



**TO: The Board of Education**

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

**SUBJECT: PRESS Updates #102**

**DATE: December 10, 2019**

## **PRESS Update – Issue 102 (November 2019)**

Below are the policies, procedures and exhibits that are featured in the latest PRESS update. The Policy Committee supports adopting the changes as recommended by PRESS.

### **Policies and Board-Approved Exhibits**

#### **2:20 (Powers and Duties of the School Board; Indemnification)**

The policy and footnotes are updated in response to 105 ILCS 5/10-23.12(c) and 105 ILCS 5/21B-75(b), respectively added and amended by P. A. 101-531, regarding board determinations that an employee has willfully or negligently failed to report suspected child abuse/neglect. Additional continuous improvement updates are made to the policy and footnotes.

#### **2:70 (Vacancies on the School Board - Filling Vacancies)**

The policy and footnotes are updated. The policy is updated in response to 105 ILCS 5/10-10, amended by P. A. 101-67, eff. 1-1-20 (extending the timeline for a board to fill a member vacancy from 45 to 60 days). The footnotes are updated for the same reason, to address holdover incumbent board members, and for continuous improvement.

#### **2:70-E (Checklist for Filling Board Vacancies by Appointment)**

The exhibit is updated in response to: 1) Extending the timeline for a board to fill a member vacancy from 45 to 60 days. 2) Requiring an at-large election proposition if a vacancy for an area of residence remains unfilled. 3) Situations in which an incumbent board member may hold over his or her seat if it went unfilled at an election. 4. Other continuous improvements.

#### **2:100 (Board Member Conflict of Interest)**

The policy, legal references, and footnotes are updated. The policy is updated with a new Federal and State Grant Awards subhead in response to the Ill. State Board of Education's Procurement and Purchasing Checklist and the Grant Accountability and Transparency Act (GATA). The footnotes are updated for the same reason, in response to the Ill. Governmental Ethics Act (GEA), and for continuous improvement. The legal references are updated to include GATA and in response to GEA. amended by P. A. 101-221.

## **2:200 (Types of School Board Meetings)**

The policy is updated in response to OMA, to expand this exception to include closed session discussions pertaining to specific individuals who serve as volunteers and/or contractors. Other policy changes delete outdated public acts. The footnotes are updated in response to an Ill. Statewide School Management Alliance initiative requested by the Ill. Council of School Attorneys (ICSA), and clarifies that negotiating team strategy sessions are excluded from the application of OMA. Local Government Wage increase Transparency Act expands disclosable payments to also include payment for accumulated sick leave. Other minor stylistic and continuous improvement updates. One non-substantive change is made to the legal references.

## **2:220-E2 (Motion to Adjourn to Closed Meeting)**

The exhibit is updated in response to OMA, 5 ILCS 120/2(c)(1), amended by P.A. 101-459, described above in 2:200, Types of School Board Meetings.

## **2:260 (Uniform Grievance Procedure)**

The policy is updated for continuous improvement. The footnotes are updated for the reason specified above in 2:105, Ethics and Gift Ban, and for continuous improvement.

## **3:40-E (Checklist for the Superintendent Employment Contract Negotiation Process)**

1) The exhibit is updated in response to; 1) raising the cap for board contributions to the Teachers Retirement System back to 6%. 2) Modifying criminal background check requirements. Additional continuous improvement updates are made to the exhibit.

## **4:15 (Identity Protection)**

The policy, Legal References, and footnotes are updated. The policy is updated with a new Treatment of Personally Identifiable Information Under Grant Awards subhead in response to the Ill. State Board of Education's Checklist for Protection of Personally Identifiable Information Review and the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/). The footnotes are updated for the same reason, and to incorporate an amendment to PIPA, amended by P.A. 101-343, eff. 1-1-20, into the option in footnote number 4.

## **4:30 (Revenue and Investments)**

The policy, Legal References, and footnotes are updated in response to the Public Funds Investment Act, 30 ILCS 235/, amended by P.A. 101-473, eff. 1-1-20, requiring boards to consider sustainability factors in making investment decisions.

