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Update Memo

PRESS

Policy Reference Education Subscription Service

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Instructions

You are encouraged to share this **PRESS** Update Memo with all board members and appropriate staff. It may be viewed and downloaded from **PRESS Online**: iasb.com/policy/login.cfm. Subscribers are mailed the current password with each **PRESS** issue.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online** – the committee worksheets and the updated Policy Reference Manual 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 Policy Reference Manual pages contain all of the material in this **PRESS** issue; you can use them to update your district manuals.

Be sure to view the update videos in which the **PRESS editors highlight this Issue – they are available at **PRESS Online**.**

This publication is designed to provide information only and is not a substitute for legal advice from the school board's legal counsel. If you have any questions, please contact Melinda Selbee, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1231, or Kimberly Small, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1226.

Please note: Unless otherwise stated, all public acts are currently effective.

School Board

► **2:30, School District Elections.** The policy and footnotes are significantly amended in response to P.A. 98-115. This legislation removed most election responsibilities from the board secretary and president. A footnote explains:

105 ILCS 5/9-10, amended by P.A. 98-115, provides that nominating petitions are filed with the county clerk or the county board of election commissioners if one was created pursuant to 10 ILCS 5/6A-1. Objections to nominating petitions or to petitions for a public question are submitted to the county officers electoral board (10 ILCS 5/10-8 and 10-9, amended by P.A. 98-115). P.A. 98-115 amended the Election Code regarding reportable campaign contributions (10 ILCS 9-1.8); simultaneous filing of nominating petitions (10 ILCS 5/10-6.2); withdrawal from nomination (10 ILCS 5/10-7); Electoral Board duties (10 ILCS 5/10-10); and advertising in proximity of a polling place (10 ILCS 5/19A-70). See also 10 ILCS 5/1-3 (definitions), 5/2A (time of holding elections), and 5/28 (submitting public questions).

The board secretary or clerk is still the *local election official* (105 ILCS 5/9-2 and 10 ILCS 5/1-3). 10 ILCS 5/28-6 provides that any petition for the submission of a public question to referenda must be filed with the *local election official*, i.e., the board secretary or clerk. To implement this, the policy now states:

The Board Secretary serves as the local election official. He or she receives petitions for the submission of a public question to referenda and forwards them to the proper election officer and otherwise provides information to the community concerning District elections.

A footnote explains that a board may remove the PR function from the above statement by deleting "and otherwise provides information to the community concerning District elections."



- ▶ **2:100, Board Member Conflict of Interest.** The policy is unchanged. The following information is added to a footnote:

Each candidate for the school board must file with the county clerk or the county board of election commissioners, whichever is applicable, a receipt from the county clerk showing that the candidate has filed a Statement of Economic Interests as required by the Ill. Governmental Ethics Act (5 ILCS 420/4A). A candidate's name will be stricken from the ballot if he or she files the incorrect Statement of Economic Interests form (Ferrand v. Chicago Bd of Election Comm., 2014 Ill.App.1st 140225 (2-13-2014); Cortez v. Municipal Officers Electoral Board, 986 N.E.2d 689 (Ill. App., 2-25-2013).

- ▶ **2:110, Qualifications, Term, and Duties of Board Officers.** The policy and footnotes are amended in response to P.A. 98-115 (for more information, see policy 2:30, *School District Elections*, above).

1. Since the *Election Officers Electoral Board* was eliminated, the following duty was removed from the president's list of duties: "~~Serve as chairperson of the Education Officers Electoral Board which hears challenges to Board candidate nominating petitions.~~"
2. The secretary's duty is amended as follows: "5. Act as the local election authority for ~~all Board elections~~ the District."
3. A footnote now refers to policy 2:30, *School District Elections*, for information about the local election authority.

General School Administration

- ▶ **3:60-E, Exhibit - Reporting Requirements for Building Principals Concerning School Safety and Security.**

NEW. Everyone should appreciate the responsibilities held by building principals for safeguarding school safety and security. This exhibit lists the mandated reports concerning school safety and security placed on principals by State law. It details each mandated report, provides to whom the report must be made, the timeline for making the report, and provides resources and important web links. All quotes from statutes and rules use the original list formatting. Principals are required to report each of the following:

1. A student or other person poses a clear and present danger to himself, herself, or others.
2. A student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability.
3. Child pornography is discovered on electronic and information technology equipment.

