

# RESPONSE FORM

## PRESS PLUS ISSUE 95, July 2017

Return to The Illinois Association of School Boards, **Attn:** Angie Powell, Policy Consultant  
**Email:** [pressplus@iasb.com](mailto:pressplus@iasb.com) or **Fax:** 217-528-2831

**District Name:** \_\_\_\_\_ **Date of Adoption\*:** \_\_\_\_\_  
 \*If date of adoption is different for any of the policies listed below, please note.

*Please read carefully and mark one column in each row. Policies not marked in any column will be held for future response.*

Policy Code	Policy Title	Adopted as presented by IASB	Adopted with additional district edits (enclosed)	Not Adopted	Held for Future Response
2:260	Uniform Grievance Procedure		✓		
2:220-E3	Closed Meeting Minutes	✓			
6:80	Teaching About Controversial Issues			✓	
6:180	Extended Instructional Programs	✓			
6:210	Instructional Materials	✓			
7:275	Orders to Forgo Life-Sustaining Treatment	✓			
<b>Option:</b> Include optional additional statements? (Choose <i>one</i> box). NO <input type="checkbox"/> YES, include Option 1 <input type="checkbox"/> YES, include Option 2 <input checked="" type="checkbox"/> YES, include both Options <input type="checkbox"/>					
8:70	Accommodating Individuals with Disabilities	✓			

### 5-Year Review Policies

To further our commitment to continuous improvement, we review each policy that was not updated during the previous five years. Following is the list of IASB sample policies that do not have changes requiring Board action after their five-year review. Because they were not changed, copies have not been provided in your PRESS Plus packet. This list has not been customized for individual districts. If any of the policies listed below are not currently included in the district's Board policy manual, consider adding them if applicable.

This process keeps our material aligned with good governance principles and keeps the legal references current. Moreover, this process provides an occasion for school board members to review their policies to ensure that the policy language remains an accurate reflection of the district's beliefs and values.

Policy Code	Policy Title	Reviewed, Change Date	Policy Edited by District (Enclose Edits)	Policy Not Reviewed
2:210		✓		
4:70		✓		
6:290		✓		
6:330		✓		
7:80		✓		
7:160		✓		

Other District Materials Enclosed	Yes	No
Changes to other district policies (show edits)		
Newly adopted district policies* (Microsoft Word copy sent via e-mail is required)		
New Collective Bargaining Agreement(s) (Electronic copy preferred)		

**\*Please note:** While we are happy to add to your policy manual any unique district policies provided by your district from whatever source, we are not able to provide suggested updates to those policies. Your district will be responsible for forwarding any necessary updates along with your response to PRESS Plus Issues. Because certain policy numbers are used for IASB sample policies, districts should use numbers ending in 2, 4, 6, or 8 for locally developed policies on topics not covered by IASB sample policies.

**Documents Coded “AP” or “E”** – These are Administrative Procedures and Exhibits developed to implement board policy and should not be adopted by the board and included in the policy manual. Exceptions are those coded “E” that provide guidance to the board itself, such as those listed in the Response Form above; these should be dated for implementation by the Board.

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

*After the Board has taken action on the suggested policy changes, administrators should consult the Update Memo for suggested changes to administrative procedures and exhibits. These are accessible via PRESS Online.*



ISSUE 95, July 2017

## Update Memo

Please distribute to board  
members and appropriate staff.

### Contents

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### Online Instructions

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

1. Go to [www.iasb.com](http://www.iasb.com) and click on  
**MY ACCOUNT**.
2. Log in using your email address  
and password:
  - If you do not know your  
password, or do not have a  
password, do not create a  
new account; use the **forgot  
password** link.
  - 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 autho-  
rized user on the district roster.
  - If you continue to have  
difficulty, please contact  
Linda Cala at [lcala@iasb.com](mailto:lcala@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 Brotime, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1219, or Debra Jacobson, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1211.

### Instructions

You are encouraged to 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 pages. The Committee Worksheets show suggested changes to **PRESS** material by striking out deleted words and underscoring new words. The updated Policy Reference Manual pages contain all of the material in this **PRESS** issue; you can use them to update your district manuals.

