

# Update Memo

# PRESS

## Policy Reference Education Subscription Service

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  - If you are still having difficulty  
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district's superintendent or  
administrative assistant to make  
sure you are listed as an autho-  
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  - If you continue to have  
difficulty, please contact  
Linda Cala at [lcala@iasb.com](mailto:lcala@iasb.com).
3. Under **My Account Links**, click  
on **PRESS Login**.

This publication is designed to provide information only and is not a substitute for legal advice from the Board Attorney. If you have any questions, please contact Kimberly Small, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1226, or Maryam Brotine, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1219.

### Instructions

You are encouraged to share this **PRESS** Update Memo with all board members and appropriate staff.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online** — Committee Worksheets and the updated Policy Reference Manual (PRM) pages. The Committee Worksheets show suggested changes to **PRESS** material (including administrative procedures and exhibits) by striking out deleted words and underscoring new words. The updated **PRM** pages contain all of the material in this **PRESS** issue; you can use them to update your district manuals. See the description in **Bundles Back by Popular Demand!** (for topic descriptions) for a new, alternate way of reviewing this issue by major categories of revision.

### Bundles Back by Popular Demand!

We tried this **Bundles** format in **PRESS** Issue 93 to make the information regarding necessary updates to the IASB **PRM** more manageable for our subscribers. Due to its popularity, we will continue it with **PRESS** Issue 94. Each bundle summarizes the global reasons for changes to all materials that are listed.

Specific details about how each piece of material changed, including changes for other reasons, e.g., **PRESS** Advisory Board feedback, quality assurance, five-year review items, etc. are explained in numerical order in the **Revisions to Policies, Administrative Procedures, and Exhibits** table beginning on p. 6.

Please spend time reviewing the online Committee Worksheets, available behind the **PRESS** Login under a link titled: **PRESS Committee Worksheets**. They provide comment boxes further describing some of the changes, detailed explanations in the footnotes, and other added explanations by the **PRESS** Editors.

### State Legislative Updates

The Illinois General Assembly returned for its *lame duck* session on Monday, Jan. 9 and Tuesday, Jan. 10. We have two pieces of State legislation to address in this **PRESS** issue. The first is left over from the fall of 2016; it is P.A. 99-503



amending the Personal Information Protection Act. The second is P.A. 99-927, eff. 6-1-17, amending the School Code provision on health examinations and immunizations.

The following **PRESS** materials are updated in response to these pieces of legislation:

- 4:15, Identity Protection
- 4:15-AP, Protecting the Privacy of Social Security Numbers
- 7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students

## Federal Regulatory Updates

The Healthy, Hunger-Free Kids Act (HHFKA) (Public Law 111-296; December 13, 2010), required the United States Department of Agriculture (USDA) to examine and report on current *meal charge* and *alternate meal* policies and practices of State agencies and local boards of education. HHFKA also required USDA to report to Congress on the feasibility of establishing national standards for meal charge policies and, if applicable, make recommendations for implementation.

To complete the report to Congress, USDA's Food and Nutrition Service (FNS) completed a study and issued a Request for Information (RFI) entitled **Unpaid Meal Charges**. The results of the study and the 462 comment submissions received during the RFI open comment period contributed to the issuance of a memo entitled **Unpaid Meal Charges: Local Meal Charge Policies** at: [www.fns.usda.gov/sites/default/files/cn/SP46-2016os.pdf](http://www.fns.usda.gov/sites/default/files/cn/SP46-2016os.pdf). The memo addresses the need for school food authorities participating in the FNS' National School Lunch Program and School Breakfast Program to institute and clearly communicate a meal charge policy, which would include, if applicable, the availability of alternate meals.

The following **PRESS** materials are updated in response to this memo:

- 4:130-E, Free and Reduced-Price Food Services; Meal Charge Notifications **NEW**
- 7:190-E2, Student Handbook Checklist

## Uniform Grant Guidance / Grant Accountability Transparency Act

The Grant Accountability Transparency Act (GATA, 30 ILCS 708/), enacted 7-16-14, is "intended to increase the accountability and transparency in the use of grant funds, from whatever source, and to reduce administrative burdens on both State agencies and grantees by adopting federal guidance and regulations applicable to such grant funds; specifically, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) codified at 2 CFR 200." 30 ILCS 708/5(b).

## PRESS Terminology

**What are the meanings of the "AP" and "E" after certain policy numbers?**

The **PRESS** Policy Reference Manual (PRM) is an encyclopedia of sample board policies, administrative procedures, and exhibits. They are all in numerical order for easy reference. **PRESS** recommends that local school districts maintain separate board policy and administrative procedures manuals to help distinguish for the board, staff, students, parents, and community members, the distinction between board documents and staff documents, board work and staff work.

**Policy** — The board develops policy with input from various sources like district administrators, the board attorney, and **PRESS** materials. The board then formally adopts the policy, often after more than one consideration.

**After adoption by the board, each policy should have an adoption date.**

**Administrative Procedures** — Administrative procedures are developed by the Superintendent, administrators, and/or other district staff members. The staff develops the procedures that guide implementation of the policies. Administrative procedures are not adopted by the Board, which allows the superintendent and staff the flexibility they need to keep the procedures current. **PRESS** sample procedures are numbered to correspond with the policies that they implement for easy reference. For example, policy 6:190's related administrative procedure is 6:190-AP.

**It is important to remember that administrative procedures do not require formal board adoption and are not included in a board policy manual.**

**Exhibits** — Both Board policies and administrative procedures may have related exhibits. Exhibits provide information and forms intended to be helpful to the understanding or implementation of either a board policy or administrative procedure. **PRESS** sample exhibits are numbered to correspond to the related board policy or administrative procedure. For example, board policy 2:70 has a related exhibit numbered 2:70-E. Administrative procedure 7:340-AP1 has a related exhibit numbered 7:340-AP1, E.

**Board exhibits, always labeled with an "E" only, are those that provide guidance for board work and should be dated for implementation by the board.**

**Administrative procedures exhibits, always labeled with the "AP, E" format, do not require formal board adoption.**



School districts, as non-federal entities that receive federal grants, are required to have documented federal procurement procedures and written standards of conduct that comply with government-wide Uniform Grant Guidance (UGG) regulations at 2 C.F.R. §§200.318-200.326. **NEW** 4:60-AP4, *Federal Award Procurement Procedures*, contains these regulatory federal procurement standards, while **NEW** 4:60-AP4, E1, *Internal Procedures for Procurement Transactions*, outlines in general terms the procurement procedures which school districts may use to ensure compliance with UGG regulations. Various **PRESS** materials in Sections 2, 4,

and 5 have been updated to comply with the requirement for written standards of conduct.