4. Hazing resulted in bodily harm to any person.
5. The person enrolling a student fails to provide a certified copy of the student's birth certificate within 30 days of enrolling the student.
6. A drug violation occurred on school property, including any conveyance used to transport students, or within 1000 feet of the school.
7. The safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, illegal use or possession of weapons, or illegal gang activity.
8. Sex offender information is available.
9. A student committed a criminal offense.
10. A person on school grounds possesses a firearm.
11. A student engaged in aggressive behavior.

Operational Services

- ▶ **4:30, Revenue and Investments.** The policy and footnotes are updated. P.A. 98-297 now allows school districts to invest public funds in interest-bearing bonds of any local government. The following paragraph was added:

6. Interest-bearing bonds of any county, township, city, village, incorporated town, municipal corporation, or school district, of the State of Illinois, of any other state, or of any political subdivision or agency of the State of Illinois or of any other state, whether the interest earned is taxable or tax-exempt under federal law. The bonds shall be (a) registered in the name of the municipality, county, or other governmental unit, or held under a custodial agreement at a bank, and (b) rated at the time of purchase within the 4 highest general classifications established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions.

Footnotes explain the new public act and provide references to resources available from the Municipal Securities Rulemaking Board (MSRB).

Personnel

- ▶ **5:10, Equal Employment Opportunity and Minority Recruitment.** The policy, footnotes, and Legal References are updated in response to legislation:

1. A new protected status provides: "No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/."

2. A new footnote describes the new protected status enacted by 410 ILCS 130/40, added by P.A. 98-122. It states: “To legally use medical cannabis, an individual must first become a registered qualifying patient. The use of cannabis by a registered qualifying patient is permitted only in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/, added by P.A. 98-122). There are many situations in which no one, even a registered qualifying patient, may possess or use cannabis, including in a school bus or on the grounds of any preschool, or primary or secondary school (410 ILCS 130/30(a)(2) & (3). See policy 5:50, Drug- and Alcohol-Free Workplace: Tobacco Prohibition. Contact the board attorney for advice concerning medical cannabis.”

► **5:30, Hiring Process and Criteria.** The policy and footnotes are updated. The policy’s section on **Orientation Program** now includes this reminder: “Before beginning employment, each employee must sign the Acknowledgement of Mandated Reporter Status form as provided in policy 5:90, Abused and Neglected Child Reporting.”

We amended a footnote in response to changes to the Facebook Password Law. As of 1/1/2013, this law prohibited employers from asking applicants or employees for passwords or access to their social networking websites. This past session, the General Assembly added an exception for *professional accounts*. We describe in a footnote, quoted below, the reason we did not add language to implement this recent legislation:

The exception for a professional account added by P.A. 98-501 is so limited that it appears to be unavailable to school employers. A professional account is defined as “an account, service, or profile created, maintained, used, or accessed by a current or prospective employee for business purposes of the employer.” Bracketed explanations follow the statutory language:

“Provided that the password, account information, or access sought by the employer relates to a professional account, and not a personal account, nothing in this subsection shall prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring”

[When read with the definition of professional account, it is implausible that an applicant would have an account, service, or profile for business purposes of a school employer.]

“...or to monitor or retain employee communications as required under Illinois insurance laws or federal law or by a self-regulatory organization as defined in the [Securities Exchange Act].”

[This clause appears to be inapplicable to school districts.]

► **5:30-AP2, Administrative Procedure - Investigations.**

This procedure is amended to use the statutory language concerning the requirement for contractors’ employees to have a criminal history records check. This change is made in response to feedback.

The contractors’ employees who must have a complete criminal history records check was changed from those having “contact, direct or indirect, with students,” to those who have “direct, daily contact with students.” This change will also be made in the safety material in the next **PRESS** issue. The procedure notes that “[t]o be comprehensive and to eliminate uncertainty, this procedure and policy 4:170, Safety, may require a criminal history records check on all contractor’s employees who may work in any school building or on school property.” The requirement that the contractor reimburse the district for the expenses of the records check did not change.

► **5:125, Personal Technology and Social Media; Usage and Conduct.** We made a nonsubstantive change to the policy and updated the list of personal technology devices. A footnote explains that the exception for *professional accounts*, added by P.A. 98-501, is unlikely to be available to school districts; see the explanation in policy 5:30, *Hiring Process and Criteria*, above.

