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## **PRESS PLUS POLICY UPDATES**

### **5 Year Review**

#### **2:105 Ethics and Gift Ban**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

#### **2:170 Procurement of Architectural, Engineering, and Land Surveying Services**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

#### **4:140 Waiver of Student Fees**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

#### **6:10 Educational Goals**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

**6:30 Organization of Instruction**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

**6:120 Education of Children with Disabilities**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

**6:230 Library Media Program**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

**7:165 School Uniforms**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

**8:25 Advertising and Distributing Materials in Schools Provided by Non-School Related Entities**

- Reviewed, Change Date
- Reviewed with District Changes
- Not Reviewed, Leave Previous Updates
- Policy Deleted

## Document Status: 5-Year-Review - Needs Review

### DISTRICT BOARDS

#### **2:105 Ethics and Gift Ban**

##### Prohibited Political Activity

The following precepts govern political activities being conducted by District employees, Governing Board and Operating Committee members:

1. No employee shall intentionally perform any "political activity" during any "compensated time," as those terms are defined herein.
2. No member or employee shall intentionally use any District property or resources in connection with any political activity.
3. At no time shall any member or employee intentionally require any other member or employee to perform any political activity: (a) as part of that member's or employee's duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No member or employee shall be required at any time to participate in any political activity in consideration for that member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

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

##### Limitations on Receiving Gifts [PRESSPlus1](#)

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

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

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other members or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities

(or outside activities that are not connected to the official duties of a member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the member or employee, and are customarily provided to others in similar circumstances.

10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a Governing Board or Operating Committee member or employee from another member or employee, and "inter-governmental gift" means any gift given to a member or employee from an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

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

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

#### Enforcement

The Board President and Superintendent shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws.

#### Definitions

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

"Political activity" means:

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

With respect to an employee whose hours are not fixed, "compensated time" includes any period of time when the employee is on premises under the control of the District and any other time when the employee is executing his or her official duties, regardless of location.

"Prohibited source" means any person or entity who:

1. Is seeking official action by: (a) a Governing Board or Operating Committee member, or (b) an employee, or by the

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

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

LEGAL REF.:

5 ILCS 430/, State Officials and Employees Ethics Act.

10 ILCS 5/9-25.1, Election Interference Prohibition Act.

CROSS REF.:2:100 (Board Member Conflict of Interest), 4:60 (Purchases and Contracts), 5:120 (Ethics and Conduct)

ADOPTED:February 19, 2014

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### PRESSPlus Comments

PRESSPlus 1. This policy is unchanged. A footnote is updated in response to 30 ILCS 708/, the Grant Accountability Transparency Act (GATA) and federal procurement standards, and the text is provided here for informational purposes.

5 ILCS 430/10-10 through 10-30 (Gift Ban); 30 ILCS 708/ (Grant Accountability Transparency Act (GATA)); and 2 C.F.R. §200.318(c)(1)(uniform federal procurement standards prohibit board members from soliciting or accepting gratuities, favors, or anything of monetary value from contractor performing work under a contract supported by a federal grant award). GATA adopts the uniform federal rules for State agencies' administration of eligible State and federal grants.

Generally, 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*. For more discussion on conflict of interest, see sample policy 2:100, *Board Member Conflict of Interest*. Specifically, 2 C.F.R. §200.318(c)(1) requires school districts to "set standards for situations in which the gift is an unsolicited item of nominal value (*standards*)," along with "disciplinary actions to be applied for violations (*disciplinary actions*)" without defining *nominal value*.

To avoid confusion and because 2 C.F.R. §200.318(c)(1) provides flexibility to school boards regarding setting *standards* and *disciplinary actions*, sample policy 2:100, *Board Member Conflict of Interest*, refers to this sample policy's subheads: **Limitations on Receiving Gifts** in the Ethics Act at 5 ILCS 430/10-10 – 10-30 (for the federal regulation's *standards*), and **Enforcement** at 5 ILCS 430/50-5 (discussing the specific penalties available under the Ill. Ethics Act for the federal regulation's *disciplinary actions*).

If a board wishes to develop further *standards* and *disciplinary actions* than the Gift Ban section of the SOEEA requires, consult the board attorney.

For further discussion, see the *Grant Accountability and Conflicts of Interest* section in the Ill. Council of School Attorneys' publication, **Answers to FAQs, Conflict of Interest and Incompatible Offices** at: [www.iasb.com/law/COI\\_FAQ.pdf](http://www.iasb.com/law/COI_FAQ.pdf).