The following **PRESS** materials are updated in response to UGG regulations and GATA:

- 2:100, Board Member Conflict of Interest
- 4:60-AP4, Federal Award Procurement Procedures **NEW**
- 4:60-AP4, E1, Internal Procedures for Procurement Transactions **NEW**
- 5:120, Employee Ethics; and Conduct; and Conflict of Interest **RENAMED**

## Five-Year Review Updates

**PRESS** Editors have a quality assurance goal to ensure that each piece of the 1000+ page IASB **PRESS PRM** is reviewed at least every five years. The **PRM** contains approximately 175 policies and procedures.

The following **PRESS** materials are updated in response to five-year reviews:

- 3:70, Succession of Authority
- 4:180, Pandemic Preparedness
- 4:180-AP1, School Action Steps for Pandemic Influenza
- 4:180-AP2, Pandemic Influenza Surveillance and Reporting
- 5:70, Religious Holidays
- 5:80, Court Duty
- 5:110, Recognition for Service
- 5:130-AP, Email Retention

- 5:140, Solicitations By or From Staff
- 5:210, Resignations
- 5:220-E, Unsatisfactory Performance Report for Substitute Teachers
- 5:230, Maintaining Student Discipline
- 5:270-E, Notice of Employment
- 5:285, Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
- 5:285-AP, Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
- 5:300, Schedules and Employment Year
- 5:320, Evaluation
- 6:70, Teaching About Religions
- 6:70-AP, Teaching About Religions
- 6:185, Remote Educational Program



# Progress Report

The contents of this report frequently change.

## Sanctuary Status Issues | Immigration Enforcement

In response to the Trump administration's recent executive orders on the topic, many municipalities in Illinois are passing resolutions stating that they are sanctuary cities and inviting school boards to join them.

The law already limits school district involvement in immigration matters, and these limits are incorporated in **PRESS** materials (see list of "Relevant **PRESS** Material," in Our Response).

In regard to employees:

1. The Illinois Human Rights Act requires school districts to provide equal employment opportunities to all persons regardless of their citizenship status.
2. The Immigration Reform and Control Act of 1986 requires employers to verify that employees are either U.S. citizens or authorized to work in the U.S.
3. If an individual applies for employment but is not a U.S. citizen or authorized to work in the U.S., there is no requirement for schools to report them to immigration authorities.

In regard to students, ISBE regulations, which are based on a U.S. Supreme Court case, prohibit schools from:

1. Denying access to students who lack documentation of their immigration status or legal presence in the U.S.
2. Inquiring about the immigration status of a student.
3. Requiring documents as proof of residency for a student that, when taken together, result in a requirement for proof of legal presence, such as a Social Security number.

Based on this, schools cannot report undocumented students to immigration authorities, as this would effectively deny students access to school.

**Our Response:** If a board is considering adopting a resolution or taking a public stance as to its *sanctuary* status, they should consult with their board attorney.

Relevant **PRESS** Materials:

### Employees

5:10, *Equal Employment Opportunity and Minority Recruitment*

5:30, *Hiring Process and Criteria*

### Students

7:10, *Equal Educational Opportunities*

7:50, *School Admissions and Student Transfers To and From Non-District Schools*

7:340-AP1, *School Student Records*

## Transgender Student Supports and Inclusion

On February 22, 2017, President Trump's administration issued a *Dear Colleague Letter* rescinding the Dept. of Justice/Dept. of Education's Policy Guidance issued by the Obama administration in the spring of 2016 concerning transgender students. See [www.justice.gov/opa/press-release/file/941551/download](http://www.justice.gov/opa/press-release/file/941551/download).

On March 6, 2017, the U.S. Supreme Court vacated the 4th Circuit Court of Appeal's decision in Gloucester County Sch. Bd. v. G.G. and remanded the case to the 4th Circuit for further consideration in light of the Trump administration's rescission.

**Our Response:** We will continue to monitor this issue. Because Illinois laws provide similar protections to the guidance that the Trump administration rescinded, we do not anticipate many changes to **PRESS** materials addressing this issue.

## Lead Testing in Water

P.A. 99-922, eff. 1-17-17, requires that each source of potable water in school buildings constructed on or before January 1, 2000, which may be occupied by more than 10 children in grades pre-K through 5, be tested for lead. Testing for buildings constructed prior to January 1, 1987 must be conducted by December 31, 2017. Testing for buildings constructed between January 2, 1987 and January 1, 2000 must be conducted by December 31, 2018.

Within 90 days of the effective date, the Illinois Department of Public Health (IDPH) is to post on its website guidance on mitigation actions for lead in drinking water and ongoing water management practices. At the time of this publication, such guidance is still pending. The IDPH has posted a **Sample Protocol for Drinking Water in Schools** and copies of various memos issued regarding this issue, including a memo regarding requesting a school water testing waiver, at: [www.dph.illinois.gov/topics-services/environmental-health-protection/lead-in-water](http://www.dph.illinois.gov/topics-services/environmental-health-protection/lead-in-water).

**Our Response:** We will respond after the IDPH publishes guidance on mitigation actions and ongoing water management practices in schools, due by mid-April, with likely updates to policy 4:170, *Safety*, and its corresponding materials.

## Educator Licensure

P.A. 99-920 / SB 2912, eff. 1-6-17, amends Article 21B of the School Code to help curb the current substitute teacher shortage and streamline license reciprocity for educators trained outside of Illinois. It creates a one year, nonrenewable provisional in-state educator endorsement on an Educator License with Stipulations. See **ISBE FAQs for Senate Bill 2912** at: [www.isbe.net/Documents/PUBLICQuestions%20and%20Answers%20for%20SB%202912%20Updated.pdf](http://www.isbe.net/Documents/PUBLICQuestions%20and%20Answers%20for%20SB%202912%20Updated.pdf).

**Our Response:** We will monitor the current rulemaking efforts and will provide necessary updates to **PRESS** materials, with likely updates to policy 5:190, *Teacher Qualifications*, and its corresponding materials.