► **5:180, Temporary Illness and Temporary Incapacity.** A significant change is made to this policy’s second paragraph – it is now applicable only to teachers and other licensed employees. This paragraph implements 105 ILCS 5/24-13 which provides that a teacher’s contractual continued service status is not affected by an absence caused by temporary illness or temporary incapacity. Two cases, decided before the Americans with Disabilities Act was enacted, held that this statute grants school boards the power to define, through policy, temporary illness or incapacity. The following text from a footnote explains the change to the policy:

Until February 2014, this paragraph in the PRESS sample policy applied to all employees. We limited its application to teachers in response to feedback that the paragraph should align with the statute. Section 24-13, which this paragraph implements, applies only to teachers and, thus, we amended the

paragraph to make it applicable only to teachers. **This change may trigger a bargaining requirement with a bargaining unit for educational support personnel.**

The Illinois appellate court decisions cited above [in the footnote] upheld a board policy designating when a temporary [illness or] incapacity becomes permanent for the purpose of being a cause of dismissal. The court approved using 90 days of absence due to illness, after the exhaustion of sick days, as the point at which the district considers termination. The court upheld a hearing officer decision noting that a policy providing for a 90-school-day absence following exhaustion of sick leave was sufficient under Section 24-13. The court noted that applying that particular policy over a 2-year period would not be appropriate because the 2-year period would have the effect of allowing the school board to define a temporary illness or incapacity out of existence; i.e., making it impossible for a teacher to qualify for such an absence. **Important:** a district should consult the board attorney before determining that a teacher's temporary illness or incapacity became permanent.

The footnote also addresses the Americans with Disabilities Act as follows:

The point at which any employee's temporary disability becomes permanent must be analyzed using the Americans with Disabilities Act, 42 U.S.C. §12102, also referred to as the ADA or the ADA Amendments Act (ADAAA). This federal law prohibits employers from discriminating against individuals with a disability who can perform the essential functions of a job with or without reasonable accommodation. A district should regularly analyze each position's job description to ensure that it identifies the position's essential functions. Consult the board attorney concerning compliance with the ADA.

- ▶ **5:190, Teacher Qualifications.** The policy, footnotes, and Legal References are updated. We edited policy language in response to amendments that the Ill. State Board of Education (ISBE) made to 23 Ill.Admin.Code Part 25. Part 25 continues to incorporate P.A. 97-607, which changed teacher certification to educator licensure as of July 1, 2013. New language reads: "a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code."

Footnotes are edited to explain ISBE's amendments. The Legal References are updated to delete the section of the School Code that was repealed by P.A. 97-607.

- ▶ **5:190-E3, Exhibit - Letter to Teacher Who Is Not Highly Qualified.** The exhibit is updated for the reasons discussed above in 5:190, *Teacher Qualifications*. The following sentence is added, "For more information about No Child Left Behind (NCLB), see the Ill. State Board of Education's materials, available at www.isbe.net/nclb/htmls/edquality.htm."

- ▶ **5:240, Suspension.** The policy and footnotes are updated in response to feedback. The edits in the following paragraph give the superintendent or designee authority to begin proceedings to suspend a professional staff member without pay:

The Superintendent or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the employee's right to appeal the suspension to the Board or Board-appointed hearing examiner before it is imposed. At the request of the professional employee made within 5 calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the ~~alleged charges and the~~ date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next regularly scheduled meeting.

Two footnotes refer school officials to the board attorney as follows:

1. A superintendent or board should consult the board attorney before taking any action to suspend a licensed employee, with or without pay.
2. 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), quoted in f/n 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.

Fair Labor Standards Act

► 5:35, Compliance with the Fair Labor Standards Act.

The policy and footnotes are updated to:

1. Change ~~certificated~~ to licensed.
2. Delete ~~“The School Board discourages overtime work by non-exempt employees.”~~ 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.

We also corrected links in footnotes to material published on the U.S. Dept. of Labor’s website.

School leaders are reminded that the Fair Labor Standards Act (FLSA) demands strict compliance. Noncompliance is frequently found in these areas:

1. Employees are misclassified as independent contractors or salaried non-exempt employees are misclassified as exempt employees.
2. Non-exempt employees are inappropriately used as volunteers.
3. Non-exempt employees are not paid for all hours worked.
4. The employer fails to keep contemporaneous records of hours worked by non-exempt employees.
5. Comp time is mismanaged.