**Issue 98, May/June 2018**

## ***Document Status: 5-Year-Review - Needs Review***

### **DISTRICT BOARDS**

#### **2:170 Procurement of Architectural, Engineering, and Land Surveying Services**

The Governing Board selects architects, engineers, and land surveyors to provide professional services to the District on the basis of demonstrated competence and qualifications, and in accordance with State law.

**LEGAL REF.:**

Shively v. Belleville Township High School District 201, 769 N.E.2d 1062 (Ill.App.5, 2002), *appeal denied*.

40 U.S.C. §541.

50 ILCS 510/1 et seq., Local Government Professional Services Selection Act.

105 ILCS 5/10-20.21.

ADOPTED:February 19, 2014

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## Document Status: 5-Year-Review - Needs Review

### OPERATIONAL SERVICES

#### **4:140 Waiver of Student Fees**

The Superintendent will recommend to the Governing Board a schedule of fees, if any, to be charged students for the use of textbooks, consumable materials, extracurricular activities, and other school student fees. Students must also pay for the loss of or damage to school books or other school-owned materials.

All school student fees as defined by the Illinois State Board of Education (ISBE) are waived for students who meet the eligibility criteria for a fee waiver contained in this policy. Students receiving a fee waiver are not exempt from charges for lost and damaged books, locks, materials, supplies, and equipment.

#### Notification

The Superintendent shall ensure that applications for fee waivers are widely available and distributed according to State law and ISBE rule and that provisions for assisting parents/guardians in completing the application are available.

#### Eligibility Criteria

A student shall be eligible for a fee waiver when the student currently lives in a household that meets the same income guidelines, with the same limits based on household size, that are used for the federal free meals program.

#### Verification

The Superintendent or designee shall establish a process for determining a student's eligibility for a waiver of fees in accordance with State law requirements. The Superintendent or designee may require family income verification at the time an individual applies for a fee waiver and anytime thereafter but not more often than once every 60 calendar days. The Superintendent or designee shall not use any information from this or any independent verification process to determine free or reduced-price meal eligibility.

If a student receiving a fee waiver is found to be no longer eligible during the school year, the Superintendent or designee shall notify the student's parent/guardian and charge the student a prorated amount based upon the number of school days remaining in the school year.

#### Determination and Appeal

Within 30 calendar days after the receipt of a waiver request, the Superintendent or designee shall mail a notice to the parent/guardian whenever a waiver request is denied. The denial notice shall include: (1) the reason for the denial, (2) the process and timelines for making an appeal, and (3) a statement that the parent/guardian may reapply for a waiver any time during the school year if circumstances change. If the denial is appealed, the District shall follow the procedures for the resolution of appeals as provided in the Illinois State Board of Education rule on waiver of fees.

LEGAL REF.:105 ILCS 5/10-20.13, 5/10-22.25, 5/27-24.2, and 5/28-19.2.

23 Ill.Admin.Code §1.245 [may contain unenforceable provisions].

CROSS REF.:4:130 (Free and Reduced-Price Food Services)

ADOPTED:August 29, 2013



## *Document Status: 5-Year-Review - Needs Review*

### **INSTRUCTION**

#### **6:10 Educational Goals**

The District's educational program will seek to provide an opportunity for each student to develop to his or her maximum potential. The objectives for the educational program are:

##### Student Growth

Support and implement activities that focus on effective instruction and enhance student growth.

##### Full Educational Opportunity

Implement activities that focus on educating each student in his/her home school and classroom where possible.

##### Personnel and Board Development

Promote professional development activities to support personnel within SPEED and personnel of member school districts.

##### Fiscal Responsibility

Provide supports and services that reflect fiscal responsibility.

##### District Interaction

Seeks ways to stimulate communication among the 15 member districts to promote the concept of inter-district agreements.

CROSS REF:1:30 (Mission), 3:10 (SPEED Organizational Goals), 6:15 (School Accountability), 7:10 (Equal Educational Opportunities)

ADOPTED:February 19, 2014

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## *Document Status: 5-Year-Review - Needs Review*

### **INSTRUCTION**

#### **6:30 Organization of Instruction**

The grouping and housing of instructional levels in SPEED operated and Member District facilities shall be according to plans developed by the Superintendent in cooperation with the Member Districts and approved by the Operating Committee.

The Superintendent shall place eligible students with disabilities in classes, programs and services operated as a part of the comprehensive plan of the District.