## Progress Report – continued.

### Postsecondary and Workforce Readiness Act

P.A. 99-674 – Postsecondary and Workforce Readiness Act, eff. 7-29-16. This law requires the State to adopt and publicize model postsecondary and career expectations for students in grades 8-12 that specify knowledge that students should have by the end of each grade level. It requires the model expectations to address certain areas listed in the law. It also creates a high school graduation pilot program.

**Our Response:** We will respond after these agencies publicize a model expectations plan and the pilot programs are completed, with likely updates to policy 6:40, *Curriculum Development*; 6:300, *Graduation Requirements*; and their corresponding materials.

### Fair Labor Standards Act (FLSA) Rules

A federal judge in the U.S. District Court of the Eastern District of Texas has blocked the Department of Labor's (DOL's) new federal overtime rule, which would have increased the standard salary level (from \$455 to \$913 per week) and highly compensated employees total annual compensation requirement (from \$100,000 to \$134,004 per year). Future automatic updates to those thresholds were to occur every three years, beginning on 1-1-20.

President Trump's administration has also filed an extension with the 5th Circuit Court of Appeals, which will further delay implementation of the rule and consideration of the Obama Administration's appeal of the federal judge's injunction (blocking) of these rules.

**Our Response:** No **PRESS** materials are directly affected by this rule. Many attorneys recommend reviewing salaries for exempt and non-exempt employees now. Consult your board attorney about this issue. Other helpful information is available at: [www.dol.gov/WHDOvertime/final2016/](http://www.dol.gov/WHDOvertime/final2016/).

### Education of Children with Disabilities

On December 16, 2016, the Office for Civil Rights issued a Dear Colleague Letter (DCL), **Preventing Racial Discrimination in Special Education**, reminding schools of their obligation not to discriminate on the basis of race, color, or national origin in the administration of special education or related aids and services. The DCL also addresses the interplay of Title VI obligations with the requirements of Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Individuals with Disabilities Education Act.

On December 19, 2016, amended final regulations for 34 C.F.R. Part 300 were published. Their goal is to promote equity by: establishing a standard methodology states must use to determine whether significant disproportionality based on race and ethnicity is occurring; clarifying that states must address significant disproportionality in the incidence, duration, and type of disciplinary actions using the same statutory remedies required to address significant disproportionality in the identification and placement of children with disabilities; clarifying requirements for the review and revision of policies, practices, and procedures when significant disproportionality is found; and requiring school districts to identify and address factors contributing to significant disproportionality as part of comprehensive coordinated early intervening services and allow these services for children age 3-12, with and without disabilities.

**Our Response:** No **PRESS** materials are directly affected by the DCL or the amended regulations. Consult your board attorney about this issue.



## Revisions to Policies, Administrative Procedures, and Exhibits

Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
2:100, Board Member Conflict of Interest	The policy, Legal References, Cross References, and footnotes are updated in response to the federal regulations requiring written standards of conduct covering conflicts of interest and governing the actions of those engaged in the selection, award, and administration of contracts in compliance with 2 C.F.R. §200.318.	<input type="checkbox"/>
3:70, Succession of Authority	The policy and footnotes are updated. New text states that superintendents may submit the succession plan versus the board <i>approving</i> it. This change provides the board an opportunity for the superintendent to manage the district and provide leadership for the staff while allowing the board to monitor this policy and stay informed. The former text regarding approval of the succession plan was moved to the footnotes as an option.	<input type="checkbox"/>
4:15, Identity Protection	<p>The policy, Legal References, and footnotes are updated in response to the Personal Information Protection Act, 815 ILCS 530/, amended by P.A. 99-503. Policy text on compliance measures required under the law was updated specific to new notification requirements if breaches of security were to occur:</p> <ol style="list-style-type: none"> <li>1. Disclosing a breach of security involving <i>personal information</i> when a user name or email address in combination with a password or security question and answer, and</li> <li>2. Notifying the Illinois Attorney General under certain circumstances.</li> </ol> <p>Footnotes are updated in response to P.A. 99-503 along with continuous improvement recommendations from the members of the <b>PRESS</b> Advisory Board.</p>	<input type="checkbox"/>
4:15-AP, Protecting the Privacy of Social Security Numbers	The procedure is updated for the reasons discussed in 4:15, <i>Identity Protection</i> above. An introductory paragraph discusses the challenges and limited exceptions when a school district may need to ask students or their parents/guardians to provide social security numbers.	<input type="checkbox"/>
4:60-AP4, Federal Award Procurement Procedures	<b>NEW.</b> The procedure sets forth federal procurement standards, which school districts must comply with per Uniform Grant Guidance (UGG) regulations at 2 C.F.R. §§200.318-200.326.	<input type="checkbox"/>
4:60-AP4, E1, Internal Procedures for Procurement Transactions	<b>NEW.</b> The exhibit outlines in general terms procurement procedures, which school districts may use to ensure compliance with UGG regulations at 2 C.F.R. §§200.318-200.326.	<input type="checkbox"/>
4:130-E, Free and Reduced-Price Food Services; Meal Charge Notifications	<p><b>NEW.</b> The exhibit's purpose is to remind administrators that the United States Department of Agriculture (USDA) requires school food authorities participating in the FNS' National School Lunch Program and School Breakfast Program to institute and clearly communicate a <i>meal charge policy</i>, which would include, if applicable, the availability of alternate meals. This was publicized recently in a March 2017 Illinois State Board of Education (ISBE) <i>Superintendent's Newsletter</i> in a section entitled <b>Unpaid Meal Charge: Local Meal Charges Policies – Due by July 1, 2017</b>.</p> <p><b>This requirement does not require a formally-adopted policy by the school board,</b> but rather a meal charge process, method, or procedure on how meal charges are managed in the districts. Students, parents/guardians, and district staff must all be informed of the meal charge process.</p> <p>Districts will likely want to replace the text in this exhibit with their own meal charge methods if they do not already publicize them.</p>	<input type="checkbox"/>
4:180, Pandemic Preparedness	The policy and footnotes are updated. Minor corrections are made to the policy for continuous improvement. A purpose statement for the policy is added to the footnotes to help boards process their role and a superintendent's role in pandemic preparedness. Other minor edits and updates are made within the footnotes.	<input type="checkbox"/>
4:180-AP1, School Action Steps for Pandemic Influenza	The procedure is updated with minor corrections for style and to update outdated web links.	<input type="checkbox"/>