Contact the board attorney for assistance on all FLSA matters.

► 5:35-API1, Administrative Procedure - Fair Labor Standards Act Exemptions.

The following important message is added to this procedure as well as to all procedures implementing the FLSA:

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

We also added numerous links to helpful material published on the U.S. Dept. of Labor’s website.

► 5:35-AP2, Administrative Procedure - Employee Records Required by the Fair Labor Standards Act.

The lists of required records are edited to more closely duplicate the U.S. Dept. of Labor’s guidelines at www.dol.gov/whd/reg/compliance/whdfs21.htm.

► 5:35-AP3, Administrative Procedure - Compensable Work Time for Non-Exempt Employees Under FLSA.

This procedure’s purpose is to help school employers accurately identify the total number of hours actually worked by non-exempt employees. We added:

1. Links to additional resources published on the U.S. Dept. of Labor’s website. The U.S. Dept. of Labor’s *FLSA Hours Worked Advisor* is particularly useful for determining whether time spent on work-related activities is compensable as hours worked.
2. The following important summary of the law: “The amount of pay due an employee cannot be determined without knowing the total number of hours actually worked by that employee in each workweek. An employee must be paid for all of the time considered to be hours worked, and all time that is hours worked must be counted when determining overtime.”

► 5:35-AP4, Administrative Procedure - Fair Labor Standards Act 12-Step Compliance Checklist.

A new introduction states: “The U.S. Dept. of Labor, Wage and Hour Division, administers the Fair Labor Standards Act (FLSA). It posts an encyclopedic amount of information on the FLSA on its website at: www.dol.gov/compliance/laws/comp-flsa.htm.”

► 5:35-E, Exhibit - Volunteer Agreement Executed by a Non-Exempt Employee.

The exhibit is unchanged. According to the U.S. Dept. of Labor, a non-exempt employee may volunteer services to his or her employer *only if* each of the following conditions is present:

1. The individual performs hours of service for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered. Although a volunteer can receive no compensation, a volunteer can be paid expenses, reasonable benefits, or a nominal fee to perform such services.
2. The individual offers services freely and without pressure or coercion, direct or implied, from an employer.
3. The individual is not otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

5:35-E, *Volunteer Agreement Executed by a Non-Exempt Employee*, is a form for a non-exempt employee to acknowledge that the above stated conditions are present. Suppose that a maintenance employee volunteered to be an assistant football coach. This completed form would be important evidence that the district did not violate the wage and hour laws by failing to pay the

individual for the time he or she spent coaching. For more information, see 5:35-AP3, *Compensable Work Time for Nonexempt Employees Under the FLSA*.

Instruction

- ▶ **6:65, Student Social and Emotional Development.** The policy is unchanged and is updated in the footnotes only. 405 ILCS 49/15(b), amended by P.A. 98-338, states that school social workers may implement a continuum of social and emotional education programs and services in accordance with students' needs. Outdated web links in the footnotes are also updated.
- ▶ **6:160, English Language Learners.** The policy is unchanged. Only the footnotes are updated to discuss amendments to 23 Ill.Admin.Code Part 228. These amendments addressed the terms "Limited English proficient student" and "Students with limited English proficiency," as used in Article 14C of the School Code. The new term is *English learners*. An updated definition describes to which students this term applies. Footnotes also explain that this policy's title and *English Learners* are synonymous.

Students

- ▶ **7:70, Attendance and Truancy.** The policy and footnotes are amended. 105 ILCS 5/26-2, amended by P.A. 98-544, eff. 7-1-14, required the following amendments to the policy's language:

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)~~, 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. ~~These individuals must cause the child to attend the District school wherein the child is assigned, except as provided herein or by State law.~~ Unless a student has already graduated from high school, 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.

The footnotes provide another version that omits the current compulsory attendance ages after the beginning of the 2014-2015 school year.

- ▶ **7:140, Search and Seizure.** The policy, footnotes, and Legal References are updated in response to the Right to Privacy in the School Setting Act, 105 ILCS 75/, added by P.A. 98-129. A new section reads:

Notification Regarding Student 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.