## **4:60 (Purchases and Contracts)**

The policy and footnotes are updated requiring boards to consider the status of a person who has been issued an indicated findings of child abuse/neglect as a condition of employment, expanding the list of offenses for which an individual's educator license may be suspended or revoked. Additional continuous improvement updates are made to the policy and footnotes.

## **4:80 (Accounting and Audits)**

The policy and footnotes are updated in response to the Ill. State Board of Education's Equipment and Inventory Checklist and the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/), and for continuous improvement. An optional new subhead, **Capitalization Threshold**, is added to the policy.

## **4:150 (Facility Management and Building Programs)**

The legal references and footnotes are updated as follows: 1) A legal reference to 410 ILCS 35/25 is added. 2) The footnotes are updated in response to: a) Equitable restrooms act requiring schools to identify all single-occupancy restrooms as all-gender, and 105 ILCS 5/17-2.11(d) amended by P. A. 101-455, allowing districts to levy taxes or issue bonds if necessary for school security purposes.

### **5:10 (Equal Employment Opportunity and Minority Recruitment)**

The policy, Legal References, Cross References and footnotes are updated. The policy is updated in response to: 1) Victims' Economic Security and Safety Act. 2) Compassionate Use of Medical Cannabis Pilot Program Act, and scheduled to repeal on 7-1-20, adding qualifying conditions for medical cannabis use. In addition to the reasons listed above for the policy updates, the footnotes are updated to incorporate the creation of, or amendments to: 1) Workplace transparency Act, Illinois Human Rights Act, requiring employers to disclose to the Ill. Dept. of Human Rights information about adverse judgements and administrative rulings involving finds of unlawful discrimination prohibiting employers from requesting wage or salary history from applicants or employees and prohibiting State and local governments from interfering with a woman's right to make reproductive decisions. Additional continuous improvement updates are made to the footnotes. Corrections to the Legal References are made, and the Cross References are updated to reflect a revised policy title.

### **5:20 (Workplace Harassment Prohibited)**

The policy, legal references, and footnotes are updated to: 1) Ill. Human Rights Act, 775 ILCS 5/, amended by P. A. 101-221, eff. 1-1-20, A) Expanding the definition of unlawful harassment and employer liability for certain categories of employees and nonemployees, and B) requiring annual sexual harassment prevention training for all employees. 2) Continuous improvement changes. In addition to the reasons listed above the policy updates, the footnotes are updated to incorporate the creation of or amendments to: 1) Workplace Transparency Act, 820 ILCS 96/1-30, added by P. A. 101-221, eff. 1-1-20, restricting the use of confidentiality clauses in settlement or termination agreements. 2) State Officials and Employees Ethics Act, 5 ILCS 430/70-5, amended by P. A. 101-221, requiring boards to amend, by resolution, their sexual harassment policies to include a mechanism for reporting and independent review of sexual harassment allegations made against board members by elected officials. 3) Ill. Human Rights Act, 775 ILCS 5/2-108, added by P.A. 101-221, eff. 1-1-20, requiring employers to disclose to the Ill. Dept. of Human Rights (IDHR) information about adverse judgements and administrative rulings involving findings of unlawful discrimination. 4) FOIA, 5 ILCS 140/7.5(oo), added by P.A. 10-1-21, eff. 1-1-20, exempting data about settlement agreements involving unlawful discrimination that must be reported to IDHR. The Legal References are updated in response to 775 ILCS 5/, amended by P.A. 101-221, eff. 1-1-20 and with a correction to a case title.

### **5:20-E (Resolution to Prohibit Sexual Harassment)**

The exhibit is updated for the reason discussed above in 2:105, Ethics and Gift Ban.