## Revisions to Policies, Administrative Procedures, and Exhibits – *continued*

Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
4:180-AP2, Pandemic Influenza Surveillance and Reporting	The procedure is updated with minor corrections for style and to update outdated web links.	<input type="checkbox"/>
5:70, Religious Holidays	The policy and footnotes are updated. The policy update is a minor style change. Footnotes reflect clarifications in the collective bargaining agreement instructions.	<input type="checkbox"/>
5:80, Court Duty	The policy and footnotes are updated. The policy update is a minor style change. Footnotes reflect clarifications in the collective bargaining agreement instructions.	<input type="checkbox"/>
5:110, Recognition for Service	The policy is unchanged. Footnotes are updated to change <del>certificate</del> to <u>license</u> .	<input type="checkbox"/>
5:120, <u>Employee Ethics; and Conduct; and Conflict of Interest</u>	<b>RENAMED.</b> The policy, Legal References, Cross References, and footnotes are updated in response to the federal regulations requiring written standards of conduct covering conflicts of interest and governing the actions of school district employees engaged in the selection, award, and administration of contracts in compliance with 2 C.F.R. §200.318. New subheads <b>Professional and Appropriate Conduct, Statement of Economic Interests, and Outside Employment</b> are added to assist the reader with clarity. The <b>Prohibited Interest; Limitation of Authority; and Outside Employment</b> subhead is renamed <b>Prohibited Interests; Conflict of Interest; and Limitation of Authority</b> .	<input type="checkbox"/>
5:130-AP, Email Retention	The procedure and footnotes are updated. A sentence is added: <u>For help with these responsibilities, please contact the District's FOIA Officer.</u> Other minor quality assurance edits are made throughout.	<input type="checkbox"/>
5:140, Solicitations By or From Staff	The policy is unchanged. Footnotes reflect clarifications in the collective bargaining agreement instructions.	<input type="checkbox"/>
5:210, Resignations	The policy is unchanged. Minor continuous improvement updates are made to the Legal References and footnotes.	<input type="checkbox"/>
5:220-E, Unsatisfactory Performance Report for Substitute Teachers	The procedure is updated to indicate that the form should be signed by the individual making the report, not the Building Principal.	<input type="checkbox"/>
5:230, Maintaining Student Discipline	The policy is updated in paragraph 1 to clarify that all teachers, certificated employees, and related service providers should follow "School Board policies and administrative procedures on student conduct, <u>behavior</u> , and discipline." Paragraph 2 is updated to indicate that a "teacher should first discuss student behavior with the student <u>if appropriate</u> ." A new footnote is added regarding school officials' discretion to determine <i>appropriateness</i> . Footnotes reflect clarifications in the collective bargaining agreement instructions.	<input type="checkbox"/>
5:270-E, Notice of Employment	The procedure is updated to delete the <del>full time</del> and <del>part time</del> check boxes and replace them with space to note <u>hours per day</u> and <u>days per week</u> of employment. A reference to <del>weekly salary</del> is deleted.	<input type="checkbox"/>
5:285, Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers	The policy, Legal References, and footnotes are updated.	<input type="checkbox"/>
5:285-AP, Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers	The procedure and footnotes are updated.	<input type="checkbox"/>
5:300, Schedules and Employment Year	The policy, Legal References, and footnotes are updated. Footnotes reflect clarifications in the collective bargaining agreement instructions.	<input type="checkbox"/>

## Revisions to Policies, Administrative Procedures, and Exhibits – *continued*

Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
5:320, Evaluation	The policy is unchanged. Footnotes reflect clarifications in the collective bargaining agreement instructions.	<input type="checkbox"/>
6:70, Teaching About Religions	The policy is updated to clarify that “neither preferential nor derogatory treatment shall be given to any single <u>religion</u> , religious belief, or to religion in general.” The footnotes and Legal References are updated.	<input type="checkbox"/>
6:70-AP, Teaching About Religions	The procedure is updated.	<input type="checkbox"/>
6:185, Remote Educational Program	The policy is unchanged. Footnotes are updated for continuous improvement, to provide clarity, and to clarify collective bargaining agreement instructions.	<input type="checkbox"/>
7:100, Health, Eye, and Dental Examinations; Immunizations, and Exclusion of Students	The policy and footnotes are updated in response to P.A. 99-927, eff. 6-1-17, amending 105 ILCS 5/27-8.1 to require that health examinations contain an age-appropriate developmental screening and age-appropriate social and emotional screening. New footnote 9 sets forth optional language regarding additional services that school districts may offer related to such screenings.	<input type="checkbox"/>
7:190-E2, Student Handbook Checklist	The procedure is updated for continuous improvement purposes and to include 4:130-E, <i>Free and Reduced-Price Food Services; Meal Charge Notifications</i> , for the reasons discussed in that numbered exhibit and the general <b>Federal Regulatory Updates</b> bundle, above.	<input type="checkbox"/>



# RESPONSE FORM

## PRESS PLUS ISSUE 94, March 2017

Return to The Illinois Association of School Boards, **Attn:** Angie Powell, Policy Consultant  
**Email:** [pressplus@iasb.com](mailto:pressplus@iasb.com) or **Fax:** 217-528-2831

**District Name:** \_\_\_\_\_ **Date of Adoption\*:** \_\_\_\_\_

\*If date of adoption is different for any of the policies listed below, please note.

<i>Please read carefully and mark one column in each row. Policies not marked in any column will be held for future response.</i>					
Policy Code	Policy Title	Adopted as presented by IASB	Adopted with additional district edits (enclosed)	Not Adopted	Held for Future Response
2:100	Board Member Conflict of Interest				
3:70	Succession of Authority				
	<i>Option:</i> Would the Board like to approve the succession plan? YES <input type="checkbox"/> NO <input type="checkbox"/>				
4:15	Identity Protection				
4:130-E	Free and Reduced-Price Food Services; Meal Charge Notifications				
5:120	<u>Employee Ethics; and Conduct; and Conflict of Interest</u>				
5:230	Maintaining Student Discipline				
5:285	Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers				
5:300	Schedules and Employment Year				
6:70	Teaching About Religions				
7:100	Health, Eye, and Dental Examinations; Immunization; and Exclusion of Students				
	<i>Option:</i> Include optional additional services? (Choose <i>one</i> box). NO <input type="checkbox"/> YES, include Option 1 <input type="checkbox"/> YES, include Option 2 <input type="checkbox"/> YES, include both Options <input type="checkbox"/>				

### 5-Year Review Policies

To further our commitment to continuous improvement, we review each policy that was not updated during the previous five years. Following is the list of IASB sample policies that do not have changes requiring Board action after their five-year review. Because they were not changed, copies have not been provided in your PRESS Plus packet. This list has not been customized for individual districts. If any of the policies listed below are not currently included in the district's Board policy manual, consider adding them if applicable.

