

**River Forest District 90**  
**PRESS Policy Update Issue 101 – June 2019**

First Reading – August 19, 2019

Policy Number	Policy Description	Recommended Action
2:110	Qualifications, Term, and Duties of Board Officers	Recommend as Presented
2:140	Communications To and From the Board	Recommend as Presented
2:140-E	Guidance for Board Member Communications, Including Email Use	Recommend as Presented
2:230	Public Participation at Board of Education Meetings and Petitions to the Board	Recommend as Presented
2:240	Board Policy Development	Recommend as Presented
3:60	Administrative Responsibility of the Building Principal	Recommend as Presented
4:90	Activity Funds	Recommend as Presented
5:180	Temporary Illness or Temporary Incapacity	Recommend as Presented
6:40	Curriculum Development	Recommend as Presented
6:340	Student Testing and Assessment Program	Recommend as Presented
5:35	Compliance with the Fair Labor Standards Act	Recommend as Presented
5:40	Communicable and Chronic Infectious Disease	Recommend as Presented
5:130	Responsibilities Concerning Internal Information	Recommend as Presented
5:310	Compensatory Time-Off	Recommend as Presented
7:170	Vandalism	Recommend as Presented

## *Document Status: Draft Update*

### **Section 2 - BOARD OF EDUCATION**

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

The Board of Education officers are: President, Vice President, and Secretary. These officers are elected or appointed by the Board at its organizational meeting.

##### President

The Board of Education elects a President from its members for a two-year term. The duties of the President are:

1. ~~Focus the Board meeting agendas on appropriate content and p~~Preside at all meetings; [PRESSPlus1](#)
2. Focus the Board meeting agendas on appropriate content;
3. Make all Board committee appointments;
4. Be a member of all Board committees;
5. Represent the Board on other boards or agencies;
6. Sign official District documents requiring the President's signature, including Board minutes and Certificate of Tax Levy;
7. Call special meetings of the Board;
8. Serve as the head of the public body for purposes of the Open Meetings Act and Freedom of Information Act;
9. Ensure that a quorum of the Board is physically present at all Board meetings; and
10. Serve as the Board's official spokesperson to the media.

The President is permitted to participate in all Board meetings in a manner equal to all other Board members, including the ability to make and second motions.

The Vice President fills a vacancy in the Presidency.

##### Vice President

The Board of Education elects a Vice President from its members for a two-year term. The Vice President performs the duties of the President if:

- The office of President is vacant;
- The President is absent; or
- The President is unable to perform the office's duties.

A vacancy in the Vice Presidency is filled by special Board election.

##### Secretary

The Secretary shall be a member of the Board who serves a two-year term. The duties of the Secretary are to:

1. Keep meeting minutes for all Board meetings and keep the verbatim record for all closed meetings;
2. Keep records of the Board's official acts, and sign them, along with the President, before submitting them to the Treasurer at such times as the Treasurer may require.
3. Act as the local election official authority [PRESSPlus2](#) for the District;
4. Sign official District documents requiring the Secretary's signature; and
5. Maintain publicity and correspondence.

The Secretary may delegate some or all of these duties, except when State law prohibits the delegation. The Board appoints a secretary pro tempore, who may or may not be a Board member, if the Secretary is absent from any meeting or refuses to perform the duties of the office. A permanent vacancy in the office of Secretary is filled by special Board election.

##### Township Treasurer

Pursuant to Illinois Statute, the Township Treasurer shall serve as Treasurer for District #90.

The Treasurer shall have custody of all monies belonging to the Board of Education and all other monies under control of the 2:110

Board and assigned to the Treasurer for safekeeping. The Treasurer shall provide the Board with a monthly financial statement. The Treasurer shall make an annual report to the Board showing all receipts and disbursements for the fiscal year, together with the balances in all funds at the close of the fiscal year.

The Treasurer shall perform all other duties pertaining to the office as prescribed by the laws of the State of Illinois or as directed by the Board of Education.

LEGAL REF.:

[5 ILCS 120/7](#) and [420/4A-106](#).

[105 ILCS 5/8-1, 5/8-2, 5/8-3, 5/8-6, 5/8-16, 5/8-17, 5/10-1, 5/10-5, 5/10-7, 5/10-8, 5/10-13, 5/10-13.1, 5/10-14, 5/10-16.5, and 5/17-1](#).