### Bundles Now Standard Format for the Update Memo!

We first tried the **Bundles** format in **PRESS** Issue 93 to make the information regarding necessary updates to the IASB Policy Reference Manual (PRM) more manageable for our subscribers. Due to its popularity, we tried it again with **PRESS** Issue 94. 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., **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 some time reviewing the online Committee Worksheets, available behind the **PRESS** Login under a link titled: **PRESS Committee Worksheets**. They provide comment boxes further describing some of the changes and detailed explanations in the footnotes by the **PRESS** Editors.

### Federal Developments

Title II of the Americans With Disabilities Act of 1990 (ADA) applies to websites and requires covered entities, including public school districts, to make websites accessible. This requirement is not new; however, addressing website accessibility is complex. Many covered entities address website accessibility using *Web Content Accessibility Guidelines* (WCAG) 2.0, which were developed by a private group of accessibility experts. WCAG 2.0 guidelines are the standard the U.S. Dept. of Justice (DOJ) referenced in its recent Title II rulemaking. Despite that, WCAG 2.0 guidelines are not the formal legal standard for website accessibility under Title II of the ADA. To avoid allegations that a district violated Section 504 of the Rehabilitation Act of



1973 and/or Title II of the ADA, many attorneys suggest that school districts' websites meet WCAG 2.0 guidelines.

While the DOJ under President Obama's Administration proposed regulations for public accommodations of websites (set to be final in 2018), President Trump signed an executive order in early 2017 entitled *Reducing Regulation and Controlling Regulatory Costs*, which makes it highly unlikely that the DOJ will issue any website regulations during the Trump Administration's tenure. Districts should consult with their board attorneys about this complex issue.

The following **PRESS** materials are updated in response to these developments:

- 2:260, Uniform Grievance Procedure
- 8:70, Accommodating Individuals with Disabilities

## Five-Year Review Updates

**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. The **PRM** contains approximately 175 policies and procedures.

The following **PRESS** materials are updated in response to five-year reviews:

- 2:20-E, Exhibit - Waiver and Modification Request Resource Guide
- 2:210, Organizational School Board Meeting
- 2:220-E3, Exhibit - Closed Meeting Minutes
- 4:60-E, Exhibit - Notice to Contractors
- 4:70, Resource Conservation
- 4:170-AP1, E1, Exhibit - Accident or Injury Form
- 4:170-AP1, E2, Exhibit - Memo to Staff Members Regarding Contacts by Media About a Crisis
- 4:170-AP4, Administrative Procedure - National Terrorism Advisory System, **REWRITTEN**
- 6:80, Teaching About Controversial Issues
- 6:120-AP1, E1, Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights
- 6:120-AP3, Administrative Procedure - Service Animals
- 6:120-AP3, E1, Exhibit - Guidelines for Service Animals in School Facilities
- 6:180, Extended Instructional Programs
- 6:210, Instructional Materials
- 6:290, Homework
- 6:310-E, Exhibit - Class Substitution Request
- 6:330, Achievement and Awards
- 7:80, Release Time for Religious Instruction/Observance
- 7:140-AP, Administrative Procedure - Use of Metal Detectors for Student Safety
- 7:160, Student Appearance
- 7:275, Orders to Forgo Life-Sustaining Treatment
- 7:340-AP1, E2, Exhibit - Using a Photograph or Video Recording of a Student
- 7:340-AP1, E5, Exhibit - Biometric Information Collection Authorization
- 7:340-AP2, Administrative Procedure - Storage and Destruction of School Student Records
- 7:340-AP2, E1, Exhibit - Letter Containing Schedule for Destruction of School Student Records
- 8:20-E, Exhibit - Application and Procedures for Use of School Facilities

## 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, E.

**Exhibits labeled with an "E" only 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 report frequently change.

## Immigration Enforcement

The National School Boards Association (NSBA) recently issued an updated guide on serving undocumented students, *Lifting the Lamp Beside the Schoolhouse Door: A Legal Guide to Serving Undocumented Students in Public Schools*, which builds on a similar 2009 NSBA publication to address current topics of interest such as “sanctuary” status and recent executive orders on the subject. Available at [www.iasb.com/law/](http://www.iasb.com/law/), under *Federal Resources*.