This process keeps our material aligned with good governance principles and keeps the legal references current. Moreover, this process provides an occasion for school board members to review their policies to ensure that the policy language remains an accurate reflection of the district's beliefs and values.

Policy Code	Policy Title	Reviewed, Change Date	Policy Edited by District (Enclose Edits)	Policy Not Reviewed
4:180	Pandemic Preparedness			
5:70	Religious Holidays			
5:80	Court Duty			
5:110	Recognition for Service			
5:140	Solicitations By or From Staff			
5:210	Resignations			
5:320	Evaluation			
6:185	Remote Educational Program			



Other District Materials Enclosed	Yes	No
Changes to other district policies (show edits)		
Newly adopted district policies* (Microsoft Word copy sent via e-mail is required)		
New Collective Bargaining Agreement(s) (Electronic copy preferred)		

**\*Please note:** While we are happy to add to your policy manual any unique district policies provided by your district from whatever source, we are not able to provide suggested updates to those policies. Your district will be responsible for forwarding any necessary updates along with your response to PRESS Plus Issues. Because certain policy numbers are used for IASB sample policies, districts should use numbers ending in 2, 4, 6, or 8 for locally developed policies on topics not covered by IASB sample policies.

**Documents Coded “AP” or “E”** – These are Administrative Procedures and Exhibits developed to implement board policy and should not be adopted by the board and included in the policy manual. Exceptions are those coded “E” that provide guidance to the board itself, such as those listed in the Response Form above; these should be dated for implementation by the Board.

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

*After the Board has taken action on the suggested policy changes, administrators should consult the Update Memo for suggested changes to administrative procedures and exhibits. These are accessible via PRESS Online.*



# DRAFT UPDATE

Harvey Public Schools District 152

2:100

## Board of Education

### Board Member Conflict of Interest

No Board of Education member shall: (1) have a beneficial interest directly or indirectly in any contract, work, or business of the District unless permitted by State or federal law; or (2) solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts with the District. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Board members must annually file a *Statement of Economic Interests* as required by the Illinois Governmental Ethics Act. Each Board member is responsible for filing the statement with the county clerk of the county in which the District's main office is located by May 1.

LEGAL REF.: 5 ILCS 420/4A-101, 420/4A-105, 420/4A-106, and 420/4A-107.  
50 ILCS 105/3.  
105 ILCS 5/10-9.  
2 C.F.R. §200.318(c)(1).

CROSS REF.: 2:105 (Ethics and Gift Ban), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; and Conduct; and Conflict of Interest)

ADOPTED: April 16, 2014

#### Commented [APowell1]:

Updated in response to the federal regulations requiring written standards of conduct covering conflicts of interest and governing the actions of those engaged in the selection, award, and administration of contracts in compliance with 2 C.F.R. §200.318.

2 C.F.R. §200.318(c)(1) prohibits employees, officers, or agents of a school district from participating in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent conflict of interest. Conflicts of interest arise when one of the following individuals has a financial or other interest in the entity selected for the award:

- a. School district employee, officer, or agent;
- b. Any member of the employee, officer, or agent's immediate family;
- c. The employee, officer, or agent's business partner; and
- d. An organization that employs or is about to employ one of the above.

For a discussion of what an *apparent conflict of interest* means, see the discussion about avoiding the *appearance of impropriety* discussed in the Ill. Council of School Attorneys' publication, *Answers to FAQs, Conflict of Interest and Incompatible Offices*, [www.iasb.com/law/conflict.cfm](http://www.iasb.com/law/conflict.cfm).

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#### Commented [APowell2]:

The federal rule underlying this text provides flexibility for school districts to "set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value," along with "disciplinary actions to be applied for violations." Referring to sample policy 2:105, *Ethics and Gift Ban* for these standards provides clarity and consistency. Policy 2:105, *Ethics and Gift Ban* refers to **Limitations on Receiving Gifts** in the Ethics Act at 5 ILCS 430/10-10 – 10-30, along with discussion of the specific penalties available under the Ethics Act at 5 ILCS 430/50-5 in its **Enforcement** subhead.

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# ***DRAFT UPDATE***

Harvey Public Schools District 152

3:70

## **General School Administration**

### **Succession of Authority**

If the Superintendent, Building Principal, or other administrator is temporarily unavailable, the succession of authority and responsibility of the respective office shall follow a succession plan, developed by the Superintendent and submitted to approved by the Board of Education.

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 3:30  
(Chain of Command)

ADOPTED: April 16, 2014

#### **Commented [APowell1]:**

Submitting the succession plan to the board provides an opportunity for the superintendent to manage the district and provide leadership for the staff while allowing the board to monitor this policy and stay informed.

**OPTION:** If the Board would like to approve the succession plan, this policy will remain unchanged. Mark "YES" for the option on your Response Form, and only the adoption date will be updated.

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# DRAFT UPDATE

Harvey Public Schools District 152

4:15

## Operational Services

### Identity Protection

The collection, storage, use, and disclosure of social security numbers by the School District shall be consistent with State and federal laws. The goals for managing the District's collection, storage, use, and disclosure of social security numbers are to:

1. Limit all activities involving social security numbers to those circumstances that are authorized by State or federal law.
2. Protect each social security number collected or maintained by the District from unauthorized disclosure.

The Superintendent is responsible for ensuring that the District complies with the Identity Protection Act, 5 ILCS 179/. Compliance measures shall include each of the following:

1. All employees having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. Training should include instructions on the proper handling of information containing social security numbers from the time of collection through the destruction of the information.
2. Only employees who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
3. Social security numbers requested from an individual shall be provided in a manner that makes the social security number easily redacted if the record is required to be released as part of a public records request.
4. When collecting a social security number or upon request by an individual, a statement of the purpose(s) for which the District is collecting and using the social security number shall be provided.

