

ISSUE 101
June 2019

Update Memo

Please distribute to board members and appropriate staff.

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Online Instructions

Please follow these three easy steps to log in to **PRESS**:

1. Go to www.iasb.com and click on **MY ACCOUNT**.
2. Log in using your email address and password:
 - If you do not know your password, do not create a new account; reset your password using your district email address.
 - If you are still having difficulty logging in, please contact your district's superintendent or administrative assistant to make sure you are listed as an authorized user on the district roster.
 - If you continue to have difficulty, please contact Ken Carter at kcarter@iasb.com.
3. Under **My Account Links**, click on **PRESS Login**.



PRESS

Policy Reference Education Subscription Service

This publication is designed to provide information only and is not a substitute for legal advice from the Board Attorney. If you have any questions, please contact Kimberly Small, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1226; Maryam Brotine, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1219; Debra Jacobson, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1211.

Please share this **PRESS** Update Memo with all board members and appropriate staff.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online**: Committee Worksheets and the updated Policy Reference Manual (PRM) pages.

The Committee Worksheets, found by selecting a **PRESS Issue** at the top of the **PRESS Online** Table of Contents, show suggested changes to **PRESS** material by striking out deleted words and underscoring new words.

Updated **PRM** pages can be found in the IASB POLICY REFERENCE MANUAL Table of Contents. For visual instruction about how to download **PRM** pages and use them to update your policy manual, please go to www.iasb.com/policy/ to view the **PRESS** video tutorial located under the header entitled: **PRESS – Policy Reference Education Subscription Service**.

PRESS Bundles

Each bundle summarizes the global reasons for changes to all materials that are listed.

Specific details about how each piece of material changed, e.g., legislation, administrative rules, **PRESS** Advisory Board feedback, quality assurance, five-year review items, etc., are explained in numerical order in the **Revisions to Policies, Administrative Procedures, and Exhibits** table beginning on p. 4.

Please spend time reviewing the **PRESS** online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

Student Health

Regulations addressing student health continue to impact the IASB **PRESS PRM**. 43 Ill.Reg. 2386 amended 77 Ill.Admin.Code Part 690 (Communicable Diseases Code) to repeal the reporting requirement for certain types of diseases.

The following **PRESS** material is updated:

7:280-E2, Reporting and Exclusion Requirements for Common Communicable Diseases

Miscellaneous

The following **PRESS** materials are updated due to legislation, administrative rule and/or continuous review changes. These are also detailed in the **Revisions to Policies, Administrative Procedures, and Exhibits Table** in numerical order beginning on p. 4.

The following **PRESS** materials are included in this bundle:

- 3:10, Goals and Objectives
- 4:20, Fund Balances
- 6:340, Student Testing and Assessment Program

Five-Year Review Updates

The **PRM** contains approximately 175 policies and procedures. **PRESS** Editors have a quality assurance goal to ensure that each piece of the 1000+ page IASB **PRESS PRM** is reviewed at least every five years.

We predict the Spring 2020 Issue of **PRESS** may be filled with legislative updates due to legislation passed this Spring 2019 with delayed implementation dates. To reduce the potential size of the Spring 2020 issue, we selected **PRESS** materials for this issue that are due for their five year review updates in the Spring of 2020. For this reason, this Issue's five year review material includes material that is only four years old.

The following **PRESS** materials are updated in response to five-year reviews. These are also detailed in the **Revisions to Policies, Administrative Procedures, and Exhibits Table** in numerical order beginning on p. .

Boards with newly-elected members should familiarize themselves with the materials in Section 2 of the **PRESS PRM** that address board governance and related processes.

- 2:110, Qualifications, Term, and Duties of Board Officers
- 2:140, Communications To and From the Board
- 2:140-E, Guidance for Board Member Communications, Including Email Use
- 2:230, Public Participation at School Board Meetings and Petitions to the Board
- 2:240, Board Policy Development

- 3:60, Administrative Responsibility of the Building Principal
- 4:45-AP1, Insufficient Fund Checks
- 4:45-AP2, Local Debt Recovery Program Implementation Procedures
- 4:45-E1, Cover Page Documenting the Process to Seek Offset from the Illinois Office of the Comptroller
- 4:45-E2, Notice of Claim and Intent to Seek Debt Recovery; Challenge; and Response to Challenge
- 4:55-AP, Controls for the Use of District Credit and Procurement Cards
- 4:70-AP, Resource Conservation
- 4:90, Activity Funds