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:150 (Committees), 2:210 (Organizational School Board Meeting), 2:220 (School Board Meeting Procedure)

ADOPTED: May 19, 2014

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### **PRESSPlus Comments**

PRESSPlus 1. The duties in #s 1 and 2 are separated into two items to distinguish between them. Of the listed duties, only the following are imposed by law: #1, preside at meetings; #6, sign minutes and sign certificate of tax levy; #7, call special meetings; and #8, serve as *head of the public body* for OMA and FOIA purposes. **Issue 101, June 2019**

PRESSPlus 2. Updated to align with a 2014 change to 105 ILCS 5/9-2 and 10 ILCS 5/1-3, reassigning the duties of the local election authority official. **Issue 101, June 2019**

## Document Status: Draft Update

### Section 2 - BOARD OF EDUCATION

#### **2:140 Communications To and From the Board**

The Board of Education welcomes communications from staff members, parents/guardians, students, and community members. Individuals may submit questions or communications for the School Board's consideration to the Superintendent or may use the electronic link to the Board's email address(es) that is posted on the District's website. ~~In accordance with the Open Meetings Act and the Oath of Office taken by Board members, individual Board members will not (a) reply to an email on behalf of the entire Board, or (b) engage in the discussion of District business with a majority of a Board quorum.~~

The Superintendent or designee shall ensure that the home page of the District's website contains an active electronic link to the email address(es) for the Board.

If contacted individually, Board members will refer the person to the appropriate level of authority, except in unusual situations. Board members' questions or communications to staff or about programs will be channeled through the Superintendent's office. Board members will not take individual action that might compromise the Board or District. There is no expectation of privacy for any communication sent to the Board or its members, whether sent by letter, email, or other means.

#### Board Member Use of Electronic Communications

For purposes of this section, *electronic communications* includes, without limitation, electronic mail, electronic chat, instant messaging, texting, and any form of social networking. Electronic communications among a majority or more of a Board-quorum shall not be used for the purpose of discussing District business. Electronic communications among Board members shall be limited to: (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. The following list contains examples of permissible electronic communications:

- Agenda item suggestions
- Reminders regarding meeting times, dates, and places
- Board meeting agendas or information concerning agenda items
- Individual emails to community members, subject to the other limitations in this policy

In accordance with the Open Meetings Act and the Oath of Office taken by Board members, individual Board members will not (a) reply to an email on behalf of the entire Board, or (b) engage in the discussion of District business through electronic communications with a majority of a Board-quorum. [PRESSPlus 1](#)

#### LEGAL REF.:

5 ILCS 120/, Open Meetings Act.

50 ILCS 205/20, Local Records Act.

CROSS REF.: 2:220 (School Board Meeting Procedure), 3:30 (Chain of Command), 8:110 (Public Suggestions and Concerns)

ADOPTED: February 17, 2015

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#### **PRESSPlus Comments**

PRESSPlus 1. This paragraph is moved from above, and the phrase "through electronic communications" is added for clarity. **Issue 101, June 2019**

## Document Status: Draft Update

### Communications To and From the Board

#### 2:140-E Exhibit - Guidance for Board Member Communications, Including Email Use

The Open Meetings Act (OMA) requires the Board of Education is authorized [PRESSPlus1](#) to discuss District business only at a properly noticed Board meeting. ~~(Open Meetings Act, 5 ILCS 120/).~~ Other than during a Board meeting, a majority or more of a Board-quorum may not engage in contemporaneous interactive communication, whether in person or electronically, to discuss District business. This *Guidance* assumes a Board has seven members and covers issues arising from Board policy 2:140, *Communications To and From the Board*.

#### Communications Between or Among Board Members and/or the Superintendent Outside of a Properly Noticed Board Meeting

1. The Superintendent or designee is permitted to email information to Board members. For example, the Superintendent may email Board meeting agendas and supporting information to Board members. When responding to a single Board member's request, the Superintendent should copy all other Board members and include a do not reply/forward alert to the group, such as: "BOARD MEMBER ALERT: This email is in response to a request. Do not reply or forward to the group but only to the sender."
2. Board members are permitted to discuss any matter except District business with each other, whether in person or by telephone or email, regardless of the number of members participating in the discussion. For example, they may discuss league sports, work, or current events.
3. Board members are permitted to provide information to each other, whether in person or by telephone or email, that is non-deliberative and non-substantive. Examples of this type of communication include scheduling meetings and confirming receipt of information.
4. A Board member is not permitted to discuss District business with more than one other Board member at a time, whether in person or by telephone or email. Stated another way, a Board member may discuss District business in person or by telephone or email with only one other Board member at a time. However, a Board member should not facilitate interactive communication by discussing District business in a series of visits with, or telephone calls or emails to, Board members individually.
5. A Board member should include a do not reply/forward alert when emailing a message concerning District business to more than one other Board member. The following is an example of such an alert: "BOARD MEMBER ALERT: This email is not for interactive discussion purposes. The recipient should not reply to it or forward it to any other individual."
6. Board members should not forward email received from another Board member.

