



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: May 13, 2014

The district's policy review team (Amy Felton, Denise Sacks and Chris Jasculca) is presenting the following information to the Board of Education tonight for review/discussion:

- Proposed policy changes provided by the Policy Reference Education Subscription Service (PRESS)
- Recommended revisions to policy 4:30 (Revenue and Investments) that were submitted by the team and Finance Oversight and Review Committee (FORC)
- Report/update on the status of several district-specific policies, including:
 - Policy 4:120 – Food Services
 - Policy 7:180 – Preventing Bullying, Intimidation, and Harassment
 - Policy 7:190 – Student Discipline
 - Policy 8:30 – Visitors to and Conduct on School Property

Proposed policy changes from PRESS

The policy review team reviewed/discussed the proposed policy changes that were featured in the most recent Update Memo provided by the PRESS. Below is a summary of the changes, along with the team's recommendations.

Please note that several of the revisions outlined in the memo from PRESS were limited to the footnotes that correspond with the policies. Since changes to the footnotes do not require board action, we did not include them in this document.

- Policy 2:30 (School District Elections) – The policy has been amended in accordance with Public Act 98-115, which removes most election responsibilities from the board secretary and president. Below are a few of the specific changes in responsibilities that resulted from the passage of this new legislation.
 - Nominating petitions must now be filed with the county clerk or the county board of election commissioners.
 - Objections to nominating petitions or to petitions for a public question must now be submitted to the county officers election board.
 - The simultaneous filing of nominating petitions and the withdrawal from nomination are now submitted to the county clerk or county board of election commissioners.

However, the legislation did not change the board secretary's role as the local election official. As a result, any petition for the submission of a public question to referenda must continue to be filed with the board secretary.

The board also has the option of inserting language into the final sentence of the policy that includes the task of sharing/disseminating information about district elections among the responsibilities of the board secretary/local election official.

The policy review team agrees with these revisions. We also support the inclusion of the optional language in the final sentence, with the knowledge that other staff members in the district (i.e., the director of policy, planning and communication) will assist with this activity.

- Policy 2:110 (Qualifications, Term, and Duties of Board Officers) – The following changes to the policy correspond with the passage of Public Act 98-115 and are required.
 - Since the Election Officers Electoral Board was eliminated in conjunction with the new legislation, serving as the chairperson for this group was removed from the duties of the board president.
 - Since the board secretary no longer acts as the local election official for board elections, but still receives petitions for the submission of a public question to referenda, the fifth item under the duties for this individual is changed from:

“Act as the local election authority for all Board elections”

to:

“Act as the local election authority for the District”

The policy review team agrees with these revisions.

- Policy 5:10 (Equal Employment Opportunity and Minority Recruitment) – The policy and legal references are updated in response to legislation that provides a new protected status for an individual who is “a registered qualifying patient or a registered qualifying caregiver for the purposes of the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/40.”

The policy review team agrees with the updates to the policy and legal references.

- Policy 5:30 (Hiring Process and Criteria) – The policy is updated to include the requirement that every employee must sign the *Acknowledgement of Mandated Reporter Status* form that corresponds with policy 5:90 (Abused and Neglected Child Reporting).

The policy review team agrees with this update.

- Policy 5:35 (Compliance with the Fair Labor Standards Act) – PRESS is recommending several changes to the policy. The changes include:
 - Deleting the first sentence under the section titled “Overtime” that reads:

“The School Board discourages overtime work by non-exempt employees.”

PRESS’ reason/rationale for deleting this sentence is as follows:

“This deletion is not intended to encourage overtime. Rather, it is made to align with the realities that districts budget for overtime and that overtime is frequently less expensive than hiring a contractor or a new employee.”

- Replacing certificated with licensed in the section titled “Suspension Without Pay.” This reflects a revision to the law that changed teacher certification to educator licensure.

The policy review team agrees with these revisions.

- Policy 5:125 (Personal Technology and Social Media; Usage and Conduct) – PRESS is recommending two changes to the policy. These changes include:
 - Updating the list of personal technology devices that is featured in the section titled “Definitions.”
 - Changing the first sentence in the first item under the section titled “Usage and Conduct” from:
“Adhere to the high standards for appropriate school relationships in policy 5:20...”
to:
“Adhere to the high standards for appropriate school relationships required by policy 5:20...”

