



Oak Park Elementary School District 97

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

FROM: Chris Jasculca

RE: Policy Review and Discussion

DATE: October 21, 2014

The district's policy review team (Amy Felton, Denise Sacks and Chris Jasculca) reviewed/discussed the proposed policy changes that were featured in the most recent Update Memo provided by the Policy Reference Education Subscription Service (PRESS). Below is a summary of the changes, as well as the team's recommendations.

- Policy 2:20 (Powers and Duties of the School Board; Indemnification) – PRESS is recommending that the policy be changed to highlight/emphasize the issue of indemnification. The proposed changes include revising the title to include the word indemnification, as well as replacing the item about indemnification among the major powers and duties of the board with a stand-alone section about the issue on the second page of the policy.

PRESS is also recommending that the list of powers and duties be updated to include an item about electing officers and establishing a regular meeting schedule. Since the District 97 Board of Education completes both of these tasks on an annual basis, PRESS suggests using the following alternative language:

Annually organizing the Board by electing officers and establishing its regular meeting schedule and, thereafter, taking action during lawfully called meetings to faithfully fulfill the Board's responsibilities in accordance with Board policy and State and federal law.

Adding this item under powers and duties requires reordering the rest of the items on the list.

The policy review team agrees with these recommended changes.

- Policy 4:60 (Purchases and Contracts) – PRESS is recommending that the policy, legal references and cross references be updated in response to Public Act 98-716, which requires all new employees of contracting companies to present evidence of physical fitness to perform duties and freedom from communicable diseases. It also adds restrictions on any employees who have a specified criminal conviction.

The policy review team agrees with these recommended/required updates.

- Policy 4:90 (Activity Funds) – PRESS is recommending that the policy be updated to include authorized funds as a place where funds from a student activity account can be transferred to should that account be inactive for 12 consecutive months.

The policy review team agrees with this recommended update.

- Policy 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications) – During its meeting on August 19, 2014, the board discussed the district’s policy, practices and procedures regarding the performance of criminal screens/background checks on resource people and volunteers. There were specific questions and concerns raised regarding the use of the word may in the following sentence in policy 4:175:

The Superintendent or designee may also perform a criminal background check and/or screen for resource persons and volunteers.

The district’s current practice regarding criminal screens/background checks for resource people and volunteers is as follows:

In any situation where resource people and volunteers might or will be alone with an individual student or small group of students (one-on-one tutoring session, overnight or out-of-town field trip, etc.) outside of the direct line of site of a certified member of our staff, we require that these individuals undergo a formal fingerprint check that is performed by the district. The cost of this check is paid for by the school/district.

In situations where resource people and volunteers are working with students in the direct line of site of a certified member of our staff at all times, or in cases where they will be in a room with a large group of students and other adults (including certified staff members), we require the schools to minimally run their names through the following three websites:

- The Illinois Sex Offender website – www.isp.state.il.us/sor/
- The Illinois State Police Murderer and Violent Crimes Against Youth Registry – www.isp.state.il.us/cmvo/personlist.cfm
- The National Sex Offender Public website – http://ojp.gov/smart/sorna_tools.htm

We have reached out to Hodges Loizzi Eisenhammer Rodick & Kohn LLP (HLERK), which is the district’s legal counsel, to determine:

- If the process of running names through the three sites is considered standard and sufficient under the situations/scenarios described above; or
- If a fingerprint check should be required for any and all resource people and volunteers.

Regardless of the response from HLERK, the policy review team is recommending that the policy language be changed from:

The Superintendent or designee shall perform the criminal background check and/or screen required by State law or Board policy for employees; student teachers; students doing field or clinical experience other than student teaching; and contractors’ employees who have direct, daily contact with one or more children. The Superintendent or designee may also perform a criminal background check and/or screen for resource persons and volunteers. He or she shall take appropriate action based on the result of any criminal background check and/or screen.

to:

The Superintendent or designee shall perform the criminal background check and/or screen required by State law or Board policy for employees; student teachers; students doing field or

clinical experience other than student teaching; contractors' employees who have direct, daily contact with one or more children; and resource persons and volunteers. He or she shall take appropriate action based on the result of any criminal background check and/or screen.

This change acknowledges the fact that the district currently requires some form of check (fingerprint or website search) on every resource person and volunteer. The administration will work with the buildings to ensure that these checks are being performed on a consistent basis and in accordance with the district's existing practices and procedures. Depending on the response we receive from HLERK, these practices and procedures may need to be updated in the future. The team will provide the board and administration with HLERK's feedback regarding this issue as soon as we receive it so that any necessary changes can be made and communicated to school/district staff, parents/guardians and community members.

- Policy 5:30 (Hiring Process and Criteria) – Similar to policy 4:60, PRESS is recommending that the policy, legal references and cross references be updated in response to Public Act 98-716, which states that all new and existing district employees may be subject to additional health examinations, including a tuberculosis screening, as required by the Illinois Department of Public Health or by order of a local public health official. It also reflects the decision by the Illinois Department of Public Health not to require school employees to be screened for tuberculosis unless they work in day care or preschool settings.