The Illinois Council of School Attorneys (ICSA) recently issued an updated version of *Guidelines for Interviews of Students at School by Law Enforcement Authorities*, designed to assist law enforcement authorities and school officials in determining when it is appropriate for law enforcement authorities to interview students while the students are at school or participating in school-related activities. In light of recent events, the *Guidelines* now address activities related to Immigration and Customs Enforcement. Available at [www.iasb.com/law/intstudents.cfm](http://www.iasb.com/law/intstudents.cfm).

The law limits school district involvement in immigration matters, and these limits are incorporated in **PRESS** materials (see list of “Relevant **PRESS** Material,” in *Our Response* below). In regard to employees:

1. The Illinois Human Rights Act requires school districts to provide equal employment opportunities to all persons regardless of their citizenship status.
2. The Immigration Reform and Control Act of 1986 requires employers to verify that employees are either U.S. citizens or authorized to work in the U.S.
3. If an individual applies for employment but is not a U.S. citizen or authorized to work in the U.S., there is no requirement for schools to report them to immigration authorities.

In regard to students, ISBE regulations, which are based on a U.S. Supreme Court case, prohibit schools from:

1. Denying access to students who lack documentation of their immigration status or legal presence in the U.S.
2. Inquiring about the immigration status of a student.
3. Requiring documents as proof of residency for a student that, when taken together, result in a requirement for proof of legal presence, such as a social security number.

Based on this, schools cannot report undocumented students to immigration authorities, as this would effectively deny students access to school.

**Our Response:** Relevant **PRESS** Materials:

### Employees

5:10, *Equal Employment Opportunity and Minority Recruitment*

5:30, *Hiring Process and Criteria*

### Students

7:10, *Equal Educational Opportunities*

7:50, *School Admissions and Student Transfers To and From Non-District Schools*

7:340-AP1, *School Student Records*

## Lead Testing in Water

P.A. 99-922, eff. 1-17-17, created Section 35.5 of the Illinois Plumbing License Law (225 ILCS 320/35.5) and requires that each source of potable water in school buildings constructed on or before 1-1-00, that may be occupied by more than 10 children in grades pre-K through 5, be tested for lead. Testing for buildings constructed prior to 1-1-87 must be conducted by 12-31-17. Testing for buildings constructed between 1-2-87 and 1-1-00 must be conducted by 12-31-18.

Within 90 days of the effective date, the Illinois Dept. of Public Health (IDPH) is to post on its website guidance on mitigation actions for lead in drinking water and ongoing water management practices. On 5-9-17, IDPH posted *Mitigation Strategies for Lead Found in School Drinking Water* at: [www.dph.illinois.gov/sites/default/files/publications/school-lead-mitigation-strategies-050917.pdf](http://www.dph.illinois.gov/sites/default/files/publications/school-lead-mitigation-strategies-050917.pdf). **Note:** p. 2 of *Mitigation Strategies* states “IDPH is requiring the mitigation strategies and requirements contained in this guidance document to be followed for all plumbing fixtures identified with any level of lead,” however P.A. 99-922 does not authorize IDPH to impose such additional requirements.

SB 1943, approved by both houses and sent to the Governor for signature on 6-16-17, would amend Section 35.5.

**Our Response:** We will respond after the Governor takes action on SB 1943, with likely updates to policy 4:170, *Safety*, and its corresponding materials.

## Cook County Sweetened Beverage Tax

The Cook County Sweetened Beverage Tax, Ordinance 16-5931, was effective 7-1-17 but its implementation has been delayed by court order. Though the tax is ultimately borne by the purchaser of sweetened beverages, the Ordinance imposes requirements upon retailers (which may include school districts) related to the collection of taxes, keeping of records, and examination of books and records, as well as penalties for failure to comply. Consult your board attorney about the legality of the Ordinance as applied to school districts in light of Board of Educ. of Sch. Dist. No. 150 v. City of Peoria, 76 Ill. 2d 469 (1979).

**Our Response:** We will monitor the status of the Ordinance and will provide any necessary updates to **PRESS** materials.

## Postsecondary and Workforce Readiness Act

P.A. 99-674 – Postsecondary and Workforce Readiness Act, eff. 7-29-16. This law requires the State to adopt and publicize model postsecondary and career expectations for students in grades 8-12 that specify knowledge that students should have by the end of each grade level. It requires the model expectations to address certain areas listed in the law. It also creates a high school graduation pilot program.