The policy review team agrees with these revisions.

- Policy 5:180 (Temporary Illness and Temporary Incapacity) – Until February 2014, the third paragraph of the policy applied to all employees. However, PRESS is now limiting its application to teachers or other licensed employees in response to feedback that it should align with state law, more specifically 105 ILCS 5/24-13. PRESS also added a sentence at the end of the paragraph that reflects the board’s ability to take action concerning an employee in situations beyond the policy’s scope.

The recommended revisions from PRESS would result in the policy’s third paragraph being changed from:

“If illness, incapacity, or any other condition causes an employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may consider beginning dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act.”

to:

“If illness, incapacity, or any other condition causes a teacher or other licensed employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may begin dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Superintendent may recommend this paragraph’s use when circumstances strongly suggest that the teacher or other licensed employee return to work intermittently in order to avoid this paragraph’s application. This paragraph shall not be considered a limitation on the Board’s authority to take any action concerning an employee that is authorized by State and federal law.”

The policy review team agrees with these revisions. The team also recommends that the district review its agreements with its other employee groups (OPTA, ESP and SEIU) to determine if these changes will trigger a bargaining requirement.

- Policy 5:190 (Teacher Qualifications) – The language in the policy and legal references have been changed in response to amendments the Illinois State Board of Education made to 23 Ill.Admin.Code Part 25. Part 25 continues the process of incorporating Public Act 97-607 into the law. Public Act 97-607 changed teacher certification to educator licensure as of July 1, 2013.

The policy review team recommends revising the language in the policy and legal references to reflect this change.

- Policy 5:240 (Suspension) – Based on feedback it received, PRESS updated the policy to include language that gives the superintendent or designee the authority to begin proceedings to suspend a professional staff member without pay. In the footnotes that correspond with the policy, PRESS states the following:

“A difference of opinion exists among attorneys concerning whether a board is permitted to authorize the superintendent to suspend teachers without pay. Some attorneys believe such a delegation is void because of the language in 105 ILCS 5/24-12(d)(1). Others believe that a board may delegate the authority to the superintendent to suspend teachers without pay as a disciplinary measure as opposed to pending a dismissal hearing. Contact the board attorney for advice if the board wants to authorize the superintendent to suspend professional employees without pay.”

Based on the information in the footnote, the policy review team recommends that the board or its designee seek the advice of Hodges Loizzi Eisenhammer Rodick & Kohn LLP (HLERK), the district’s legal counsel, prior to making a decision regarding the proposed changes to the policy.

- Policy 7:70 (Attendance and Truancy) – The policy language has been revised to reflect changes to 105 ILCS 5/26-2, which was amended by Public Act 98-544. The revised language, which is featured in the first paragraph of the policy and goes into effect July 1, 2014, highlights the changes made to the compulsory attendance ages for students.

The policy review team agrees with the revisions to the language, which, pending board approval, will change the first paragraph from:

“This policy applies to individuals who have custody or control of a child: (a) between the ages of 7 and 17 years of age (unless the child has graduated from high school), or (b) who is enrolled in any of grades, kindergarten through 12, in the public school regardless of age. These individuals must cause the child to attend the District school wherein the child is assigned, except as provided herein or by State law.”

to:

“This policy applies to individuals who have custody or control of a child: (a) whose age meets the compulsory attendance age listed in State law, or (b) who is enrolled in any of grades, kindergarten through 12, in the public school regardless of age. Unless a student has already graduated from high school, the compulsory attendance ages are as follows:

1. Before the 2014-2015 school year, students between the ages of 7 and 17 years.

2. Beginning with the 2014-2015 school year, students between the ages of 6 (on or before September 1) and 17 years.”

- Policy 7:140 (Search and Seizure) – The language in the policy and legal references are being updated in accordance with the Right to Privacy in the School Setting Act (105 ILCS 75/). The following section has been added to the policy in conjunction with the passage of this law.