- 5:30-AP1, Interview Questions
- 5:35, Compliance with the Fair Labor Standards Act
- 5:35-AP1, Fair Labor Standards Act Exemptions
- 5:35-AP2, Employee Records Required by the Fair Labor Standards Act
- 5:35-AP3, Compensable Work Time for Non-Exempt Employees Under the FLSA
- 5:35-AP4, Fair Labor Standards Act 12-Step Compliance Checklist
- 5:35-E, Volunteer Agreement Executed by a Non-Exempt Employee
- 5:40, Communicable and Chronic Infectious Disease
- 5:120-E, Code of Ethics for Illinois Educators
- 5:130, Responsibilities Concerning Internal Information
- 5:180, Temporary Illness or Temporary Incapacity
- 5:310, Compensatory Time-Off
- 5:310-E, Agreement to Receive Compensatory Time-Off
- 6:40, Curriculum Development
- 6:110, Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program
- 6:120-AP1, E2, Special Education Required Notice and Consent Forms
- 6:120-AP2, Access to Classrooms and Personnel
- 6:120-AP2, E1, Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes
- 6:280-AP, Evaluating and Reporting Student Achievement
- 6:300-E1, Application for a Diploma for Veterans of WW II, the Korean Conflict, or the Vietnam Conflict
- 7:40-AP, Placement of Nonpublic School Students Transferring Into the District
- 7:170, Vandalism
- 7:240-AP2, Extracurricular Drug and Alcohol Testing Program
- 7:250-AP1, Measures to Control the Spread of Head Lice at School
- 7:280-AP, Managing Students with Communicable or Infectious Diseases
- 8:25-AP, Advertising and Distributing Materials in Schools Provided by Non-School Related Entities

PRESS Terminology

What are the meanings of the “AP” and “E” after certain policy numbers?

The **PRESS Policy Reference Manual (PRM)** is an encyclopedia of sample board policies, administrative procedures, and exhibits. They are all in numerical order for easy reference. **PRESS** recommends that local school districts maintain separate board policy and administrative procedure manuals to help distinguish for the board, staff, students, parents, and community members, the distinction between board documents and staff documents, board work, and staff work.

Policy. The board develops policies with input from various sources like district administrators, the board attorney, and **PRESS** materials. The board then formally adopts the policies, often after more than one consideration.

After adoption by the board, each policy should have an adoption date.

Administrative Procedures. Administrative procedures are developed by the superintendent, administrators, and/or other district staff members. The staff develops the procedures that guide implementation of the policies. Administrative procedures are not adopted by the board, which allows the superintendent and staff the flexibility they need to keep the procedures current. **PRESS** sample procedures are numbered

to correspond with the policies that they implement for easy reference. For example, policy 6:190’s related administrative procedure is 6:190-AP.

It is important to remember that administrative procedures do not require formal board adoption and are not included in a board policy manual.

Exhibits. Both board policies and administrative procedures may have related exhibits. Exhibits provide information and forms intended to be helpful to the understanding or implementation of either a board policy or administrative procedure, and they do not require formal board adoption. **PRESS** sample exhibits are numbered to correspond to the related board policy or administrative procedure. For example, board policy 2:70 has a related exhibit numbered 2:70-E. Administrative procedure 7:340-AP1 has a related exhibit numbered 7:340-AP1, E1.

Exhibits labeled with an “E” may provide guidance for board work or staff work. Those providing guidance for board work should be dated for implementation by the board. Those providing guidance for the staff should be dated for implementation by the administrative staff.

Administrative procedures exhibits, always labeled with the “AP, E” format should be dated for implementation by the administrative staff.

Progress Report – The contents of this table frequently change.

Topics	Our Response
FLSA Overtime Rules As anticipated, on March 7, 2019, the U.S. Dept. of Labor (DOL) issued proposed rules to raise the minimum salary threshold to qualify for exemption from overtime under the FLSA from \$455 per week (\$23,660 per year) to \$679 per week (\$35,308 per year). Under the proposed rule, the DOL would review the salary threshold every four years and if needed, make increases through future rulemaking. These rules are anticipated to become final in early 2020. Additionally, on March 28, 2019, the DOL issued yet another set of proposed rules aimed at clarifying what types of fringe benefits can be excluded from the “time and one-half calculation” that determines employees’ overtime rates.	No PRESS materials are affected at this time. We will continue to monitor the situation and update materials if necessary.
Cannabis Legalization HB 1438 passed both houses of the Illinois legislature and has been sent to the Governor for signature. The law will, among other things, legalize recreational cannabis use by persons 21 years of age and older beginning on January 1, 2020.	We will amend PRESS materials in PRESS Issue 102.
Public Access Counselor Opinion on OMA’s “Public Recital” Requirement On May 17, 2019, the Ill. Attorney General Public Access Counselor (PAC) issued a binding opinion (PAO 19-4) finding that a school board violated the Open Meetings Act (OMA) when it failed to identify a teacher by name in its oral motion to approve a resolution to issue the teacher a disciplinary action (a notice to remedy). Section 2(e) of OMA requires a public body to make a “public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.” 5 ILCS 120/2(e). Relying on a recent Ill. Supreme Court case, the PAC found that the failure to name the teacher by name did not sufficiently inform the public of the particular transaction being approved.	No PRESS materials are affected.