### **5:90 (Abused and Neglected Child Reporting)**

The policy, footnotes, and Cross References are updated in response to: 1) Abused and Neglected Child Reporting Act, 325 ILCS 5/4(a)(4), added by P.A. 101 The policy, footnotes, and Cross References are updated in response to: 1. Abused and Neglected Child Reporting Act, 325 ILCS 5/4(a)(4), added by P.A. 101 564, eff. 1-1-20, defining the education personnel subset of mandated reporters. 2) Abused and Neglected Child Reporting Act, 325 ILCS 5/4(j), amended by P.A. 101 564, eff. 1-1-20, requiring initial mandated reporter training within three months of employment and every three years after. 3) 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531, requiring that districts within a county served by an accredited Children's Advocacy Center (CAC) coordinate with the CAC when investigating an alleged incident of sexual abuse. 4) 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-531, requiring districts within a county served by a CAC to review sexual abuse investigation policies and procedures to ensure consistency with new 105 ILCS 5/22-85. 5) 105 ILCS 5/10-23.12(c), added by P.A. 101-531, allowing any district employee (except for those licensed under 105 ILCS 5/21B) to be immediately dismissed for negligent failure to report suspected child abuse or neglect. 6) 105 ILCS 5/21B-75, amended by P.A. 101-531, allowing the State Supt. of Education to initiate educator licensure suspension and revocation for negligent failure to report. A new subhead **Alleged Incidents of Sexual Abuse; Investigations** is added to the policy. A new subhead **Alleged Incidents of Sexual Abuse; Investigations** is added to the policy text adds policy 7:20, Harassment of Students Prohibited.

### **5:100 (Staff Development Program)**

The Legal References and footnotes are updated. Legal References are updated in response to the Ill. Human Rights Act, 775 ILCS 5/2-109, added by P.A. 101-221, eff. 1-1-20, and the Seizure Smart School Act, 105 ILCS 150/, added by P.A. 101-50, eff. 7-1-20. The footnote 4 option for boards to list in-services in their policies is updated in response to: 1) Seizure Smart School Act, 105 ILCS 150/, added by P.A. 101-50, eff. 7-1-20, requiring certain employees to take trainings in the basics of seizure recognition, first aid, and emergency protocols. III. Human Rights Act, 775 ILCS 5/2-109, added by P.A. 101-221, eff. 1-1-20, requiring annual sexual harassment prevention training for all employees. 105 ILCS 5/10-22.39, amended by P.A. 101-350, eff. 1-1-20, permitting the use of the Ill. Mental Health First Aid training program to satisfy the training for licensed staff and administrators on mental illness and suicidal behavior in youth. Abused and Neglected Child Reporting Act, 325 ILCS 5/4(1), amended by P.A. 101-564, eff. 1-1-20, requiring mandated reporters to complete initial mandated reporter training within three months of employment and at least every three years after that.

### **5:120 (Employee Ethics; Conduct; and Conflict of Interest)**

The policy, legal references, and footnotes are updated to incorporate: 1) The Ill. State Board of Education's Procurement and Purchasing Checklist and the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/). A new **Federal and State Grant Awards** subhead is added to the policy. 2) Abused and Neglected Child Reporting Act, 325 ILCS 5/4(a)(4), amended by P.A. 101-564, eff. 1-1-20, defining the education personnel subset of mandated reporters. 3) 105 ILCS 5/10-23.12(c), added by P.A. 101-531, defining negligent failure to report suspected child abuse/neglect by all district employees. 4) 105 ILCS 5/21B-75(b), amended by P.A. 101-531, defining negligent failure to report suspected child abuse/neglect by a teacher. 5) III. Human Rights Act, 775 ILCS 5/2-109, added by P.A. 101-221, eff. 1-1-20, requiring annual sexual harassment prevention training for all employees. A new Cross Reference to the policy is also added.

### **5:200 (Terms and Conditions of Employment and Dismissal)**

The Legal References updated in response to: 1) 105 ILCS 5/10-19.05(a), added by P.A. 101-12, restoring the five clock hour requirement; and 2) 105 ILCS 5/10-20.6 (final citation pending). The footnotes are updated in response to 105 ILCS 5/24A-5.5, added by P.A. 101-591, requiring districts to develop and implement a local appeals process for unsatisfactory teacher ratings by the 2020-2021 school year.