#### When Must the Electronic Communications Sent or Received by Individual Board Members Be Disclosed Pursuant to a Freedom of Information Act (FOIA) Request?

An electronic communication must be disclosed if it is a *public record* as defined by FOIA, unless a specific exemption applies. A public record is any recorded information "pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." 5 ILCS 140/2. Email sent or received by an individual Board member may be, depending on the content and circumstances, subject to disclosure as a *public record* (unless a FOIA exemption is applicable).

If a Board member uses a District-provided device or email address to discuss public business, the email is subject to disclosure under FOIA, barring an applicable exemption. If a Board member uses a private device and email address, the communication is subject to FOIA if it satisfies this test:

**First**, the communication pertains to the transaction of public business, and

**Second**, the communication was: (1) prepared by a public body, (2) prepared for a public body, (3) used by a public body, (4) received by a public body, (5) possessed by a public body, and/or (6) controlled by a public body.

This test is from the appellate court decision in City of Champaign v. Madigan, 992 N.E.2d 629 (Ill.App.4th, 2013).

The following *examples* describe FOIA's treatment of electronic communications:

1. If an electronic communication does not pertain to public business, it is not a public record and is not subject to a FOIA request.
2. An electronic communication pertaining to public business that is:

- a. Sent and/or received by an individual Board member using a personal electronic device and personal email address while he or she is at home or work would not be a public record. Individual Board members, alone, cannot conduct school District business. As stated earlier, emails among a majority or more of a Board-quorum violate OMA and, thus, are subject to disclosure during proceedings to enforce OMA.
- b. Sent and/or received by an individual Board member on a District-issued device or District-issued email address will be a public record and subject to FOIA. The electronic communication is under the control of the District.
- c. Received by an individual Board member on a personal electronic device and then forwarded by the Board member to a District-owned device or server will be a public record and subject to FOIA. The electronic communication is under the control of the District.
- d. Received by an individual Board member using a personal electronic device and personal email address, and then forwarded by the Board member to enough members to constitute a majority or more of a Board-quorum will be a public record and subject to FOIA. The electronic communication is in the District's possession.
- e. Either sent to or from a Board member's personal electronic device during a Board meeting will be a public record and subject to FOIA. The electronic communication is in the District's possession because Board members were functioning collectively as a public body.

The District's Freedom of Information Officer and/or Board Attorney will help determine when a specific communication must be disclosed pursuant to a FOIA request.

When Must Electronic Communications Be Retained?

Email that qualifies under FOIA as a *public record* will need to be stored pursuant to the Local Records Act (LRA), only if it is evidence of the District's organization, function, policies, procedures, or activities or contains informational data appropriate for preservation. (~~Local Records Act, 50 ILCS 205/4~~). An example is any email from a Board officer concerning a decision made in his or her capacity as an officer. If a Board member uses his or her personal email, he or she must copy this type of email to the appropriate District office where it will be stored. If made available, Board members should use their email accounts provided by the District and the District will automatically store the official record messages. The District will delete these official record messages as provided in an applicable, approved **retention schedule**. Of course, email pertaining to public business that is sent or received by a Board Member using a District-issued device or email address will be subject to FOIA, even if the email does not need to be retained under the LRA.