**Our Response:** We will respond after these agencies publicize a model expectations plan and the pilot programs are completed, with likely updates to policy 6:40, *Curriculum Development*; 6:300, *Graduation Requirements*; and their corresponding materials.



# Revisions to Policies, Administrative Procedures, and Exhibits

Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
2:20-E, Exhibit - Waiver and Modification Request Resource Guide	The exhibit is updated with minor corrections for style and clarity. While one explanation is <b>REWRITTEN</b> for clarity, its content did not change.	<input type="checkbox"/>
2:210, Organizational School Board Meeting	The policy is unchanged other than the addition of a comma. Minor continuous improvement updates are made to the footnotes.	<input type="checkbox"/>
2:220-E3, Exhibit - Closed Meeting Minutes	The footnote is deleted and the substance of it is instead incorporated into the exhibit.	<input type="checkbox"/>
2:260, Uniform Grievance Procedure	The policy, Cross References, and footnotes are updated to clarify that Title II of the ADA applies to website accessibility. Continuous improvement updates are also made to the policy and footnotes.	<input type="checkbox"/>
4:60-E, Exhibit - Notice to Contractors	The exhibit is updated with minor corrections for style and to update web links.	<input type="checkbox"/>
4:70, Resource Conservation	The policy is unchanged. Minor continuous improvement updates are made to the footnotes.	<input type="checkbox"/>
4:170-AP1, E1, Exhibit - Accident or Injury Form	The exhibit is updated with minor corrections for style.	<input type="checkbox"/>
4:170-AP1, E2, Exhibit - Memo to Staff Members Regarding Contacts by Media About a Crisis	The exhibit is updated for continuous improvement, including additional best practices for responding to comments and questions from reporters.	<input type="checkbox"/>
4:170-AP4, Administrative Procedure - National Terrorism Advisory System	<b>REWRITTEN.</b> Reference to the defunct Homeland Security Advisory System is deleted. Explains National Terrorism Advisory System advisories ( <b>Bulletins</b> and <b>Alerts</b> ) and threat levels ( <i>elevated</i> and <i>imminent</i> ). It outlines potential district response measures by category.	<input type="checkbox"/>
6:80, Teaching About Controversial Issues	The policy and footnotes are updated with minor corrections for continuous improvement.	<input type="checkbox"/>
6:120-AP1, E1, Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights	The procedure is updated to remove all legal references to the Individuals with Disabilities Education Act (IDEA), the School Code's Article 14 special education procedures, and the Illinois State Board of Education's IDEA due process hearing procedures. The procedure directs districts to instead insert details regarding their district-specific Section 504 hearing and review procedures. The footnotes have been updated to provide sample hearing and review procedures based upon Section IX, <i>Impartial Hearing Procedures</i> , of <b>Sample Section 504 Procedures</b> at <a href="http://www.iasb.com/law/sec504.cfm">www.iasb.com/law/sec504.cfm</a> .	<input type="checkbox"/>
6:120-AP3, Administrative Procedure - Service Animals	The procedure is updated with minor corrections for style and to update web links.	<input type="checkbox"/>
6:120-AP3, E1, Exhibit - Guidelines for Service Animals in School Facilities	The exhibit and its footnote are updated with minor corrections for style and to update web links.	<input type="checkbox"/>
6:180, Extended Instructional Programs	The policy, footnotes, and Legal References are updated to more accurately reflect language used in relevant provisions of the School Code and to add the "advanced vocational training and/or career education program" to the list of potential extended instructional programs.	<input type="checkbox"/>
6:210, Instructional Materials	The policy, footnotes, and Legal References are updated to move optional language previously within footnote 4 into the body of the policy. Footnote 4 is updated to note this is a best practice.	<input type="checkbox"/>
6:290, Homework	The policy is unchanged. Minor continuous improvement updates are made to the footnotes.	<input type="checkbox"/>