Revisions to Policies, Administrative Procedures, and Exhibits

Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
2:110, Qualifications, Term and Duties of Board Officers	The policy, Cross References, and footnotes are updated for continuous improvement and 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 <u>official</u> . Other minor continuous improvement edits are made throughout.	<input type="checkbox"/>
2:140, Communications To and From the Board	The policy, Legal References, and footnotes are updated. Policy updates are in response to: <ol style="list-style-type: none"> 1. A five-year review, 105 ILCS 5/10-16.5, amended by P.A. 100-1055 (additions to the Oath of Office); 2. PAB-member feedback that having questions or communications go only to the superintendent may be problematic and may not entirely comply with the 2014 requirement; and 3. Best practice considerations to align with IASB's <i>Foundational Principals of Effective Governance</i>. The footnotes are updated for the same reasons, and the Legal References are update for style.	<input type="checkbox"/>
2:140-E, Guidance for Board Member Communications, Including Email Use	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
2:230, Public Participation at School Board Meetings and Petitions to the Board	The policy, Legal References, and footnotes are updated. The policy is updated in response to a five-year review and PAO 19-2. 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. The footnotes are updated for the same reasons, and the Legal References are updated for style.	<input type="checkbox"/>
2:240, Board Policy Development	The policy is unchanged. Footnotes are updated in response to a five-year review.	<input type="checkbox"/>
3:10, Goals and Objectives	The policy is unchanged. The footnotes are updated in response to an amendment to 23 Ill. Admin.Code §1, Appendix D, and for continuous improvement.	<input type="checkbox"/>
3:60, Administrative Responsibility of the Building Principal	The policy is unchanged. The footnotes are updated for continuous improvement in response to a five-year review.	<input type="checkbox"/>
4:20, Fund Balances	The policy and footnotes are updated to align with the Ill. State Board of Education's existing School District Financial Profile guidance regarding fund balances.	<input type="checkbox"/>
4:45-AP1, Insufficient Fund Checks	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
4:45-AP2, Local Debt Recovery Program Implementation Procedures	The procedure is updated in response to a five-year review and 105 ILCS 123/, added by P.A. 100-1092 (school lunch account debts).	<input type="checkbox"/>
4:45-E1, Cover Page Documenting the Process to Seek Offset from the Illinois Office of the Comptroller	The exhibit is updated for the reasons discussed above in 4:45-AP2, <i>Local Debt Recovery Program Implementation Procedures</i> .	<input type="checkbox"/>
4:45-E2, Notice of Claim to Seek Debt Recovery; Challenge; and Response to Challenge	The exhibit is updated for the reasons discussed above in 4:45-AP2, <i>Local Debt Recovery Program Implementation Procedures</i> .	<input type="checkbox"/>
4:55-AP, Controls for the Use of District Credit and Procurement Cards	The procedure is updated in response to a five-year review to align with policy 2:125, <i>Board Member Compensation; Expenses</i> .	<input type="checkbox"/>
4:70-AP, Resource Conservation	The procedure and a footnote are updated in response to a five-year review.	<input type="checkbox"/>
4:90, Activity Funds	The policy is unchanged. The footnotes are updated in response to a five-year review.	<input type="checkbox"/>
5:30-AP1, Interview Questions	The procedure is updated in response to a five-year review.	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits – *continued*