**Important:** Do not destroy any email concerning a topic that is being litigated without obtaining the Board attorney's direction. In federal lawsuits, there is an automatic discovery of virtually all types of electronically created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding not to destroy any electronic records that might be relevant. This is referred to as a *litigation hold*. For more discussion of a litigation hold, see 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. In addition, any person who knowingly with the intent to defraud any party destroys, removes, or conceals any public record commits a Class 4 felony. 50 ILCS 205/4, ~~amended by P.A. 98-1063~~

DATED: \_\_\_\_\_ February 17, 2015

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**PRESSPlus Comments**

PRESSPlus 1. Updated for continuous improvement. **Issue 101, June 2019**

## Document Status: Draft Update

### Section 2 - BOARD OF EDUCATION

#### **2:230 Public Participation at Board of Education Meetings and Petitions to the Board**

For an overall minimum of 30 minutes <sup>PRESSPlus1</sup> during ~~At~~ each regular and special open meeting, any person ~~members of the public and District employees~~ may comment to or ask questions of the Board (*public participation*), subject to the reasonable constraints established and recorded in this policy's guidelines below. <sup>PRESSPlus2</sup> During public participation, there will be a 20-minute <sup>PRESSPlus3</sup> minimum total length of time for any one subject. When public participation takes less time than these minimums, it shall end.

To preserve sufficient time for the Board to conduct its business, any person ~~The individuals~~ appearing before the Board ~~is~~ are expected to follow these guidelines: <sup>PRESSPlus4</sup>

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board President.
2. Identify oneself and be brief. Ordinarily, the time for any one person to address the Board during public participation ~~comments~~ shall be limited to three ~~3~~ minutes. In unusual circumstances, and when an individual has made a request ~~in advance~~ to speak for a longer period of time, the person ~~individual~~ may be allowed to speak for more than three ~~3~~ minutes.
3. ~~Observe the Board President's decision, when necessary and appropriate, to the:~~
  - a. ~~s~~Shortening of the time for each person to address the Board during public participation ~~comment~~ to conserve time and give the maximum number of people ~~individuals~~ an opportunity to speak;
  - b. Expansion of the overall minimum of 30 minutes for public participation and/or the 20-minute minimum total length of time for any one subject; ~~and/or~~
  - c. ~~4. Observe the Board President's decision to d~~ Determination of procedural matters regarding public participation not otherwise covered in Board policy.
4. Conduct oneself with respect and civility toward others and otherwise abide by Board policy 8:30, *Visitors to and Conduct on School Property*.

Petitions or written correspondence to the Board shall be presented to the Board of Education at the next regularly scheduled Board meeting.

LEGAL REF.:

5 ILCS 120/2.06, Open Meetings Act.

[105 ILCS 5/10-6](#) and [5/10-16](#).

CROSS REF.: 2:220 (Board of Education Meeting Procedure)

ADOPTED: February 22, 2011

Question 1. See Comment PRESSPlus 1. What is the length of minimum overall public participation time adopted by the Board?

Answer:

Question 2. See Comment PRESSPlus 3. What is the minimum total length of time for any one subject that has been adopted by the board?

Answer:

#### **PRESSPlus Comments**

PRESSPlus 1. The length of the minimum overall public participation time is at the local board's discretion, and it should be customized to ensure it is responsive to the community's public participation needs. See **Questions** to indicate the length of minimum overall public participation time adopted by the Board. **Issue 101, June 2019**

PRESSPlus 2. While some courts have upheld public bodies limiting public comment to certain subjects, such as only subjects on the agenda or only related to the business of the public body, this policy does not provide default text for limiting public

comment to certain subjects. This is because 105 ILCS 5/10-16 requires school boards to allow members of the public "to comment to or ask questions of the board." The cases in which courts upheld limiting public comment to certain subjects involved public bodies with no governing statutes that required the public body to allow the public "to comment to or ask questions of the board." **Issue 101, June 2019**

PRESSPlus 3. See 5 ILCS 120/2.06, 105 ILCS 5/10-16, and PAO 19-2. Like the length of time for overall public participation, the minimum total length of time **for any one subject** is also at the local board's discretion. See **Questions** to indicate the minimum total length of time for any one subject that has been adopted by the board. **Issue 101, June 2019**

PRESSPlus 4. OMA does not but PAO 19-2 does provide specific rules. These guidelines may be amended. The guidelines for public comment and the time minimums and limits should be reviewed with the board attorney. In PAO 19-2, the Ill. Public Access Counselor (PAC) ordered a board to refrain from applying unestablished and unrecorded rules to restrict public comment at future meetings stating, "Though a public body has inherent authority to conduct its meetings in an efficient manner and need not allow public comment to continue indefinitely, there was no evidence that capping public comment to 15 minutes was necessary to maintain decorum or that extending the comment period would have unduly interfered with the orderly transaction of public business."