CROSS REF.:6:40 (Curriculum Development), 7:30 (Student Assignment), 7:50 (School Admissions/Eligibility for Services), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

ADOPTED:February 19, 2014

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## *Document Status: 5-Year-Review - Needs Review*

### **INSTRUCTION**

#### **6:120 Education of Children with Disabilities**

SPEED shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the District, as required by the Individuals With Disabilities Education Act (IDEA) and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act. The term "children with disabilities," as used in this policy, means children between ages 3 and 21 (inclusive) for whom it is determined, through definitions and procedures described in the Illinois State Board of Education's *Special Education* rules, that special education services are needed.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the Illinois State Board of Education's *Special Education* rules. This system shall include notice, an opportunity for the student's parent(s)/guardian(s) to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), representation by counsel, and a review procedure.

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

#### **LEGAL REF.:**

Americans With Disabilities Act, 42 U.S.C. §12101 et seq.

Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 et seq.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794.

105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.

23 Ill.Admin.Code Part 226.

34 C.F.R. §300.

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

ADOPTED:February 19, 2014

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## *Document Status: 5-Year-Review - Needs Review*

### **INSTRUCTION**

#### **6:230 Library Media Program**

The Superintendent or designee shall manage the District's library media program to comply with, (1) State law and Illinois State Board of Education rule, and (2) the following standards:

1. The program includes an organized collection of resources available to students and staff to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served.
2. Financial resources for the program's resources and supplies are allocated to meet students' needs.
3. Students in all grades served have equitable access to library media resources.
4. The advice of an individual who is qualified according to ISBE rule is sought regarding the overall direction of the program, including the selection and organization of materials, provision of instruction in information and technology literacy, and structuring the work of library paraprofessionals.
5. Staff members are invited to recommend additions to the collection.
6. Students may freely select resource center materials as well as receive guided selection of materials appropriate to specific, planned learning experiences.

#### **LEGAL REF.:**

23 Ill.Admin.Code §1.420(o).

CROSS REF.:6:60 (Curriculum Content), 6:210 (Instructional Materials)

ADOPTED:February 19, 2014

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## *Document Status: 5-Year-Review - Needs Review*

### STUDENTS

#### **7:165 School Uniforms**

Students attending Independence School are required to wear school uniforms to school on all school attendance days, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. This policy may be waived for any student whose parent/guardian provides the Board with a signed statement detailing the grounds for their objection. The Building Principal is authorized to relax the uniform policy as part of an incentive program, which is awarded to all students equally. The Building Principal is authorized to designate days on which this uniform policy is relaxed.

Students may:

1. Display religious messages on items of clothing to the same extent they are permitted to display other messages;
2. Wear attire that is part of the student's religious practice;
3. Wear or display expressive items, such as a button, as long as such items do not contribute to disruption by substantially interfering with discipline or with the rights of others; and
4. Wear the uniform of a nationally recognized youth organization such as Boy Scouts or Girl Scouts on regular meeting days.

No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform because of:

1. Insufficient time in which to comply with this policy; or
2. Financial hardship.

Any student eligible for reduced or free lunches, or for a waiver of student fees, is eligible for financial assistance toward the purchase of school uniforms. The Superintendent or designee shall develop a process for informing parents/guardians of the availability of financial assistance and a method to process financial requests.

Disciplinary action may be taken for failure to comply with this policy. Before initiating disciplinary action, a conference with the parent(s)/guardian(s) shall be requested to solicit cooperation and support.

LEGAL REF:

105 ILCS 5/10-22.25b.

CROSS REF:7:160 (Student Appearance), 7:190 (Student Behavior)

ADOPTED:September 3, 2009

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## Document Status: 5-Year-Review - Needs Review

### COMMUNITY RELATIONS

#### **8:25 Advertising and Distributing Materials in Schools Provided by Non-School Related Entities**

No material or literature shall be posted on district property that would: (1) disrupt the educational process, (2) violate the rights or invade the privacy of others, (3) infringe on a trademark or copyright, or (4) be defamatory, obscene, vulgar, or indecent. All materials for posting must have the approval of the Building Principal.

#### Commercial Companies and Political Candidates or Parties

Commercial companies and political candidates or organizations are prohibited from advertising in schools, on the school grounds, or on school or District websites.

#### LEGAL REF.:

Berger v. Rensselaer Central School Corp., 982 F.2d 1160 (7th Cir. 1993), *cert. denied*, 113 S.Ct. 2344 (1993).

DiLoreto v. Downey Unified School Dist., 196 F.3d 958 (9th Cir. 1999).

Hedges v. Wauconda Community Unit School Dist., No. 118, 9 F.3d 1295 (7th Cir. 1993).

Lamb's Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141 (1993).

Sherman v. Community Consolidated School Dist. 21, 8 F.3d 1160 (7th Cir. 1993), *cert. denied*, 114 S.Ct. 2109 (1994).

Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 132 S.Ct. 592 (2011).

ADOPTED: August 29, 2013

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