The policy review team agrees with these recommended/required updates.

- Policy 5:260 (Student Teachers) – PRESS is recommending that the policy be revised to include clarification that, per the Illinois School Code, nobody who has been convicted of a crime may serve as a student teacher. PRESS also recommends adding a paragraph that highlights the requirement to conduct a criminal background check on individuals seeking to be student teachers, as well as spells out the need for all new employees to furnish evidence of physical fitness to perform assigned duties and freedom from communicable diseases. Steve Cummins, the district's senior director of human resources, supports the recommended/required revisions. He also noted that the district fully complies with the law regarding the completion of criminal background checks for student teachers (i.e., performs fingerprint checks and runs the names of potential employees through the two websites listed in the policy).

The policy review team agrees with these recommended/required updates.

- Policy 7:20 (Harassment of Students Prohibited) – As was the case with policies 7:180 (Preventing Bullying, Intimidation, and Harassment), 7:190 (Student Discipline) and 8:30 (Visitors to and Conduct on School Property), which were presented to the board for a first reading on August 19, 2014 and adoption on September 9, 2014, the policy review team is recommending that district switch from the district-specific version of policy 7:20 to the one maintained by PRESS. The team's reasons/rationale for switching to the PRESS version are that it is clearer, more succinct and would be supported by PRESS if someone challenges the language it drafted.

As we did with policies 7:180, 7:190 and 8:30, we asked HLERK to review the PRESS version of policy 7:20 and provide any recommended revisions that would align it more closely to the law, general best practices, and the district's current processes and procedures.

Attached to this memorandum is the district's current version of policy 7:20, as well as the PRESS version that features HLERK's proposed revisions. The policy review team recommends adopting the PRESS version with the suggested changes from HLERK.

- Policy 7:180 (Prevention of and Response to Bullying, Intimidation and Harassment) – PRESS is recommending that the policy be revised to align it with new legislation. The revisions include:
 - Adding the following to the situations listed on page one in which bullying is prohibited (language taken directly from the bullying prevention statute):

(4) through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any nonschool-related activity, function, or program.

- Adding the definitions for bullying, cyber-bullying, restorative measures and school personnel that are provided in the bullying prevention statute.
- Adding the 12 requirements for the bullying prevention and response plan as they are written in the bullying prevention statute.
- Including the name and contact information for the district's complaint manager.

PRESS also provided four optional changes. The policy review team does not believe it is necessary to make the first three—augmenting the School Code requirement regarding the use of the definition of bullying, offering a phone number for making anonymous reports, or removing the list of policies featured in number 12 of the requirements. However, the team is recommending the addition of a thirteenth requirement on the last page of the policy that specifies staff member responsibilities.

There are two critical changes to the bullying prevention statute and this policy that the policy review team wants to bring to your attention. Both changes are featured under the fifth requirement listed on page three of the policy. The first is that district must make reasonable efforts to complete any investigation into a report of bullying within 10 school days of the report being received. The second is that, “consistent with federal and state laws and student privacy rules, the district must provide parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.”

Although the two changes are required by law, the team is trying to get clarification from PRESS regarding what constitutes “reasonable efforts.” We have also posed the following questions to PRESS regarding disclosure of information regarding an investigation into bullying.

- What type and how much information is the district obligated to provide the victim of an incident, especially regarding the findings of the investigation and actions taken to address the reported incident of bullying?
- If we are obligated to provide specifics regarding the outcomes of an investigation, does that include any punishment/discipline handed out to the aggressor(s) in an incident? If so, how does that align with ISSRA and FERPA?

While it is unlikely that the answers to these questions will result in revisions to the policy, we will notify the board immediately if changes need to be made. Should any of those changes be substantive in

nature, we will, with the board's permission, present an updated version of the policy for a first reading during the board meeting on November 4, 2014.

- Policy 7:240 (Conduct Code for Participants in Extracurricular Activities) – PRESS is recommending that the policy language be updated in response to the increased focus on bullying and hazing.

The policy review team agrees with this recommended update.

Attached are the policies that are being presented to the board tonight for a first reading. A second reading and approval of these policies are scheduled for the board meeting on November 4, 2014.

Attachments:

- Policy 2:20 – Powers and Duties of the School Board; Indemnification
- Policy 4:60 – Purchases and Contracts
- Policy 4:90 – Activity Funds
- Policy 4:175 – Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notification
- Policy 5:30 – Hiring Process and Criteria
- Policy 5:260 – Student Teachers
- Policy 7:20 – Harassment of Students Prohibited (district and PRESS versions)
- Policy 7:180 – Prevention of and Response to Bullying, Intimidation and Harassment
- Policy 7:240 – Conduct Code for Participants in Extracurricular Activities