**Issue 101, June 2019**



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

### **Section 2 - BOARD OF EDUCATION**

#### **2:240 Board Policy Development**

The Board of Education governs using written policies. Written policies ensure legal compliance, establish Board processes, articulate District ends, delegate authority, and define operating limits. Board policies also provide the basis for monitoring progress toward District ends.

##### Policy Development

Anyone may propose new policies, changes to existing policies, or elimination of existing policies. Staff suggestions should be processed through the Superintendent. Suggestions from all others may be made to the Board President or the Superintendent.

A Board Policy Committee will consider all policy suggestions, and provide information and recommendations to the Board.

The Superintendent is responsible for: (1) providing relevant policy information and data to the Board, (2) having policy recommendations drafted into written form for Board deliberation, and (3) seeking the counsel of the school attorney when appropriate.

##### Policy Adoption and Dissemination

Policies or policy revisions will not be adopted at the Board meeting at which they are first introduced, except when: (1) appropriate for a consent agenda because no Board discussion is required, or (2) necessary or prudent in order to meet emergency or special conditions or to be legally compliant. Further Board consideration will be given at a subsequent meeting(s). The adoption of a policy will serve to supersede all previously adopted policies on the same topic.

The Board of Education policies are available for public inspection in the administrative office during regular office hours. Copy requests should be made under the District's Access to Public Records Policy.

##### Board Policy Review and Evaluation

The Board of Education will monitor its policies and consider whether any modifications are required. The Board may use an annual policy review calendar.

##### Superintendent Implementation

The Board will support any reasonable interpretation of Board of Education policy made by the Superintendent. If reasonable minds differ, the Board will review policy and consider the need for further clarification.

In the absence of Board of Education policy, the Superintendent is authorized to take appropriate action.

##### Suspension of Policies

The Board, by a majority vote of members present at any meeting, may temporarily suspend a Board policy not established by law or contract. The failure to suspend with a specific motion does not invalidate the Board action.

##### LEGAL REF.:

[105 ILCS 5/10-20.5](#).

CROSS REF.: 2:150 (Committees), 2:250 (Access to District's Public Records), 3:40 (Superintendent)

ADOPTED: November 16, 2009

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

### **Section 3 - GENERAL SCHOOL ADMINISTRATION**

#### **3:60 Administrative Responsibility of the Building Principal**

##### Duties and Authority

The Board of Education, upon the recommendation of the Superintendent, employs Building Principals as the chief administrators and instructional leaders of their assigned schools, and may employ Assistant Principals. The primary responsibility of a Building Principal is the improvement of instruction. Each Building Principal shall perform all duties as described in State law as well as such other duties as specified in the Building Principal's contract or as agreed upon by the Building Principal and Superintendent.

Each Building Principal shall complete State law requirements to be a prequalified evaluator before conducting an evaluation of a teacher or assistant principal.

##### Evaluation Plan

The Superintendent or designee shall implement an evaluation plan for Principals that complies with Section 24A-15 of the School Code and relevant Illinois State Board of Education rules. Using that plan, the Superintendent or designee or, in the absence of the Superintendent or his or her designee, an individual appointed by the Board who holds a valid professional educator license endorsed for superintendent. The Superintendent or designee may conduct additional evaluations. The Superintendent or designee may conduct additional evaluations.

##### Qualifications and Other Terms and Conditions of Employment

Qualifications and other terms and conditions of employment are found in Board policy 3:50, *Administrative Personnel Other Than the Superintendent*.

##### LEGAL REF.:

[10 ILCS 5/4-6.2.](#)

[105 ILCS 5/2-3.53a](#), [5/10-20.14](#), [5/10-21.4a](#), [5/10-23.8a](#), [5/10-23.8b](#), and [5/24A-15](#).

[105 ILCS 127/.](#)

[23 Ill.Admin.Code Parts 35](#) and [50](#), Subpart D.

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 5:250 (Leave of Absence)

ADOPTED: September 21, 2015

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

### **Section 4 - OPERATIONAL SERVICES**

#### **4:90 Activity Funds**

The Board, upon the Superintendent or designee's recommendation, establishes student activity funds to be managed by student organizations or sponsors under the guidance and direction of a staff member for educational, recreational, or cultural purposes.

The Superintendent or designee shall be responsible for supervising student activity funds in accordance with Board policy, 4:80, *Accounting and Audits*, State law; and the Illinois State Board of Education rules for student activity funds. The Board will appoint a treasurer for each fund to serve as the fund's sole custodian and be bonded in accordance with The School Code. The treasurer shall have all of the authority and responsibilities *specific to the treasurer* listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer is not authorized to make loans between activity funds.