### **5:220 (Substitute Teachers)**

The policy is unchanged. A citation in the Legal References and Footnote 10 is updated. Footnote 7 is updated to reflect that due to P.A. 101-49, TRS annuitants may return to teaching in a subject shortage area until 6-30-21 (previously 6-30-19).

### **5:250 (Leaves of Absence)**

The policy is updated to incorporate: 1) 105 ILCS 5/24-6, previously amended by P.A. 99-173, removing the need for an advanced practice nurse to have a written collaborative agreement with a physician. 2) VESSA, 820 ILCS 180/, amended by P.A. 101-221, eff. 1-1-20, adding gender violence to the law's protections. 3. A minor continuous improvement update. The footnotes are updated in response to the above and: A) Dynak v. Board of Education of Wood Dale School District 7, 2019 IL App (2d) 180551, a State appellate case finding that 105 ILCS 5/24-6 did not allow a teacher to take sick leave for birth after an intervening summer break. B) Minor stylistic changes. The Legal References are updated in response to the Service Member Employment and Reemployment Rights Act, 330 ILCS 61/, added by P.A. 100-1101.

### **5:290 (Employment Termination and Suspensions)**

The policy is updated in response to 105 ILCS 5/10-23.12(c), added by P.A. 101-531, and 105 ILCS 5/21B-75(b), amended by P.A. 101-531, permitting immediate dismissal of non-licensed employees for willful or negligent failure to report an instance of suspected child abuse or neglect. The footnotes are updated to incorporate: 1) The policy text changes. 2) 105 ILCS 5/10-23.5, amended by P.A. 101-46, guaranteeing that

support personnel maintain any rights accrued during their prior service if they are laid off and recalled. The Cross References are also updated.

### **5:330 (Sick Days, Vacation, Holidays, and Leaves)**

The policy is updated in response to: 1) 105 ILCS 5/24-6, previously amended by P.A. 99-173, removing the need for an advanced practice nurse to have a written collaborative agreement with a physician. 2) VESSA, 820 ILCS 1807, amended by P.A. 101-221, eff. 1-1-20, adding gender violence to the law's protections. The footnotes are updated in response to: A). VESSA, 820 ILCS 180/, amended by P.A. 101-221, eff. 1-1-20, adding gender violence to the law's protections. B). School Visitation Rights Act, 820 ILCS 147, amended by P.A. 101-486, eff. 8-1-20, allowing leave for school conferences, behavioral meetings, or classroom activities academic meetings related to an employee's child. 3) Other minor continuous improvement and stylistic changes. The Legal References are updated in response to the Service Member Employment and Reemployment Rights Act, 330 ILCS 61/, added by P.A. 100-1101.

### **6:20 (School Year Calendar and Day)**

The legal references and footnotes are updated. The legal references include 105 ILCS 5/10-19.05, amended by P.A. 101-12 (addressing minimum five clock hours to qualify as a full day of attendance). The footnotes are updated to include this and the following: 1) Arab American Heritage Month, 5 ILCS 490/6, amended by P.A. 100-1150. 2) Other minor continuous improvement updates are made, including a final citation update that was not final as of PRESS Issue 99 in Nov. 2018.

### **6:150 (Home and Hospital Instruction)**

The policy and footnotes are updated in response to 105 ILCS 5/14-13.01(a-5), amended by P.A. 100-863, clarifying that a written statement is needed from medical personnel to obtain home or hospital instruction.

### **7:150 (Agency and Police Interviews)**

The policy, footnotes, Legal References, and Cross References are updated in response to 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-478, eff. 1-1-20, prescribing preconditions to the interview of a student at school by a law enforcement officer, school resource officer, or other school security personnel when the student is suspected of criminal wrongdoing. Footnote 1 is supplemented with February 2019 guidance from the Privacy Technical Assistance Center regarding school law enforcement units and the Family Educational Rights and Privacy Act (FERPA).