Its corresponding footnote describes the new law as being a notification law; **the legal analysis concerning search and seizure by school officials has not changed.** The footnote refers subscribers to their board attorneys for assistance. Last, it explains that in addition to a policy notification, the law lists a school's student handbook as a method for publication of this information. Information about the Illinois Principals Association Online Model Student Handbook (MSH) service is provided. This service complements IASB's **PRESS**, and it can be found at: www.ilprincipals.org/resources/model-student-handbook.

- ▶ **7:140-E, Exhibit - Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act.** This exhibit is **NEW**. It is another method that schools may use to provide the required notification as discussed above in 7:140, *Search and Seizure*.
- ▶ **7:180, Preventing Bullying, Intimidation, and Harassment.** We strengthened this policy and updated its footnotes, Legal References, and Cross References. These actions are taken in response to federal and State efforts to stop peer-bullying. The following is from a 2013 school law seminar sponsored by the National Council of School Attorneys:

The problem of peer-bullying persists for students, parents, and schools, as troubling reports of dangerous and hurtful peer harassment are reflected in news media and educational research alike. In particular, the reports of student suicides purportedly related to bullying by classmates and peers ring alarm bells across the world. ...Moreover, with reports that an estimated 160,000 students miss school each day due to fears of bullying, the nation is on alert - the federal government has released a resource website on bullying prevention (www.stop-bullying.gov), the courts are affirming million-dollar verdicts in egregious bullying/harassment cases, and all but one state has passed anti-bullying legislation.

Each Illinois school board must adopt a policy on bullying, must update it every two years, and must file it with ISBE. 105 ILCS 5/27-23.7. While this law remains

the same, the litigation based on bullying and harassment claims has increased. In addition, the federal Office of Civil Rights adopted a heightened enforcement standard for responding to alleged violations of the Americans with Disabilities Act, Section 504, Title VI, and Title IX. Full implementation of this policy will demonstrate that school officials took actions to satisfy their obligation in Section 27-23.7 to provide a “safe and civil school environment...for students to learn and achieve.”

This policy is augmented to:

1. State that the district “will not punish or retaliate against anyone because he or she made a complaint or report, supplied information, or otherwise participated in an investigation or proceeding, provided the individual did not make a knowingly false accusation or provide knowingly false information.” The policy already prohibited retaliation by students by including *retaliation* as an example of bullying.
2. Encourage students to report bullying.
3. Direct the superintendent to fully implement the district’s Uniform Grievance Procedure.
4. Prohibit teen dating violence.
5. Direct the superintendent to establish an expectation for staff to report bullying and intervene to stop an incident of bullying, and to include bullying prevention and response in the staff development program.
6. Encourage the school community to report bullying and identify locations on school grounds where additional supervision or monitoring may be needed to prevent bullying.

► **7:185, Teen Dating Violence Prohibited.** The policy is unchanged. A footnote update clarifies that the law requires *all* school districts to adopt the policy.

► **7:190, Student Discipline.** We updated this policy and its footnotes, Legal References, and Cross References to accomplish each of the following:

1. Prohibit the “use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed.” A footnote explains:

To legally use medical cannabis, an individual must first become a registered qualifying patient. The use of cannabis by a registered qualifying patient is permitted only in accordance with the Compassionate Use of Medical Cannabis Pilot Program (410 ILCS 130/, added by P.A. 98-122). There are many situations in which no one, even a registered qualifying patient, may possess or use cannabis, including in a school bus or on the

grounds of any preschool, or primary or secondary school (410 ILCS 130/30(a)(2)&(3). See also www2.illinois.gov/gov/mcpp/Pages/default.aspx. Contact the board attorney for advice concerning medical cannabis.

2. Prohibit “teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*. A footnote cites “105 ILCS 110/3.10, added by P.A. 98-190.”
3. State in a footnote that the “failure of a school official (including any administrator, teacher, counselor, support staff, or coach) to report hazing is a crime (720 ILCS 5/12C-50.1, added by P.A. 98-393).”
4. Clarify that the “policy’s prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area.” A footnote explains:

The Firearm Concealed Carry Act permits a properly licensed individual to carry a concealed firearm within a vehicle into a school parking area and store it a locked vehicle out of plain view (430 ILCS 66/65(a), added by P.A. 98-63). The Federal Gun-Free Schools Act has a similar provision (20 U.S.C. §7151(g). The School Code, however, contains no similar exception to the ban on firearms at schools. Contact the board attorney before permitting students to store their firearms in their vehicle’s trunk while parked at school.