Unless otherwise instructed by the Board, a student activity fund's balance will carry over to the next fiscal year.

LEGAL REF.:

[105 ILCS 5/8-2](#) and [5/10-20.19](#).

[23 Ill.Admin.Code §§100.20](#) and [100.80](#).

CROSS REF.: 4:80 (Accounting and Audits), 7:325 (Student Fund-Raising Activities)

ADOPTED: May 17, 2010

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## Document Status: Draft Update

### Section 5 - GENERAL PERSONNEL

#### **5:180 Temporary Illness or Temporary Incapacity**

A temporary illness or temporary incapacity is an illness or other state of ill-being that renders an employee physically or mentally unable to perform assigned duties. During a period of such a condition, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) other than private insurance will be deducted from the District's compensation liability to the employee. The Board of Education's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of their gross salary.

Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

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

Prior to returning to work, any employee, who shall report being ill and unable to work, may be requested to submit to the Superintendent an affidavit or a report from a physician who is licensed in Illinois to practice medicine and surgery in all its branches with respect to the nature and extent of his/her illness or incapacity.

Any employee may be required to have an examination, at the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered [PRESSPlus1](#) nurse, or a licensed physician assistant if the examination is job-related and consistent with business necessity.

#### [PRESSPlus2](#)

#### LEGAL REF.:

~~Americans with Disabilities Act~~, 42 U.S.C. §12101 et seq.2, Americans with Disabilities Act.

105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.

Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965) 60 Ill.App.2d 56 (1st Dist. 1965).

School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987) 154 Ill.App.3d 375 (1st Dist. 1987).

CROSS REF.: 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

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#### **PRESSPlus Comments**

PRESSPlus 1. Updated in response to 105 ILCS 5/24-5, amended by P.A.s 99-173 and 100-513. **Issue 101, June 2019**

PRESSPlus 2. The State law (105 ILCS 5/24-5, amended by P.A. 100-513), allowing boards to require physicals of current employees *from time to time*, has been superseded by the ADA, 42 U.S.C. §12112(d)(4). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program. Id. Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would neither eliminate the risk nor reduce it to an acceptable level. 42 U.S.C. §12113; 29 C.F.R. §1630.2(r).

Note that while examination by a spiritual leader/practitioner is sufficient for leaves, the statute does not authorize an examination by a spiritual leader/practitioner for district-ordered physicals of an employee. The difference may present a constitutional issue; contact the board attorney for an opinion if the employee wants to use an examination by a spiritual leader/practitioner. **Issue 101, June 2019**

## Document Status: Draft Update

### Section 6 - INSTRUCTION

#### **6:40 Curriculum Development**

##### Adoption

The Superintendent shall recommend a comprehensive curriculum that is aligned with:

1. The District's educational philosophy and goals.
2. Student needs as identified by research, demographics, student achievement, and other data.
3. The knowledge, skills, and abilities required for students to become life-long learners.
4. The minimum requirements of State and federal law and regulations for curriculum and graduation requirements.
5. The Illinois State Learning Standards and all District learning standards.
6. Any required State or federal student testing.

The Board of Education will adopt, upon recommendation of the Superintendent, a curriculum that meets the above criteria.

##### Development

The Superintendent shall develop a curriculum review program to monitor the current curriculum and promptly suggest changes to make the curriculum more effective, to incorporate improved teaching methods and materials, and to be responsive to social change, technological developments, student needs, and community expectations.

The curriculum review program shall:

1. Ensure regular evaluations of the curriculum and instructional program.
2. Ensure the curriculum continues to meet the stated adoption criteria.
3. Include input from teachers, administrators, and from time to time, community members representing all schools, grade levels, disciplines, and specialized and alternative programs.
4. Coordinate with the process for evaluating the instructional program and materials.

##### Innovative Educational Programs and Pilot Projects

The Superintendent may recommend innovative educational programs and/or pilot projects for Board consideration. Proposals must include goals, material needs, anticipated expenses, and an evaluation process. The Superintendent shall submit to the Board periodic progress reports for such programs and a final evaluation with recommendation upon the program's completion.

##### Curriculum Maps

The Superintendent shall supervise the development and maintenance of subject area curriculum maps which shall be provided to appropriate staff and community members.

##### Articulation

The District administrators and staff shall maintain close relations with the high school faculty in order to provide students with continuity in the instructional program.

