment and Dismissal.** The policy is updated as follows:

1. "The School Board delegates authority and responsibility to the Superintendent ~~shall~~ to manage the terms and conditions for the employment of professional personnel." This sentence better aligns with IASB's *Foundational Principles of Effective Governance*.
2. We added a listing of the legal holidays teachers may now be required to work if the district has obtained a waiver to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development days on those holidays.
3. Legal References are updated to reflect the Nursing Mothers in the Workplace Act, 820 ILCS 260/1 et seq.; the Performance Evaluation Reform Act, P.A. 96-861; and the Education Reform Act, P.A. 97-8.

We made significant changes in the footnotes to reflect the Performance Evaluation Reform Act and the Education Reform Act. Other footnote updates include citations to new legislation, which amended some legislation that inadvertently used identical statutory citations.

- ▶ **5:240, Suspension.** Provisions on recouping compensation and benefits that were paid to a suspended employee who was later dismissed as a result of a criminal conviction are amended and relocated into a separate section. A footnote now quotes the statutory authority for suspending a teacher, that is: "If, in the opinion of the board, the interests of the school require it, the board may suspend the teacher **without pay**, pending the hearing, but if the board's dismissal or removal is not sustained, the teacher shall not suffer the loss of any salary or benefits by reason of the sus-

General Personnel

Staff Development Program ¹

The Superintendent or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for certificated staff members shall be designed to effectuate the District and School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

The staff development program shall provide, at a minimum, at least once every 2 years, the in-service training of certificated school personnel and administrators on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children. ²

The staff development program shall provide, at a minimum, once every 2 years, the in-service training of all District staff on educator ethics, teacher-student conduct, and school employee-student conduct. ^{3 4 5}

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 the subject matter in paragraph 2 to be covered by policy. State or federal law controls this policy's content. A school board may set and enforce professional growth requirements (105 ILCS 5/24-5). Failure to meet professional growth requirements is considered remediable. *Morris v. ISBE*, 555 N.E.2d 725 (Ill.App.3, 1990).

105 ILCS 5/2-3.60 directs ISBE to require that districts provide a continuing education program for teachers. This policy applies the rationale behind that requirement to all staff. Note that determining the program's goals is board work.

² This paraphrases 105 ILCS 5/10-20.36. The topic covered in this paragraph must be in a board policy (*Id.*). A school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10) may recommend that a student be evaluated by an appropriate medical practitioner. School personnel may consult with the practitioner, with the consent of the student's parent/guardian.

³ 105 ILCS 5/10-22.39 (f), amended by P.A. 96-431, recodified by P.A. 96-1000, requires boards to conduct this in-service. While the language of this paragraph is not required to be in board policy, including it provides a way for boards to monitor that it is being done. Including this language provides an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-service that instructs all district staff to maintain boundaries and act appropriately, professionally and ethically with students. See also 5:120, *Ethics and Conduct*, and footnote ~~f/n~~ #8 in 4:110, *Transportation*. These expectations will be most effective when they reflect local conditions and circumstances. Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new employee conduct rules without first offering to negotiate them with the applicable exclusive bargaining representative.

⁴ Insert the following four paragraphs together if a board wants to list other in-services that the school district must provide but are not required to be in board policy (105 ILCS 5/10-22.39, amended by P.A. 96-249 and 96-951). Listing the other in-services helps the superintendent plan a staff development program that complies with the School Code. While it is possible to "pick and choose," this practice is likely to add more confusion to an already confusing responsibility. Some districts may not even provide each of the listed in-services on a regular basis because the School Code does not mandate the frequency with which they must occur.

The first paragraph restates 105 ILCS 5/10-22.39(e), amended by P.A. 96-349. "The staff development program shall provide, at a minimum, once every 2 years, the in-service training of all District staff by a person with expertise on anaphylactic reactions and management."

The second paragraph lists 2 ways of restating 105 ILCS 10-22.39(d), amended by P.A. 95-558).