◁ In response to feedback, we:

1. Rewrote the footnote to the policy’s paragraph concerning transfers to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The footnote now states:

Subsection 10-22.6(b) uses the phrase “is suspended in excess of 20 school days” even though a 20-consecutive day suspension should be treated as an expulsion. Goss v. Lopez, 95 S.Ct. 729 (1975). An alternative program is probably available to a student who is suspended for 11 to 20 consecutive days because that student is technically expelled and, as such, qualifies under subsection (a) of Section 10-22.6. Contact the board attorney if the district wants to interpret the statute as referring to *cumulative* school days so that it can transfer a student to an alternative program upon his or her suspension in excess of 20 *cumulative* school days.

2. Rewrote the footnote discussing use of isolated time out or physical restraints. It now states:

The sample policy prohibits the use of isolated time out and physical restraint by not specifically permitting their use. State statute and ISBE rules contain complex restrictions on the use of isolated time out and physical restraints (105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill.Admin.Code §1.280(c) and 1.285). According to the ISBE rule, isolated time out and physical restraints are prohibited unless a board authorizes their use in a policy containing the numerous components identified in the rule. A board that wants to authorize the use of isolated time out and physical restraints should insert the paragraph below. To comply with ISBE's rule, a board must also incorporate by reference the procedure developed by the superintendent, i.e., 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*. By doing this, the procedure becomes part of the policy.

School staff members shall not use isolated time out and physical restraints other than as permitted in Section 10-20.33 of the School Code, State Board of Education rules, and procedures developed by the Superintendent. Neither isolated time out nor physical restraints shall be used to discipline or punish a student.

If the above option is used, add the following before the Legal References on the final page: "Incorporated by Reference: 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*."

- ▶ **7:190-E2, Exhibit - Student Handbook Checklist.** This exhibit is updated with general annual updates and also to align with the Illinois Principals Association Model Student Handbook (MSH). This service complements IASB's **PRESS**, and it can be found at: www.ilprincipals.org/resources/model-student-handbook.

Community Relations

- ▶ **8:95, Parental Involvement.** The policy is unchanged and updated in the footnotes only to discuss the optional policy provision concerning *Bring Your Parents to School Day* (105 ILCS 5/10-20.55, added by P.A. 98-304). If implemented, it would occur annually on the first Monday in October. A footnote identifies the caveats concerning school safety, collective bargaining, and a possible loss of instructional time.

Progress Report: The contents of this table frequently change.

Topics	Our Response
<p>Medical reviews are a component of the evaluation process used to assess students' eligibility for special education services. In 2010, ISBE adopted rules to expand the list of practitioners who were deemed qualified to conduct medical reviews. In 2012, ISBE amended that rule to, in part, limit to certified school nurses (CSNs) the authority to make recommendations concerning any educational accommodations, modifications, or interventions that a student may need. This rule had a delayed effective date of one year, to July 2013. After hearing concerns from school districts that they lack CSNs to perform these services, ISBE again proposed a rule amendment. This amendment will delay the rule's implementation until July 1, 2015 and makes other important changes to the medical review process.</p>	<p>We will amend relevant PRESS material to note this rule change after the rule is effective.</p>
<p>ISBE finalized its rules that incorporate by reference the: <i>Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects</i>, and <i>Common Core State Standards for Mathematics</i>, both published by the Common Core State Standards Initiative. They are referred to as <i>common core standards</i> and are posted at: www.corestandards.org/the-standards/english-language-arts-standards, and www.corestandards.org/the-standards/mathematics. Both replace State goals and standards for English and math in Appendix D to Part 1.</p>	<p>We are amending references to State goals and standards by referring to the common core standards in applicable footnotes and policies as they are reviewed.</p>