“Notification Regarding Students Accounts or Profiles on Social Networking Websites

State law requires the District to notify students and their parents/guardians that school officials may request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student’s account or profile on a social networking website. This request may be made only if there is reasonable cause to believe that the student’s account contains evidence that he or she violated a school disciplinary rule or Board policy.”

The revision is related to the establishment of a notification law. This revision and/or the law do not change the legal analysis concerning search and seizure by school officials. In addition, the district can fulfill its responsibility regarding notification by including the information in the Effective Student Behavior Handbook.

The policy review team agrees with the updates to the policy and legal references.

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 May 27, 2014.

Attachments:

- Policy 2:30 – School District Elections
- Policy 2:110 – Qualifications, Term, and Duties of Board Officers
- Policy 5:10 – Equal Employment Opportunity and Minority Recruitment
- Policy 5:30 – Hiring Process and Criteria
- Policy 5:35 – Compliance with the Fair Labor Standards Act
- Policy 5:125 – Personal Technology and Social Media; Usage and Conduct
- Policy 5:180 – Temporary Illness and Temporary Incapacity
- Policy 5:190 – Teacher Qualifications
- Policy 5:240 – Suspension
- Policy 7:70 – Attendance and Truancy
- Policy 7:140 – Search and Seizure

Recommended Revisions to Policy 4:30 (Revenue and Investments)

FORC performed a comprehensive review of policy 4:30 (Revenue and Investments) and submitted recommended revisions to the policy review team that reflect changes in the law and further align the policy with the district’s standards, practices, goals and commitment to fiscal stewardship.

There are two versions of the policy attached to this document. One is the current version of the policy from the district’s policy manual, and the other is the revised version that features recommended changes from FORC and the policy review team. The recommended changes are in red text.

The revised version is being presented to the board tonight for a first reading. It will be brought back to the board for a second reading and approval on May 27, 2014.

Update on District-Specific Policies

The policy review team is recommending that District 97 replace the following district-specific policies with the versions that were drafted and are currently maintained by PRESS.

- Policy 4:120 – Food Services
- Policy 7:180 – Preventing Bullying, Intimidation, and Harassment
- Policy 7:190 – Student Discipline
- Policy 8:30 – Visitors to and Conduct on School Property

The team believes the PRESS versions of the policies are more user-friendly in terms of their clarity and succinctness. In addition, PRESS supports these versions from a legal standpoint.

Below are the team's recommendations regarding these policies.

Policy 4:120 (Food Services) – The policy review team sent this policy to the district's assistant superintendent for finance and operations and food service coordinator to get their feedback about switching from the district-specific version to the PRESS version. Both individuals gave their support for moving to the PRESS version.

The only potential issue the team identified with making the switch to the PRESS version is the concern some people might have about the absence of the following sentence regarding the "food waiver" that is featured in the current version of the policy.

"No foods or beverages are to be sold during food-service hours/meal periods other than those associated with the District's food-service program, or those sold with the approval of the Superintendent or designee and in conjunction with the waiver granted by the Illinois School Board of Education that permits a modification of the rules governing School Food Services."

However, the team believes this concern is adequately addressed in the final sentence of the PRESS version, which allows for food and beverages to be sold in competition with our breakfast and lunch programs. This sentence reads:

"All revenue from the sale of any food or beverages sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period shall accrue to the nonprofit school lunch program account." (FYI – The nonprofit school lunch program account is required by State rule, 23 Ill.Admin.Code §305.15(e), which states that "the revenue from all food sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period accrue to the nonprofit school lunch program account.")

In addition, the lack of a specific reference to the waiver does not negate the authority afforded by it or the district's commitment to uphold it until it expires at the end of the 2016-2017 school year.

The PRESS version of policy 4:120 (Food Services) is being presented to the board tonight for a first reading. It will be brought back to the board for a second reading and approval on May 27, 2014.

Policies 7:180 (Preventing Bullying, Intimidation, and Harassment), 7:190 (Student Discipline) and 8:30 (Visitors to and Conduct on School Property) – The policy review team and administration spent several months working with HLERK on the creation of these policies and their corresponding documentation (administrative guidelines, exhibits, etc.). With this in mind, the team and administration will work with HLERK to determine the pros and cons associated with switching from the current versions of the policies to the PRESS versions. We will keep the board updated on the status of these efforts.