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

Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
6:310-E, Exhibit - Class Substitution Request	The exhibit is updated <i>to more accurately reflect the language of 23 Ill.Admin. Code 1.445</i> . Minor continuous improvement updates are made to the exhibit and footnotes.	<input type="checkbox"/>
6:330, Achievement and Awards	The policy is unchanged. Minor continuous improvement updates are made to the footnotes.	<input type="checkbox"/>
7:80, Release Time for Religious Instruction/Observance	The policy and footnotes are updated with minor corrections for style.	<input type="checkbox"/>
7:140-AP, Administrative Procedure - Use of Metal Detectors for Student Safety	The procedure is updated to incorporate best practice recommendations for conducting searches as set forth in Board policy 7:140, Search and Seizure. A sentence added to the <b>Metal Detectors</b> section clarifies best practice regarding when an individual may be subjected to a pat-down search.	<input type="checkbox"/>
7:160, Student Appearance	The policy is unchanged but for one minor (s) inserted at the end of the policy's last sentence. Minor continuous improvement updates are made to the footnotes.	<input type="checkbox"/>
7:275, Orders to Forgo Life-Sustaining Treatment	The policy is updated with suggestions from members of the <b>PRESS</b> Advisory Board (PAB). More members of the multi-disciplinary team are added. Footnotes are updated and added to discuss potential liability issues and provide options for the work of the multi-disciplinary team.	<input type="checkbox"/>
7:340-AP1, E2, Exhibit - Using a Photograph or Video Recording of a Student	The exhibit is updated with minor corrections for style.	<input type="checkbox"/>
7:340-AP1, E5, Exhibit - Biometric Information Collection Authorization	The exhibit is updated to delete language regarding a student's graduation, marriage, or entry into military service because that language comes from the Illinois School Student Records Act. This exhibit solely addresses biometric information collection permitted by Section 10-20.40 of the School Code. Other minor style updates are made.	<input type="checkbox"/>
7:340-AP2, Administrative Procedure - Storage and Destruction of School Student Records	The procedure is updated with minor corrections for style and to update web links.	<input type="checkbox"/>
7:340-AP2, E1, Exhibit - Letter Containing Schedule for Destruction of School Student Records	The exhibit is updated with minor corrections for style.	<input type="checkbox"/>
8:20-E, Exhibit - Application and Procedures for Use of School Facilities	The exhibit and footnote are updated with minor corrections for style.	<input type="checkbox"/>
8:70, Accommodating Individuals with Disabilities	The policy and footnotes are updated to clarify that Title II of the ADA applies to website accessibility.	<input type="checkbox"/>



# DRAFT UPDATE

Harvey Public Schools District 152

2:220-E3

## Board of Education

### Exhibit - Closed Meeting Minutes

#### Closed Meeting Minutes

*Items in bold are required by 5 ILCS 120/2.06(a)(1)-(3). Non-bolded items align with best practices.*

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Name of person(s) taking and recording the minutes: \_\_\_\_\_

Name of person presiding: \_\_\_\_\_

#### Members in attendance:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

#### Members absent:

- 1.
- 2.
- 3.

Summary of the discussion on all matters (as specified in the vote to close the meeting):

Basis for the finding that litigation is probable or imminent, if applicable (5 ILCS 120/2(c)(11)):

Time of adjournment or return to open meeting: \_\_\_\_\_

*The Board of Education, during its semi-annual review of closed session minutes, has decided these minutes no longer need confidential treatment. 5 ILCS 120/2.06(d).*

☐ These minutes are available for public inspection as of: \_\_\_\_\_ .  
(Date)

#### Commented [APowell1]:

Requirements previously included in the footnote of the PRESS sample have been incorporated into this exhibit.

Issue 95, July 2017



# ***DRAFT UPDATE***

| DATED: April 16, 2014



# DRAFT UPDATE

Harvey Public Schools District 152

2:260

## Board of Education

### Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the Board of Education, its employees, or its agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)
7. Bullying, 105 ILCS 5/27-23.7
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
9. Curriculum, instructional materials, and/or programs
10. Victims' Economic Security and Safety Act, 820 ILCS 180
11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students
13. Illinois Whistleblower Act, 740 ILCS 174/.
14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.)
15. Employee Credit Privacy Act, 820 ILCS 70/.