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**The following policies and exhibits 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.**

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

The policy, Legal References, Cross References, and footnotes are updated in response to the State Officials and Employees Ethics Act, 5 ILCS 430/70-5, amended by P.A. 101-221, requiring boards to amend, by resolution, their sexual harassment policies by 2-9-20 to include a mechanism for reporting and independent review of sexual harassment allegations made against board members by elected officials. The policy includes a new subhead, Complaints of **Sexual Harassment Made Against Board Members By Elected Officials**. A minor style change is also made to the policy.

#### *Question –*

Would the Board like to authorize the Board President or the Superintendent to appoint the outside investigator when a complaint of sexual harassment is made against a member of the board by another board member or elected official?

*Answers –*

**1. The board President (default)**

2. The Superintendent (this will also affect policy 2:110 – be sure the same answer is entered for both policies.

**2:110 (Qualifications, Term, and Duties of Board Officers)**

The policy, legal references, and footnotes are updated for the reason specified above in 2:105, Ethics and Gift Ban. Additional continuous improvement changes are also made to the policy and footnotes.

*Question –*

Would the Board like to authorize the Board President or the superintendent to appoint the outside investigator when a complaint of sexual harassment is made against a member of the Board by another board member or elected official?

*Answers –*

**1. The board President (default)**

2. The Superintendent (this will also affect policy 2:105 - be sure the same answer is entered for both policies

**4:40 (Debt Management)**

The policy is unchanged. The footnotes are updated in response to 105 ILCS 5/20-2, 5/20-4, and 5/20-5, amended by P.A. 101-416. Continuous improvement updates are also made to the footnotes.

*Question 1 –*

What title would the board like to list in this policy as the person who performs the duties described?

*Answer –*

- 1) Superintendent
- 2) Business Manager
- 3) Chief School Business Officer**
- 4) Another locally-equivalent title

*Question 2 –*

Has the Board adopted the new optional subsection bond issue obligations?

*Answers –*

- 1) Yes, to adopt this language
- 2) No, if the board did not adopt the bond issue obligations subsection

*Question 3 –*

If the board has adopted the optional bond issue obligations section, the final paragraph is optional.

*Answers -*

- 1) Yes, to adopt the final paragraph
- 2) No, if the board did not adopt the bond issue obligations subsection.

**5:30 (Hiring Process and Criteria)**

The policy and footnotes are updated to incorporate changes made to: 1) 105 ILCS 5/10-21.9(c) and (g), amended by P.A. 101-531, regarding indicated findings of child abuse/neglect for applicants. 2) Equal Pay Act of 2003, 820 ILCS 112/10, amended by P.A. 101-177 (prohibiting potential employers from asking applicants about salary history). 3) Continuous improvement updates throughout. The footnotes are updated to note the

*Question –*

A school board that wishes to preserve the exceptions in 820 ILCS 112/10(b-10)(1) and (2), added by P. A. 101-177, should consult its board attorney. Note: attorney caution that using the exceptions in 820 ILCS 112/10(b-10)(1) and (2), added by P.A. 101-177, may trigger litigation. Violating this subsection entitles an employee to recover in a civil action any damages incurred, special damages up to \$10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5), added by P. A. 101-177. Has the board adopted the exceptions into this policy, adding to #5 the following: "unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with state or federal law; or the applicant is a current employee applying for a position with the same current employer.

*Answers –*

**1) No (default)**

2) Yes. The board has consulted its board attorney and has adopted the exceptions into the policy. Add to #5 the following: "unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with state or federal law; or the applicant is a current employee applying for a position with the same current employer."