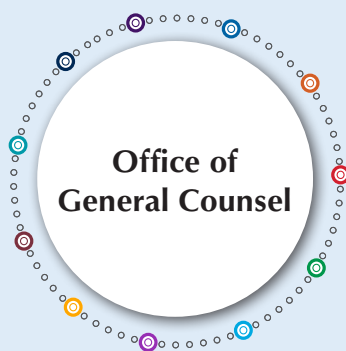
5:35, Compliance with the Fair Labor Standards Act	The policy is unchanged. The footnotes are updated with minor style changes and a revised web link.	<input type="checkbox"/>
5:35-AP1, Fair Labor Standards Act Exemptions	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
5:35-AP2, Employee Records Required by the Fair Labor Standards Act	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
5:35-AP3, Compensable Work Time for Non-Exempt Employees Under the FLSA	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
5:35-AP4, Fair Labor Standards Act 12-Step Compliance Checklist	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
5:35-E, Volunteer Agreement Executed by a Non-Exempt Employee	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
5:40, Communicable and Chronic Infectious Disease	The policy is unchanged. The footnotes are updated with minor style changes and for continuous improvement in response to a five-year review.	<input type="checkbox"/>
5:120-E, Code of Ethics for Illinois Educators	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
5:130, Responsibilities Concerning Internal Information	The policy is unchanged. The footnotes are updated in response to a five-year review.	<input type="checkbox"/>
5:180, Temporary Illness or Temporary Incapacity	The policy, Legal References, Cross References, and footnotes are updated in response to a five-year review.	<input type="checkbox"/>
5:310, Compensatory Time Off	The policy is unchanged. The footnotes are updated in response to a five-year review.	<input type="checkbox"/>
5:310-E, Agreement to Receive Compensatory Time Off	The exhibit is unchanged.	<input type="checkbox"/>
6:40, Curriculum Development	The Legal References, Cross References, and footnotes are updated in response to a five-year review.	<input type="checkbox"/>
6:110, Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program	The policy is unchanged. The footnotes are updated to incorporate amendments to various School Code provisions due to P.A. 100-465 (evidence-based funding) in response to a five-year review.	<input type="checkbox"/>
6:120-AP1, E2, Special Education Required Notice and Consent Forms	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
6:120-AP2, Access to Classrooms and Personnel	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
6:120-AP2, E1, Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes	The exhibit is updated in response to a five-year review.	<input type="checkbox"/>
6:280-AP, Evaluating and Reporting Student Achievement	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
6:300-E1, Application for a Diploma for Veterans of WWII, the Korean Conflict, or the Vietnam Conflict	The exhibit is updated and a footnote is added in response to a five-year review.	<input type="checkbox"/>

Revisions to Policies, Administrative Procedures, and Exhibits – *continued*

6:340, Student Testing and Assessment Program	The policy, Legal References, and footnotes are updated. The policy and footnotes are updated in response to the Ill. State Board of Education's transition from the <i>Partnership for Assessment of Readiness for College and Careers</i> to the <i>Illinois Assessment of Readiness</i> as the State accountability measure for grades 3-8. The footnotes are also updated in response to P.A.s 100-807 and 100-1121, which added content requirements to school State Report Cards, and to include a new option for informing the larger school community about a district's reliable assessments. A correction is made to the Legal References.	<input type="checkbox"/>
7:40-AP, Placement of Non-public School Students Transferring Into the District	The procedure is updated with a new link to the Ill. State Board of Education's Home Language Survey and in response to a five-year review.	<input type="checkbox"/>
7:170, Vandalism	The policy is unchanged. A footnote is updated in response to a five-year review.	<input type="checkbox"/>
7:240-AP2, Extracurricular Drug and Alcohol Testing Program	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
7:250-AP1, Measures to Control the Spread of Head Lice at School	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
7:280-AP, Managing Students with Communicable or Infectious Disease	The procedure and Legal References are updated in response to a five-year review. New footnotes are added to include web links to Centers for Disease Control and Prevention (CDC) resources and a special education procedure resource cited in the procedure.	<input type="checkbox"/>
7:280-E2, Reporting and Exclusion Requirements for Common Communicable Diseases	The procedure is updated in response to an amendment to 77 Ill.Admin. Code Part 690, <i>Communicable Diseases</i> (43 Ill. Reg. 2386). Other continuous improvement changes are made, including moving text formerly in the footnotes to the text of the procedure for ease of use.	<input type="checkbox"/>
8:25-AP, Advertising and Distributing Materials in Schools Provided by Non-School Related Entities	The procedure is updated in response to five-year review including reference to the Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, added by P.A. 100-315.	<input type="checkbox"/>

PRESS Issue 101 Trivia

96 pages • 117 footnotes • 25,305 words



The IASB Office of General Counsel's mission is to honestly, professionally, and credibly protect and preserve IASB through legal risk management and compliance services for the IASB Board of Directors and staff; promote best practices to IASB members; create educational products and services; and maintain strong, collaborative relationships with the public education community.



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Before each **PRESS** issue is published, a group of distinguished individuals provides input and suggestions. We appreciate their contributions and thank them sincerely.

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Special Acknowledgement to IASB Administrative Assistants

The following individuals provide us with excellent assistance between and during the drafting of each **PRESS** issue. We also thank them and appreciate their dedication and contributions to the quality of this service.

Ummehani Faizullahoy, Office of General Counsel, preparation, formatting, quality assurance, editor

Bridget Trojan, Office of General Counsel, State and federal regulations monitor, editor

James Wagner, Office of General Counsel, State and federal regulations monitor, editor