5. Notification to an individual as required by 815 ILCS 530/12 whenever his or her personal information was acquired by an unauthorized person; *personal information* means either:

- a. ~~(a)~~ ~~is a~~ An individual's first name or first initial and last name in combination with any one or more of with his or her (i) social security number, (ii) driver's license number or State identification card number, ~~or (iii) financial account information (with any required security codes or passwords), (iv) medical information, (v) health insurance information, and/or (vi) unique biometric data or other unique physical or digital representation of biometric data, when either the name or the data elements are not encrypted or redacted or are encrypted or redacted but the keys to unencrypt or unredact or otherwise read the name or data elements have been acquired through the breach of security; or~~
- a-b. ~~(b)~~ ~~a~~ An individual's username or email address, in combination with a password or security question and answer that would permit access to an online account, when either the username or email address or password or security question and answer are not encrypted or redacted or are encrypted or redacted but the keys to unencrypt or unredact or otherwise read the data elements have been obtained through the breach of security.

- 5-6. Disposal of materials containing personal information in a manner that renders the personal information unreadable, unusable, and undecipherable; *personal information* has the meaning stated in #5, above.

7. Notification, within 45 days of the discovery of a security breach, to the Illinois Attorney General:

- a. If the District suffers a breach of more than 250 Illinois residents; or
- a-b. When the District provides notice as required in #5, above.

#### Commented [APowell1]:

The Identity Protection Act, 5 ILCS 179/ requires policy about identity protection and controls the policy's content. The Act defines *identity-protection policy* as "any policy created to protect social security numbers from unauthorized disclosure." This law contrasts with the Personal Information Protection Act discussed below, which may apply to school districts.

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#### Commented [APowell2]:

Updated in response to the Personal Information Protection Act, 815 ILCS 530/, amended by P.A. 99-503, which contains mandates for government agencies and local governments, and may apply to school districts.

Consult the Board attorney before adoption of this policy. Districts may choose to provide or implement more protections than the statutory requirements outlined here. Technology and best practices are constantly changing.

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#### Commented [APowell3]:

815 ILCS 530-12.(e), amended by P.A. 99-503. Notification sooner is preferred, if it can be accomplished.

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# ***DRAFT UPDATE***

6-8. All employees must be advised of this policy's existence and a copy of the policy must be made available to each employee. The policy must also be made available to any member of the public, upon request.

No District employee shall collect, store, use, or disclose an individual's social security number unless specifically authorized by the Superintendent. This policy shall not be interpreted as a guarantee of the confidentiality of social security numbers and/or other personal information. The District will use best efforts to comply with this policy, but this policy should not be construed to convey any rights to protection of information not otherwise afforded by law.

LEGAL REF.: 5 ILCS 179/, Identity Protection Act.  
50 ILCS 205/3, Local Records Act.  
105 ILCS 10/, Illinois School Student Records Act.  
815 ILCS 530/, Personal Information Protection Act.

CROSS REF: 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340  
(Student Records)

ADOPTED: April 16, 2014



# DRAFT UPDATE – NEW

4:130-E

## Operational Services

### Exhibit - Free and Reduced-Price Food Services; Meal Charge Notifications

On District letterhead, website, in student handbook, newsletters, bulletins, and/or calendars

Date:

To: Students, Parents/Guardians, and Staff

Re: Eligibility and Meal Charge Notifications

The following notification is provided at the beginning of each school year as federally required notification regarding eligibility requirements and the application process for the free and reduced-price food services that are listed in Board policy 4:130, *Free and Reduced-Price Food Services* and 4:140, *Waiver of Student Fees*. For more information, see [www.fns.usda.gov/school-meals/unpaid-meal-charges](http://www.fns.usda.gov/school-meals/unpaid-meal-charges), and/or contact the Building Principal or designee.

#### Free and Reduced-Price Food Services Eligibility

When students are unable to pay for their meal services, meal charges will apply per a student's eligibility category and will be processed by the District accordingly.

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Department of Agriculture, and distributed by the Illinois State Board of Education.

#### Meal Charges for Meals Provided by the District

The Building Principal and District staff will work jointly to prevent meal charges from accumulating. Every effort to collect all funds due to the District will be made on a regular basis and before the end of the school year. Contact your Building Principal or designee about whether your charges may be carried over at the end of the school year, i.e., beyond June 30<sup>th</sup>.

Unpaid meal charges are considered delinquent debt when payment is overdue as defined by Board policy 4:45, *Insufficient Fund Checks and Debt Recovery*. The District will make reasonable efforts to collect charges classified as delinquent debt.

When a student's funds are low or there is a negative balance, reminders will be provided to the staff, students, and their parent(s)/guardian(s) at regular intervals during the school year. If a parent/guardian regularly fails to provide meal money and does not qualify for free meal benefits, the Building Principal or designee, will direct the next course of action. Continual failure to provide meal money may require the District to notify the Ill. Dept. of Children and Family Services (DCFS) and/or take legal steps to recover the unpaid meal charges.

LEGAL REF.: Healthy Hunger-Free Kids Act of 2010 (P.L. 111-296).  
7 C.F.R. §245.5.  
23 Ill.Admin.Code Part 305, School Food Service.

DATED:

#### Commented [APowell1]:

This new Board exhibit is created to remind administrators that the United States Department of Agriculture (USDA) requires school food authorities participating in the USDA Food and Nutrition Service's National School Lunch Program and School Breakfast Program to institute and clearly communicate a *meal charge policy*, which would include, if applicable, the availability of alternate meals.

This was publicized recently in a March 2017 Illinois State Board of Education *Superintendent's Newsletter* in a section titled **Unpaid Meal Charges Policies – Due by July 1, 2017. This requirement does not require a formally-adopted policy by the Board**, but rather a meal charge process, method, or procedure on how meal charges are managed in the districts. Students, parents/guardians, and district staff must all be informed of the meal charge process.

Districts will likely want to replace the text in this exhibit with their own meal charge methods if they do not already publicize them.

For more information, see the Issue 94 Update Memo under **Federal Regulatory Updates**.

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# DRAFT UPDATE

Harvey Public Schools District 152

5:120

## General Personnel

### Employee Ethics; and Conduct; and Conflict of Interest

#### Professional and Appropriate Conduct

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy. The Superintendent or designee shall identify appropriate employee conduct standards and provide them to staff members. Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.

#### Statement of Economic Interests

The following employees must file a "Statement of Economic Interests" as required by the Illinois Governmental Ethics Act:

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts, including collective bargaining agreement(s), in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

#### Ethics and Gift Ban

Board of Education policy 2:105, *Ethics and Gift Ban*, applies to all District employees. Students shall not be used in any manner for promoting a political candidate or issue.