LEGAL REF.: 105 ILCS 5/2-3.60, 5/10-22.39, 5/10-23.12, 5/24-5, and 110/3.
745 ILCS 49/, Good Samaritan Act.

CROSS REF.: 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Environmental Quality of Buildings and Grounds), 5:90 (General Personnel - Abused and Neglected Child Reporting), 5:120 (Ethics and Conduct), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:160 (English Language Learners), 7:285 (Food Allergy Management Program), 7:290 (Suicide Awareness and Prevention Program)

ADMIN PROC.: 4:60-AP (Environmental Quality of Buildings and Grounds), 4:170-AP6 (Plan for Responding to a Medical Emergency at an Indoor Physical Fitness Facility), 5:100-AP (Staff Development Program), 5:150-AP (Personnel Records), 7:250-AP1 (Measures to Control the Spread of Head Lice at School)

Alternate 1: At least every 2 years, the Superintendent or designee must arrange an in-service for school personnel who work with students; the in-service shall be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth. The in-service shall include: (a) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (b) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs and services as needed, and (c) implementing the School District's policies, procedures, and protocols with regard to such youth, including confidentiality.

Alternate 2: At least every 2 years, the Superintendent or designee shall arrange an in-service to train school personnel, at a minimum, to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.

The third paragraph restates 105 ILCS 5/10-22.39(c). "The Superintendent or designee shall include training in the staff development program that, at a minimum provides District staff with a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS) and the availability of appropriate sources of counseling and referral."

The fourth paragraph restates 105 ILCS 5/10-22.39(b). "The staff development program shall provide school personnel who work with students in grades 7 through 12 training to identify the warning signs of suicidal behavior in adolescents and teens along with appropriate intervention and referral techniques."

5 Different from the in-service training that school districts must provide to their staff, 105 ILCS 5/3-11 contains requirements that the regional superintendents must include during teachers institutes. ~~P.A. 95-969 added~~ Instruction on prevalent student chronic health conditions ~~beginning in~~ should have begun during school year 2009-2010. P.A. 96-431 added training committed to educator ethics and teacher-student conduct (see also f/n 3 above discussing the board's requirement in Section 10-22.39).

For districts that have a practice of providing instruction in life-saving techniques and first-aid in their staff development programs, insert the following optional paragraph that restates 105 ILCS 5/3-11, 105 ILCS 110/3, and 77 Ill.Admin.Code §527.800:

An opportunity shall be provided for all staff members to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automated external defibrillator, in accordance with a nationally recognized certifying organization. Physical fitness facilities' staff must be trained in cardiopulmonary resuscitation and use of an automated external defibrillator.

Persons performing CPR are generally exempt from civil liability if they are ~~certified~~ trained in CPR (745 ILCS 49/10, amended by P.A. 97-150); persons performing automated external defibrillation are generally exempt from civil liability if they were trained and acted according to the standards of the American Heart Association (745 ILCS 49/12).

The board may also want to address other staff development opportunities. While not required to be policy, 105 ILCS 5/27-23.10, added by P.A. 96-952, requires a school board to collaborate with State and local law enforcement agencies on gang resistance education and training. It also states that ISBE may assist in the development of instructional materials and teacher training for gang resistance education and training, which may be helpful to include in the staff development program. Other mandated and recommended staff development opportunities that are not located in the School Code or ISBE rules are found in the Ill. Administrative Code or federal regulations. Many of them are cross referenced in this policy.

Attachment B



NEOLA of ILLINOIS TEMPLATES

Policy 8310 – Public Records (Revised)

The Freedom of Information Act has been revised to allow for certain requesters to be deemed “recurrent requesters.” This revision includes that change and the revisions to the accompanying guideline and form include other changes made to state law.

This revision reflects the current state of the law and should be adopted to maintain current policies.

Policy 9160 – Public Attendance at School Events (Revised)

See note on Policy 2260.01

This revision reflects the current state of law and should be adopted to maintain accurate policies.

ADMINISTRATIVE GUIDELINES

The following administrative guidelines contain language for your consideration. As always with any NEOLA guideline, it is important for you to consider the unique circumstances of your District when considering any of the choices provided.