LEGAL REF.:

20 U.S.C. §1681, Title IX of the Education Amendments of 1972, implemented by 34 C.F.R. Part 106. [PRESSPlus1](#)

[105 ILCS 5/10-20.8](#) and [5/10-19](#).

CROSS REF.: 6:60 (Curriculum Content), 6:70 (Teaching About Religions), 6:80 (Teaching About Controversial Issues), 6:90 (Kindergarten), 6:100 (Using Animals in the Educational Program), 6:120 (Education of Children with Disabilities), 6:135 (Accelerated Placement Program), 6:160 (English Learners), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights)

ADOPTED: September 21, 2015

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#### **PRESSPlus Comments**

PRESSPlus 1. The Legal References have been updated. **Issue 101, June 2019**  
6:40



## Document Status: Draft Update

### Section 6 - INSTRUCTION

#### 6:340 Student Testing and Assessment Program

The District student assessment program provides information for determining individual student achievement and instructional needs, curriculum and instruction effectiveness, and school performance measured against District student learning objectives and statewide norms.

The Superintendent or designee shall manage the student assessment program that, at a minimum:

1. Administers the State assessment system, known as the *Partnership for Assessment of Readiness for College and Careers* Illinois Assessment of Readiness (PARCC/AR), [PRESSPlus1](#) to all students and/or any other appropriate assessment methods and instruments, including norm and criterion-referenced achievement tests, aptitude tests, proficiency tests, and teacher-developed tests.
2. Informs students of the timelines and procedures applicable to their participation in every State assessment.
3. Provides each student's parents/guardians with the results or scores of each State assessment. See policy 6:280, *Grading and Promotion*.
4. Utilizes professional testing practices.

Overall student assessment data on tests required by State law will be aggregated by the District and reported, along with other information, on the District's annual report card. All reliable assessments administered by the District and scored by entities outside of the District must be (1) reported to ISBE on its form by the 30<sup>th</sup> day of each school year, and (2) made publicly available to parents/~~and~~ guardians of students. [PRESSPlus2](#) Board policy 7:340, *Student Records*, and its implementing procedures govern recordkeeping and access issues.

#### LEGAL REF.:

~~Family Educational Rights and Privacy Act~~, 20 U.S.C. §1232g, Family Educational Rights and Privacy Act.

~~Illinois School Student Records Act~~, 105 ILCS 10/, Illinois School Student Records Act.

105 ILCS 5/2-3.63a-5, 5/2-3.64a-5, 5/10-17a, 5/22-82, and 5/27-1.

CROSS REF.: 6:15 (School Accountability), 6:280 (Grading and Promotion), 7:340 (Student Records)

ADOPTED: February 19, 2018

Question 1. See PRESSPlus Comments. Has the Board adopted the additional text "and to the community"? Type yes or no.  
Answer:

#### PRESSPlus Comments

PRESSPlus 1. The Ill. State Board of Education (ISBE) selected the *Partnership for Assessment of Readiness for College and Careers* (PARCC) as the State assessment and accountability measure for grades 3-8 through the 2017-2018 school year. Beginning with the 2018-2019 school year, ISBE began transitioning from PARCC to the *Ill. Assessment for Readiness* (IAR), which continues to use "an anchor set of PARCC items." See letter from State Superintendent Tony Smith, 2-8-19, along with other ISBE resource material at [www.isbe.net/IAR](http://www.isbe.net/IAR). **Issue 101, June 2019**

PRESSPlus 2. Although not required by law, if a board wants to direct that this information be shared more broadly with the public for greater transparency, add "and to the community." See **Questions** to indicate whether this additional text has been adopted by the Board. **Issue 101, June 2019**

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

### Section 5 - GENERAL PERSONNEL

#### **5:35 Compliance with the Fair Labor Standards Act**

##### Job Classifications

The Superintendent will ensure that all job positions are identified as either "exempt" or "non-exempt" according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are "exempt" or "non-exempt." "Exempt" and "non-exempt" employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

##### Workweek and Workweek Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For full-time non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. "Overtime" is time worked in excess of 40 hours in a single workweek.

##### Overtime

A non-exempt employee shall not work overtime without his or her supervisor's express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.

##### Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status. Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel - Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Educational Support Personnel - Employment Termination and Suspensions*.

##### Implementation

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

##### LEGAL REF.:

[820 LCS 105/4a](#).