**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).”

## **6:60 (Curriculum Content)**

The policy and footnotes are updated. The policy is updated as follows: 1) Civics education in 105 ILCS 5/27-3.10, added by P.A. 101-254, eff. 7-1-20 (requiring at least one semester of civics education in accordance with the Ill. Learning Standards for social science in grades 6, 7, or 8). 2) Addition of a sentence regarding examples of behaviors that violate policy 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment. 3) Additions to the text of paragraph 13's history topics to reflect 105 ILCS 5/27-21, amended by P.A. 101-227, eff. 7-1-20 (requiring study of the roles and contributions of lesbian, gay, bisexual, and transgender (LGBT) people in the history of Ill. and the U. S.); and 105 ILCS 5/27-21, amended by P.A. 101-341, eff. 1-1-20 (requiring study of ill. history). 4) Other stylistic and continuous improvement updates. The footnotes are updated with case law regarding the Pledge of Allegiance clarifications and options regarding new laws as follows: 1) 105 ILCS 5/27-3.10, added by P.A. 101-254, eff. 7-1-20, is added to clarify that school districts may use private funding for civics education. 2) 105 ILCS 5/27-24.2, amended by P.A. 101-183, eff. 1-1-20, is added to clarify that a school district may decide to allow a student to take a portion of the driver education course through a distance learning course, which is determined on a case by-case basis and must be approved by the district's administration, the student's driver's education teacher, and the student's parent/guardian. 3) 105 ILCS 5/27-22(e)(3), amended by P.A. 101-464, eff. 1-1-20, is added for clarity to explain that substitutions of an advanced placement computer science course for a year of mathematics are allowed. 4) An option for boards that do not receive E-rate funds, but want to exceed the requirements of the 105 ILCS 5/27-13.3 to include grades K-2 is added. 5) An option is added for boards to consider including a sentence on workplace preparation instruction in grades 9 through 12 that covers legal protections in the workplace, including protection against sexual harassment and racial and other forms of discrimination and protections for employees is provided pursuant to 105 ILCS 5/27-23.13 (final citation pending), added by P.A. 101-347, eff. 1-1-20. An option is added for boards to consider including a course on hunting safety as part of its curriculum during the school day. 105 ILCS 5/27-23.13 (final citation pending), added by P.A. 101-152.

## *Question –*

A school district may offer a course on hunting safety as part of its curriculum during the school day. No grade levels are specified in the statute. Does the Board want to offer a course on hunting safety as part of its curriculum?

## *Answers –*

### **1) No (default)**

2) Yes, Insert in grade(s), a course on hunting safety will be offered during the school year.

## **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

undesigned 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 (undesigned 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 undesigned 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 undesigned 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 undesigned 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 undesigned glucagon subsection?

*Answers –*

1) **Yes (default)**

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

**8:30 (Visitors to and Conduct on School Property)**

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; 3) Changes to Ashley's Law, 105 ILCS 5/22-33, amended by P.A. 101-370, eff. 1-1-20; 4) Continuous improvement clarifications to footnotes 20 and 21 regarding the text of the policy purposefully being broader than 105 ILCS 5/24-24, and requiring the board to provide hearings when ejecting persons from both school events and meetings with instructions for boards that wish to narrow the policy text; 5) Continuous improvement suggestions from PRESS subscribers and the PRESS Advisory Board (PAB) to align with 105 ILCS 5/27-23.7; and 6) Stylistic changes are made to the Legal References.

*Question –*

For ease of administration, this text is broader than 105 ILCS 5/24-24, requiring a hearing for both school events and meetings. See *Nuding V. Cerro Gordo Community Unit School Dist.*, 313 Ill. App 3d 344 (4th Dist. 2000) (Board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting). The court in *Nuding* did not specifically answer whether a board meeting qualified as a school event under 105 ILCS 5/24-24, but upheld the board's right to enforce conduct rules at its meetings under 105 ILCS 5/10-20.5. Consult the board attorney before narrowing the text, especially if the board has put the current text into practice and now plans to narrow it. This issue involves a balancing of a board's interest in the orderly transaction of its public business and the efficiency of its meetings against an individual's (A) statutory rights to

attend meetings and/or comment to and ask questions of the board (105 ILCS 5/10-16 and 5 ILCS 120/2.06(g)) and (b) constitutional freedoms and rights of speech, the press, assembly, and to petition the government (U. S. Constitution, First Amendment and ILL. Constitution, Art. 1, 2, 4 and 5. Does the board want to narrow the policy text to mirror 5 ILCS 5/24-24?

*Answers –*

1) No (default)

2) Yes, (“or meetings” will be removed from the subheading and the first sentence of the subsection.)