



TO: The Board of Education

FROM: The Policy Committee (Member Kearney, Member Liebl, Dr. Kelley and Sheryl Marinier)

SUBJECT: Policy Update

DATE: March 17, 2020

PRESS Updates – Issue 102

The Policy Committee, based on concerns shared by the school nurses, took a deeper look at policies 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), and 7:120 (Administering Medicines to Students). Both policies address Ashley’s Law and contain wording on the use of, or administration of medical Marijuana. After talking to the lead nurse, the Senior Director of Special Services, and consulting with the district’s attorneys, the Policy Committee recommends approving the policies as presented by PRESS (Issue 102).

Both policies require direction from the Board. Each item has questions that need to be answered prior to approving the policy revisions. Each response recommended by the Policy Committee is highlighted.

5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition)

RENAMED. The new text in the policy's title includes E-Cigarettes (PRESS Advisory Board (PAB) feedback) and Cannabis (Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/, added by P.A. 101-27 legalizing recreational cannabis use for persons over the age of 21). The policy, legal references, cross references, and footnotes are updated in response to: 1) The CRTA, 410 ILCS 705/, added by P.A. 101-27. 2) Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)), amended by P.As. 101-27 and 101-363 and scheduled to repeal on 7-1-20 (described above in 5:10, Equal Employment Opportunity and Minority Recruitment). The Right to Privacy in the Workplace Act (RPWA), 820 ILCS 55/5(b), amended by P.A. 101-27. 4. Changes to Ashley’s Law, 105 ILCS 5/22-33, amended by P.A. 101-370, eff. 1-1-20. The Prevention of Tobacco Use by Minors and Sale of and Distribution of Tobacco Products Act, 720 ILCS 675, amended by P.A. 101-2. 6. The regulation of e-cigarettes by the U.S. Food and Drug Administration at 21 C.F.R. Parts 1100, 1140, and 1143, amended by 81 Fed. Reg. 28973. 7. Other continuous improvement updates to the Legal References given recent current events and the impending legalization of recreational cannabis include adding the Smoke Free Illinois Act, 410 ILCS 827, and the Code of Ethics for Illinois Educators, 23 III.Admin. Code Sec. 22.20.

Question 1 –

An employee is on call when the employer schedules him or her with at least 24 hours-notice to be on standby or otherwise responsible for performing employment-related tasks either at the employer’s location or another previously-designated location. Consult the board attorney regarding how the board wants to treat employees who may be considered on call, e.g., superintendents, principals, coaches, and/or maintenance workers, etc. Has the board adopted the phrase “or being on call” into this policy?

Answers –

- 1) Yes (default)
- 2) No (IASB will remove “or being on call”)

Question 2 –

Optional, including the statutory example that includes the term vape pen provides notice that vaping products are also prohibited through the term e-cigarette. Choose from the following options.

Answers –

1) Include the default sentence (default)

2) Replace “includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device” with “shall have the meaning provided in the prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675/1(a-9).”

7:270 (Administering Medicines to Students)

The policy, Legal References, Cross References, and footnotes are updated. The policy is updated in response to: 1) 105 ILCS 5/10-22.21b(d), added by P.A. 101-205, eff. 1-1-20 requiring Emergency Action Plans for each student who wishes to self-administer medication and addressing liability, indemnification, and hold harmless provisions. 2) 105 ILCS 145/27, added by P.A. 101-428, which permits a district to maintain a supply of undesignated glucagon in any secure location that is immediately accessible to a school nurse or delegated care aide. 3) 105 ILCS 5/22-33(g) (Ashley's Law), added by P.A. 100-660 and amended by P.A. 101-370, eff. 1-1-20 requiring school boards to adopt a policy regarding the administration of a medical cannabis infused product to students who are qualifying registered patients under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/, amended by P.A. 101-363 and scheduled to repeal on 7-1-20, and in addition to allowing a student's delegated care aide(s) to administer it, allow a school nurse or administrator to administer it, and/or the student him or herself. 4. Other continuous improvement and stylistic updates. The footnotes are updated in response to the laws detailed in the policy. The Legal References are updated in response to 105 ILCS 145/, added by P.A. 101-428 (undesignated glucagon) and the Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 1301, amended by P.A. 101-363 and scheduled to repeal on 7-1-20.

Question –

Optional. 105 ILCS 145/27, added by P. A. 101-428, permits a district to maintain a supply of undesignated glucagon in any secure location that is immediately accessible to a school nurse or delegated care aide. A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement it. Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated glucagon, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities. The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated glucagon in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs. Has the board adopted the school district supply of undesignated glucagon subsection?

Answers –

1) Yes (default)

2) No (IASB will delete the School District Supply of Undesignated Glucagon subsection and its Void Policy language)

Policy Manual Annual Review

The Policy Committee has completed its annual review of Sections 1, 2 and 3 of the Policy Manual, and recommend changing the following policies; (see attached for details)

Policy 1:30 (School District Philosophy)

The committee is interested in knowing if the board would be interested in;

- Possibly add a statement of cooperation with D200
- Possibly add a sentence about monitoring/data-driven decisions

- Sustainability

Policy 2:20 (Powers and Duties of the Board; Indemnification)

The committee is interested in knowing if the board would be interested in;

- Possibly add a sentence about creating and supporting a diverse workforce through rigorous and equitable hiring and retention practices

Policy 2:150 (Committees)

Policy 3:10 (Goals and Objectives)