Fair Labor Standards Act, [29 U.S.C. §201](#) et seq., [29 C.F.R. Parts 516, 541, 548, 553, 778](#), and [785](#).

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

ADOPTED: May 19, 2014

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

### **Section 5 - GENERAL PERSONNEL**

#### **5:40 Communicable and Chronic Infectious Disease**

The Superintendent or designee shall develop and implement procedures for managing known or suspected cases of a communicable and chronic infectious disease involving District employees that are consistent with State and federal law, Illinois Department of Public Health rules, and Board of Education policies.

An employee with a communicable or chronic infectious disease is encouraged to inform the Superintendent immediately and grant consent to being monitored. The employee's medical condition and records shall be held in strictest confidence by the Superintendent, except to the extent allowed by law.

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

#### LEGAL REF.:

Americans With Disabilities Act, [42 U.S.C. §12101 et seq.](#); [29 C.F.R. §1630.1 et seq.](#), amended by the Americans with Disabilities Act Amendments Act (ADAAA), [Pub. L. 110-325](#).

Rehabilitation Act of 1973, [29 U.S.C. §791](#); [34 C.F.R. §104.1 et seq.](#)

Department of Public Health Act, [20 ILCS 2305/6](#).

[105 ILCS 5/24-5](#).

Personnel Record Review Act, [820 ILCS 40/](#).

Control of Communicable Diseases, [77 Ill.Admin.Code Part 690](#).

CROSS REF.: 2:150 (Committees), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary Incapacity)

ADOPTED: September 21, 2015

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

### **Section 5 - GENERAL PERSONNEL**

#### **5:130 Responsibilities Concerning Internal Information**

District employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: student school records, personnel records, and the minutes of, and material disclosed in, a closed School Board meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the District or used by the District or its employees. The Superintendent or designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

#### LEGAL REF.:

Family Educational and Privacy Rights Act, [20 U.S.C. §1232g](#).

Uses and Disclosures of Protected Health Information; General Rules, [45 C.F.R. §164.502](#).

Ill. Freedom of Information Act, [5 ILCS 140/](#).

Local Records Act, [50 ILCS 205/](#).

[105 ILCS 10/](#).

Personnel Record Review Act, [820 ILCS 40/](#).

CROSS REF.: 2:140 (Communications To and From the Board), 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

~~ADOPTED: August 20, 2012~~

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

### Section 5 - GENERAL PERSONNEL

#### **5:310 Compensatory Time-Off**

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, [29 U.S.C. §201 et seq.](#), and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. An employee who wishes to be granted compensatory time in lieu of overtime compensation must submit a written request to his/her supervisor prior to working such overtime. The District shall maintain records of the number of compensatory time hours earned; the number of compensatory time hours used; and the number of compensatory time hours paid in a monetary reimbursement and the date of such payment. An employee who requests to use accrued compensatory time-off must do so with reasonable advance notice to his/her supervisor. Such request will be granted at the sole discretion of the employee's supervisor.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

Other than as provided below, at no time may an employee's accumulated compensatory time-off exceed 240 hours, which represents compensation for 160 hours of overtime. An employee whose work regularly includes public safety, emergency response, or seasonal activities may accumulate a maximum of 480 hours of compensatory time, which represents compensation for 320 hours of overtime. If an employee accrues the maximum number of compensatory time-off hours, the employee: (1) is paid for any additional overtime hours worked, at the rate of one and one-half times the employee's regular hourly rate of pay, and (2) does not accumulate compensatory time-off until the employee uses an equal amount of accrued time-off.

An employee who has accrued compensatory time-off shall be permitted to use such time in at least half-day components provided such requests do not unduly disrupt the District's operations. The employee's supervisor must approve a request to use compensatory time-off.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment; or
2. The final regular rate received by such employee.

#### Implementation

The Superintendent or designee shall implement this policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

#### LEGAL REF.:

Fair Labor Standards Act, [29 U.S.C. §201 et seq.](#); [29 C.F.R. Parts. 541, 548, 553, 778 and 785.](#)

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment)

ADOPTED: April 20, 2009

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

### **Section 7 - STUDENTS**

#### **7:170 Vandalism**

The Board will seek restitution from students and their parents/guardians for vandalism or other student acts that cause damage to school property.

LEGAL REF.:

[740 ILCS 115/](#)

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior)

~~ADOPTED: March 19, 2007~~

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