AG 1530 – Evaluation Procedure for Administrative Personnel (Revised)

See note on Policy 1530

AG 1623A/3123A/4123A – Section 504/ADA – Prohibition Against Disability Discrimination in Employment (New)

See note on Policy 1123/3123/4123.

AG 1623B/3123B/4123B – Section 504/ADA – Complaint Procedures Related to Disability Discrimination in Employment (New)

See note on Policy 1123/3123/4123.

AG 2260A/3122A/4122A – Federal Regulations for Section 504 (Delete)

These guidelines are no longer relevant due to the amendment of Federal legislation.



NEOLA of ILLINOIS

TEMPLATES

BOARD OF EDUCATION

SCHOOL DISTRICT

OPERATIONS

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REVISED POLICY - VOL. 17, NO. 1

PUBLIC RECORDS

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Illinois for inspection and reproduction with the exception of items identified as exemptions in Section 140/7 of the Freedom of Information Act.

Any person may make a written request for any public records of the District. Any oral requests for records will not be processed. The person orally requesting records will be instructed to put the request in writing to the attention of the District Records Officer and to indicate whether the request is made for a commercial purpose. The person may inspect, copy, or receive copies of the public record requested. The District shall respond to such requests within five (5) working days after receipt unless otherwise agreed to in accordance with the Freedom of Information Act and except for records to be used for a commercial purpose or requests from a recurrent requester. A "recurrent requester" is an individual that, in the twelve (12) months preceding the request, has submitted to the same public body (i) a minimum of fifty (50) requests for records, (ii) a minimum of fifteen (15) requests for records within a thirty (30) day period, or (iii) a minimum of seven requests for records within a seven (7) day time period. Such records shall be provided within twenty-one (21) working days.

A resident may purchase copies of the District's public records upon payment of a fee. No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

A social security number contained in the records of the School District (student or employee) may not be disclosed or released by the School District unless the record is specifically required by a State or Federal Statute or is ordered by a court under the rules of discovery.



NEOLA of ILLINOIS

TEMPLATES

BOARD OF EDUCATION

_____ **SCHOOL DISTRICT**

OPERATIONS

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Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The Superintendent shall establish administrative guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

5 ILCS 140/1 et seq.

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Attachment C



Chris Jasculca <cjasculca@op97.org>

Board of Education Policies -- Neola

Michelle A. Todd <mtodd@hlerk.com>

Tue, Nov 15, 2011 at 10:09 AM

To: cjasculca@op97.org

Cc: Bennett Rodick <brodick@hlerk.com>

Dear Chris:

Per your request, this email outlines our thoughts regarding the District's continued use of the Neola policy service to maintain and update the Board of Education's policy manual. Of course, by definition, these are the Board's policies and we have only one perspective on what is an increasingly important issue.

The District has requested that our office review several Board policies generated by Neola over the last several months, including the District's student discipline policy, student records policy, and non-discrimination policy. In review of all three policies, we encountered a common problem – the policy language, as provided by Neola, did not accurately reflect Illinois law in many instances. The policies required significant revision, which ultimately resulted in our office forwarding our “model” policies and procedures for the District's review and adoption and a recommendation that the District remove the Neola policy all together.

Specifically, in review of the Neola policies, while the service generally codifies amendments to *federal* law and forwards routine updates to policy language to its clients, the policies still require material revisions to incorporate provisions of the Illinois *School Code* and its regulations. This type of review and revision, of course, incurs legal costs to the District which can be significant.

Again, we offer only one perspective but, given our past experience, we would suggest that the Board consider other “policy services” including the PRESS policy services offered by the Illinois Association of School Boards (“IASB”) which tend to more closely mirror Illinois law. Please note that we have no financial interest in either the PRESS or Neola services.

We would happy to discuss this matter in greater detail with the Board Policy Committee or with the Board at an upcoming meeting. Please feel free to contact me with any questions.

Thank you,

Michelle

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