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this procedure policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this procedure policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to the grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

### Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

### Deadlines

All deadlines under this procedure policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

#### Commented [APowell1]:

Title II of the ADA of 1990 also includes website accessibility. Addressing website accessibility is complicated. Many entities addressing website accessibility use *Web Content Accessibility Guidelines* (WCAG) 2.0, a frequently cited accessibility standard that contains guidelines developed by a private group of accessibility experts. WCAG 2.0 is the standard the U.S. Dept. of Justice referenced in its recent Title II rulemaking. While it is not adopted as the formal legal standard for public accommodation websites, it has been used in many consent decrees and settlement agreements. Find it at: [www.w3.org/TR/WCAG20/](http://www.w3.org/TR/WCAG20/).

To avoid allegations that a district violated Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA of 1990, many attorneys suggest that school districts' websites meet the WCAG 2.0 guidelines.

See also policy 8:70, *Accommodating Individuals with Disabilities*.

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#### Commented [APowell2]:

Edits are made throughout to clarify that, although titled "Uniform Grievance Procedure," this is a Board policy.

Issue 95, July 2017



# DRAFT UPDATE

## Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For bullying and cyber-bullying, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

## Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law; ~~or~~ this policy, ~~or~~ (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, ~~or~~ (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this ~~procedure-policy~~ about the status of the investigation. Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with the following section of this policy. The Superintendent will keep the Board informed of all complaints.

## Decision and Appeal

Within ~~5-five~~ school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board. Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within ~~5-five~~ school business days of the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

This ~~policy-grievance procedure~~ shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.



# DRAFT UPDATE

## Appointing a Nondiscrimination Coordinator and Complaint Managers

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint ~~2~~ two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

### **Nondiscrimination Coordinator:**

Superintendent \_\_\_\_\_  
Name  
16001 Lincoln Avenue, Harvey, IL 60426  
Address  
swhitaker@harvey152.org  
Email  
708.333.0300  
Telephone

### **Complaint Managers:**

Superintendent \_\_\_\_\_  
Name  
16001 Lincoln Avenue, Harvey, IL 60426  
Address  
swhitaker@harvey152.org  
Email  
708.333.0300  
Telephone

I Director of Special Services  
Name  
16001 Lincoln Avenue, Harvey, IL 60426  
Address  
quintellabounds@harvey152.org  
Email  
708.333.0300  
Telephone

# DRAFT UPDATE

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.  
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.  
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.  
Equal Pay Act, 29 U.S.C. §206(d).  
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.  
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.  
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.  
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.  
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.  
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.  
Illinois Genetic Information Privacy Act, 410 ILCS 513/.  
Illinois Whistleblower Act, 740 ILCS 174/.  
Illinois Human Rights Act, 775 ILCS 5/.  
Victims' Economic Security and Safety Act, 820 ILCS 180/, 56 Ill.Admin.Code Part 280.  
Equal Pay Act of 2003, 820 ILCS 112/.  
Employee Credit Privacy Act, 820 ILCS 70/.  
23 Ill.Admin.Code §§1.240 and 200-40.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 6:120 (Education of Children with Disabilities), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public Suggestions and Concerns)

ADOPTED: ~~December 21, 2015~~



# DRAFT UPDATE

Harvey Public Schools District 152

6:80

## Instruction

### Teaching About Controversial Issues

The Superintendent shall ensure that all school-sponsored presentations and discussions of controversial or sensitive topics in the instructional program, including those made by guest speakers, are:

- Age-appropriate. Proper decorum, considering the students' ages, should be followed.
- Consistent with the curriculum and serve an educational purpose.
- Informative and present a balanced view.
- Respectful of the rights and opinions of everyone. Emotional criticisms and hurtful sarcasm should be avoided.
- Not tolerant of profanity or slander. ~~Disruptive conduct is prohibited and may subject a student to discipline.~~

The District specifically reserves its right to stop any school-sponsored activity that it determines violates this policy, is harmful to the District or the students, or violates State or federal law.

CROSS REF.: 6:40 (Curriculum Development), 6:255 (Assemblies and Ceremonies)

ADOPTED: April 16, 2014

**Commented [APowell1]:**

The specific reference to student discipline is deleted to keep the focus of this policy on the broader topic of teaching.

Issue 95, July 2017

# DRAFT UPDATE

Harvey Public Schools District 152

6:180

## Instruction

### Extended Instructional Programs

The District may offer the following programs in accordance with State law and the District's educational philosophy:

1. Nursery schools for children between the ages of 2 and 6 years.
2. Before-and after-school programs for students in grades K-8.
3. Child care and training center for pre-school children and for students whose parents work.
4. Tutorial program.
5. Summer school, whether for credit or not.
6. Activities to address intergroup conflict.
7. Saturday school.