Revisions to Policies, Administrative Procedures and Exhibits

Immediate Action Suggested	Number and Title	Action <i>The memo describes the revisions.</i>
✓	2:30, School District Elections	Policy and footnotes are significantly changed in response to legislation.
	2:100, Board Member Conflict of Interest	Footnotes updated to include a reference to two appellate decisions.
✓	2:110, Qualifications, Term, and Duties of Board Officers	Policy and footnotes are significantly changed in response to legislation.
	3:60-E, Exhibit - Principal's Duty to Report	NEW
✓	4:30, Revenue and Investments	Policy and footnotes are updated.
✓	5:10, Equal Employment Opportunity and Minority Recruitment	Policy, footnotes, and Legal References are updated in response to legislation.
	5:30, Hiring Process and Criteria	Policy is updated in response to feedback; footnotes are updated in response to legislation.
	5:30-AP2, Administrative Procedure - Investigations	Procedure is amended in response to feedback.
	5:35, Compliance with the Fair Labor Standards Act	Policy and footnotes are updated.
	5:35-AP1, Administrative Procedure - Fair Labor Standards Act	Procedure is updated.
	5:35-AP2, Administrative Procedure - Investigations	Procedure is updated.
	5:35-AP3, Administrative Procedure - Compensable Work Time for Non-Exempt Employees Under the FLSA	Procedure is updated.
	5:35-AP4, Administrative Procedure - Fair Labor Standards Act 12-Step Compliance Checklist	Procedure is updated.
	5:35-E, Exhibit - Volunteer Agreement Executed by a Non-Exempt Employee	Exhibit unchanged after 5-year review.
	5:125, Personal Technology and Social Media; Usage and Conduct	Nonsubstantive change to policy; footnotes are updated.
	5:180, Temporary Illness and Temporary Incapacity	Policy and footnotes are significantly changed in response to feedback.
	5:190, Teacher Qualifications	Policy, footnotes, and Legal References are updated.
	5:190-E3, Exhibit - Letter to Teacher Who is Not Highly Qualified	Exhibit is updated.
	5:240, Suspension	Policy and footnotes are significantly changed in response to feedback.
	6:65, Student Social and Emotional Development	Policy unchanged and footnotes are updated.
	6:160, English Language Learners	Policy unchanged and footnotes are updated.
✓	7:70, Attendance and Truancy	Policy and footnotes are updated in response to legislation.
✓	7:140, Search and Seizure	Policy, footnotes, and Legal References are updated in response to legislation.
	7:140-E, Exhibit - Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act	NEW

Revisions to Policies, Administrative Procedures and Exhibits *continued*

Immediate Action Suggested	Number and Title	Action <i>The memo describes the revisions.</i>
✓	7:180, Preventing Bullying, Intimidation, and Harassment	Policy, footnotes, Legal References, and Cross References are updated to minimize occurrence and legal exposure.
✓	7:185, Teen Dating Violence Prohibited	Policy unchanged and footnotes are updated to clarify that all districts must adopt a policy on this topic.
✓	7:190, Student Discipline	Policy, footnotes, Legal References, and Cross References are updated in response to legislation and feedback.
	7:190-E2, Exhibit - Student Handbook Checklist	Rewritten to show alignment of IASB PRM with IPA MSH.
	8:95, Parental Involvement	Policy unchanged and footnotes are updated.

Acknowledgement to PRESS Advisory Board

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Melinda Selbee, PRESS Editor and IASB General Counsel

Kimberly Small, Assistant PRESS Editor
and IASB Assistant General Counsel

Sara Boucek, Associate Director/Legal Services
Illinois Association of School Administrators

Heather K. Brickman, Attorney
Hodges, Loizzi, Eisenhammer, Rodick & Kohn, LLP

Marcy Dutton, Deputy General Counsel
Illinois State Board of Education

Dr. James Gay, Superintendent
Community High School District 230

Dr. Michael Kiser, Attorney
Law Office of Michael L. Kiser, Esq.

Larry D. Kuster, Attorney
Rammelkamp Bradney, Attorneys at Law

Fred Munding, Assistant Superintendent
DuPage County Regional Office of Education

Mr. Gregg Murphy, Assistant Regional Superintendent
Iroquois-Kankakee Regional Office of Education

Merry Rhoades, Attorney
Tueth, Keeney, Cooper, Mohan & Jackstadt P.C.

Nanci N. Rogers, Attorney
Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd.

Wayne Savageau, former IASB Policy Consultant
and former Superintendent

Brian Schwartz, Associate Director & General Counsel
Illinois Principals Association

Dr. John VanPelt, Superintendent
Lake Villa Community Consolidated School District 41

IASB Staff Members, especially Policy Consultants
and Field Services Directors



2921 Baker Drive
Springfield, Illinois 62703-5929
217/528-9688

One Imperial Place
1 East 22nd Street, Suite 20
Lombard, Illinois 60148-6120
630/629-3776

www.iasb.com