### Prohibited Interests; Conflict of Interest; and Limitation of Authority; and Outside Employment

In accordance with Section 22-5 of the School Code, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with the Illinois State Board of Education and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award or administration of a contract supported by a federal award when the employee has a real or apparent conflict of interest as defined by 2 C.F.R. §200.318(c)(1). Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

#### **Commented [APowell1]:**

This policy is renamed and updated in response to the federal regulations requiring written standards of conduct covering conflicts of interest and governing the actions of school district employees engaged in the selection, award, and administration of contracts in compliance with 2 C.F.R. §200.318.

New subheadings are added for clarity.

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#### **Commented [APowell2]:**

The federal rule underlying this text provides flexibility for school districts to "set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value," along with "disciplinary actions to be applied for violations." Referring to sample policy 2:105, *Ethics and Gift Ban* for these standards provides clarity and consistency. Policy 2:105, *Ethics and Gift Ban* refers to **Limitations on Receiving Gifts** in the Ethics Act at 5 ILCS 430/10-10 – 10-30, along with discussion of the specific penalties available under the Ethics Act at 5 ILCS 430/50-5 in its **Enforcement** subhead.

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# ***DRAFT UPDATE***

## Outside Employment

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

### Incorporated

by reference: 5:120-E (Exhibit - Code of Ethics for Illinois Educators)

### LEGAL REF.:

U.S. Constitution, First Amendment.

2 C.F.R. §200.318(c)(1).

5 ILCS 420/4A-101 and 430/.

50 ILCS 135/.

105 ILCS 5/10-22.39 and 5/22-5.

775 ILCS 5/5A-102.

23 Ill.Admin.Code Part 22, Code of Ethics for Illinois Educators.

Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).

Garcetti v. Ceballos, 547 U.S. 410 (2006).

### CROSS REF.:

2:105 (Ethics and Gift Ban), 4:60 (Purchases and Contracts), 5:100 (Staff Development Program)

### ADOPTED:

~~June 15, 2015~~

# DRAFT UPDATE

Harvey Public Schools District 152

5:230

## Professional Personnel

### Maintaining Student Discipline

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness. The Superintendent shall ensure that all teachers, other certificated employees, and persons providing a student's related service(s): (1) maintain discipline in the schools as required in the School Code, and (2) follow the Board of Education policies and administrative procedures on student conduct, behavior, and discipline.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student, if appropriate. If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students. A student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods that may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling, or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property.

LEGAL REF.: 105 ILCS 5/24-24.  
23 Ill.Admin.Code §1.280.

CROSS REF.: 2:150 (Committees), 7:190 (Student Discipline), 7:230 (Misconduct by Students with Disabilities)

ADOPTED: April 16, 2014

**Commented [APowell1]:**

Updated for clarity and consistency with other changes in response to 105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456.

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**Commented [APowell2]:**

School officials have discretion to determine whether a behavioral intervention is *appropriate*. See 105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456.

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# DRAFT UPDATE

Harvey Public Schools District 152

5:285

## Educational Support Personnel

### Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District shall adhere to State and federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers. The Superintendent or designee manages a program to implement ~~f~~State federal and ~~federal~~ State law defining the circumstances and procedures for the testing.

This policy shall not be implemented, and no administrative procedures will be needed, until it is reasonably foreseeable that the District will hire staff for a position(s) requiring a commercial driver's license.

**Commented [APowell1]:**

The policy and Legal References are updated for style consistency.

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- LEGAL REF.: 625 ILCS 5/6-106.1 and 5/6-106.1c.  
49 U.S.C. §31306~~1~~~~et seq.~~, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991, P.L. 102-143).  
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing), and 395 (Hours of Service of Drivers).
- CROSS REF.: 4:110 (Transportation), 5:30 (Hiring Process and Criteria), 5:280 (Duties and Qualifications)
- ADOPTED: April 16, 2014

# DRAFT UPDATE

Harvey Public Schools District 152

5:300

## Educational Support Personnel

### Schedules and Employment Year

The Superintendent shall supervise a process for setting work schedules and an employment year for educational support employees in accordance with State and federal law, Board of Education policy, and applicable agreements and shall:

1. Assign each employee one supervisor who will establish a work schedule, including breaks, as required by building or District needs, work load, and the efficient management of human resources;
2. Allow for the ability to respond to changing circumstances by altering work schedules as needed; and
3. Consider the well-being of the employee. The Superintendent's approval is required to establish a flexible work schedule or job-sharing.

### Breaks

Please refer to the following current agreement:

**Collective Bargaining Contract Between Board of Education - Harvey Public Schools District 152 and The Harvey Educational Support Personnel Association (HESPA), IEA-NEA.**

**For employees not covered by this agreement:**

An employee who works at least 7.5 continuous hours shall receive a 30-minute duty-free meal break that begins within the first five hours of the employee's workday.

### Nursing Mothers

The District accommodates employees who are nursing mothers according to State and federal law.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. §207 et seq.  
105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.  
740 ILCS 137/. Right to Breastfeed Act  
820 ILCS 105/, Minimum Wage Law.  
820 ILCS 260/, Nursing Mothers in the Workplace Act.

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act)

ADOPTED: April 16, 2014

#### **Commented [APowell1]:**

The Legal References are updated to include the Right to Breastfeed Act.

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# DRAFT UPDATE

Harvey Public Schools District 152

6:70

## Instruction

### Teaching About Religions

The School District's curriculum may include the study of religions as they relate to geography, history, culture, and the development of various ethnic groups. The study of religions shall give neither preferential nor derogatory treatment to any single religion, religious belief, or to religion in general. The study of religions shall be treated as an academic subject with no emphasis on the advancement or practice of religion.

#### **Commented [APowell1]:**

Updated to separate a "religion" from a "religious belief" for clarity.

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LEGAL REF.: School Dist. of Abington Twp v. Schempp, 374 U.S. 203 (1963).  
Allegheny County v. ACLU Pittsburgh Chapter, 492 U.S. 573, 109 S.Ct. 3086, 106 L.Ed.2d 472 (1989).

CROSS REF.: 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:255 (Assemblies and Ceremonies)

ADOPTED: April 16, 2014

# DRAFT UPDATE

Harvey Public Schools District 152

7:100

## Students

### Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students

#### Required Health Examinations and Immunizations

A student's parent(s)/guardian(s) shall present proof that the student received a health examination, with proof of the immunizations against, and screenings for, preventable communicable diseases, as required by the Illinois Department of Public Health (IDPH), within one year prior to:

1. Entering kindergarten or the first grade;
2. Entering the sixth grade; and
3. Enrolling in an Illinois school, regardless of the student's grade (including nursery school, special education, Head Start programs operated by elementary or secondary schools, and students transferring into Illinois from out-of-state or out-of-country).

Proof of immunization against meningococcal disease is required ~~from~~for students in grades 6 and 12- beginning with the 2015-2016 school year.

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician authorizing the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by a supervising physician.
2. A diabetes screening ~~must be included as~~ a required part of each health examination; diabetes testing is not required.
3. ~~Beginning with the 2017-2018 school year, an age-appropriate developmental screening and an age-appropriate social and emotional screening are required parts of each health examination. A student will not be excluded from school due to his or her parent/guardian's failure to obtain a developmental screening or a social and emotional screening.~~
- 3.4. Before admission and in conjunction with required physical examinations, parents/guardians of children between the ages of one and seven years must provide a statement from a physician that their child was "risk-assessed" or screened for lead poisoning.
- 4.5. ~~The Department of Public Health IDPH~~ will provide all female students entering sixth grade and their parents/guardians information about the link between human papilloma virus (HPV) and cervical cancer and the availability of the HPV vaccine.

Unless an exemption or extension applies, the failure to comply with the above requirements by October 15 of the current school year will result in the student's exclusion from school until the required health forms are presented to the District. New students who register after October 15 of the current school year shall have 30 days following registration to comply with the health examination and immunization regulations. If a medical reason prevents a student from receiving a required immunization by October 15, the student must present, by October 15, an immunization schedule and a statement of the medical reasons causing the delay. The schedule and statement of medical reasons must be signed by the physician, advanced practice nurse, physician assistant, or local health department responsible for administering the immunizations.

#### **Commented [APowell1]:**

Updated in response to 105 ILCS 5/27-8.1(2), amended by P.A. 99-927, eff. 6-1-17. The Illinois Department of Public Health is to develop rules to implement these new screening requirements and revise the Child Health Examination form. The health care provider must only record whether or not the social and emotional screening was completed.

Consult the board attorney about whether the presence of developmental or social and emotional screening information on the Child Health Examination form triggers child find obligations under the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

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#### **Commented [APowell2]:**

105 ILCS 5/27-8.1(2.5), amended by P.A. 99-927, eff. 6-1-17, exempts developmental or social and emotional screenings from the exclusion from school requirement.

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#### **Commented [APowell3]:**

Either of both of the following optional additional services may be added:

**Option 1:** If proof of the developmental screening or the social and emotional screening portions of the health examination are not presented, qualified school support personnel may, with a parent/guardian's consent, offer the screenings to the child.

**Option 2:** Once a student presents proof that he or she received a developmental screening or a social and emotional screening, the school may, with a parent/guardian's consent, make available appropriate school personnel to work with the parent/guardian, child, and provider who signed the screening form to obtain any appropriate evaluations and services.

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# DRAFT UPDATE

A student transferring from out-of-state who does not have the required proof of immunizations by October 15 may attend classes only if he or she has proof that an appointment for the required vaccinations is scheduled with a party authorized to submit proof of the required vaccinations. If the required proof of vaccination is not submitted within 30 days after the student is permitted to attend classes, the student may no longer attend classes until proof of the vaccinations is properly submitted.

## Eye Examination

Parents/guardians are encouraged to have their children undergo an eye examination whenever health examinations are required.

Parents/guardians of students entering kindergarten or an Illinois school for the first time shall present proof before October 15 of the current school year that the student received an eye examination within one year prior to entry of kindergarten or the school. A physician licensed to practice medicine in all of its branches or a licensed optometrist must perform the required eye examination.

If a student fails to present proof by October 15, the school may hold the student's report card until the student presents proof: (1) of a completed eye examination, or (2) that an eye examination will take place within 60 days after October 15. The Superintendent or designee shall ensure that parents/guardians are notified of this eye examination requirement in compliance with the rules of the Department of Public Health IDPH. Schools shall not exclude a student from attending school due to failure to obtain an eye examination.

## Dental Examination

All children in kindergarten and the second and sixth grades must present proof of having been examined by a licensed dentist before May 15 of the current school year in accordance with rules adopted by the Illinois Department of Public Health IDPH.

If a child in the second or sixth grade fails to present proof by May 15, the school may hold the child's report card until the child presents proof: (1) of a completed dental examination, or (2) that a dental examination will take place within 60 days after May 15. The Superintendent or designee shall ensure that parents/guardians are notified of this dental examination requirement at least 60 days before May 15 of each school year.

## Exemptions

In accordance with rules adopted by the Illinois Department of Public Health (IDPH), a student will be exempted from this policy's requirements for:

1. Religious or medical grounds, if the student's parents/guardians present the IDPH's Certificate of Religious Exemption form to the Superintendent or designee. When a Certificate of Religious Exemption form is presented, the Superintendent or designee shall immediately inform the parents/guardians of exclusion procedures pursuant to Board policy 7:280, *Communicable and Chronic Infectious Disease* and State rules if there is an outbreak of one or more diseases from which the student is not protected;
2. Health examination or immunization requirements on medical grounds if a physician provides written verification;
3. Eye examination requirement if the student's parents/guardians show an undue burden or lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or a licensed optometrist; or
4. Dental examination requirement if the student's parents/guardians show an undue burden or a lack of access to a dentist.

# ***DRAFT UPDATE***

## Homeless Child

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

LEGAL REF.: McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
105 ILCS 5/27-8.1 and 45/1-20.  
410 ILCS 45/7.1 and 315/2e.  
23 Ill.Admin.Code §1.530.  
77 Ill.Admin.Code Part 665.  
77 Ill.Admin.Code Part 690.  
~~77 Ill.Admin.Code Part 695.~~

CROSS REF.: 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children),  
6:180 (Extended Instructional Programs), 7:50 (School Admissions and Student  
Transfers To and From Non-District Schools), 7:280 (Communicable and  
Chronic Infectious Disease)

ADOPTED: ~~December 21, 2015~~