LEGAL REF.: 105 ILCS 5/10-22.18a, 5/10-22.18b, 5/10-22.18c, 5/10-22.20, 5/10-22.20a, 5/10-22.20b, 5/10-22.20c, 5/10-22.29, 5/10-22.33A, 5/10-22.33B, 5/10-23.2, 5/27-22.1, 5/27-22.3, 5/27-23.6, 110/3, and 433/.

**Commented [APowell1]:**  
The Legal References have been updated.

Issue 95, July 2017

CROSS REF.: 6:320 (High School Credit for Proficiency)

ADOPTED: April 16, 2014



# DRAFT UPDATE

Harvey Public Schools District 152

6:210

## Instruction

### Instructional Materials

All District classrooms and learning centers should be equipped with an evenly-proportioned, wide assortment of instructional materials, including textbooks, workbooks, audio-visual materials, and electronic materials. These materials should provide quality learning experiences for students and:

1. Enrich and support the curriculum;
2. Stimulate growth in knowledge, literary appreciation, aesthetic values, and ethical standards;
3. Provide background information to enable students to make informed judgments and promote critical reading and thinking;
4. Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society; and
5. Contribute to a sense of the worth of all people regardless of sex, race, religion, nationality, ethnic origin, sexual orientation, disability, or any other differences that may exist.

The Superintendent or designee shall annually provide a list or description of textbooks and instructional materials used in the District to the Board of Education. Anyone may inspect any textbook or instructional material.

Teachers are encouraged to use age-appropriate supplemental material only when it will enhance, or otherwise illustrate, the subjects being taught and to ensure it is age-appropriate. No R-rated movie shall be shown to students unless prior approval is received from the Superintendent or designee, and no movie rated NC-17 (no one 17 and under admitted) shall be shown under any circumstances. These restrictions apply to television programs and other media with equivalent ratings. The Superintendent or designee shall give parents/guardians an opportunity to request that their child not participate in a class showing a movie, television program, or other media with an R or equivalent rating.

**Commented [APowell1]:**  
Edited for clarity.

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### Instructional Materials Selection and Adoption

The Superintendent shall recommend to the Board for consideration and adoption all textbooks and instructional materials and shall include the following information: (1) title, publisher, copyright dates, number of copies desired, and cost; (2) any texts being replaced; and (3) rationale for recommendation. The School Code governs the adoption and purchase of textbooks and instructional materials.

**Commented [APowell2]:**  
Optional. While allowing parents/guardians to opt their child out of viewing such material is not a legal requirement, it is a best practice.

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LEGAL REF.: 105 ILCS 5/10-20.8, ~~5/40-20.9~~, and 5/28-19.1.

CROSS REF.: 6:30 (Organization of Instruction), 6:40 (Curriculum Development), 6:80 (Teaching About Controversial Issues), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Concerns)

ADOPTED: April 16, 2014

# DRAFT UPDATE

Harvey Public Schools District 152

7:275

## Students

### Orders to Forgo Life-Sustaining Treatment

Written orders from parent(s)/guardian(s) to forgo life-sustaining treatment for their child or ward must be signed by the child's physician and given to the Superintendent. This policy shall be interpreted in accordance with the Illinois Health Care Surrogate Act, (755 ILCS 40/).

Whenever an order to forgo life-sustaining treatment is received, the Superintendent shall convene a multi-disciplinary team that includes:

1. The child, when appropriate;
2. The child's parent(s)/guardian(s); and
3. Other medical professionals, e.g., licensed physician, physician's assistant, or nurse practitioner;
4. Local first responders for the building in which the child is assigned to attend school;
5. The school nurse;
6. Clergy, if requested by the child or his or her parent(s)/guardians(s);
7. Other individuals to provide support to the child or his or her parent(s)/guardian(s); and as well as
8. School personnel designated by the Superintendent.

The team shall determine guidelines ~~specific interventions~~ to be used by school staff members in the event the child suffers a life-threatening episode at school or a school event.

The District personnel shall convey orders to forgo life-sustaining treatment to the appropriate emergency or healthcare provider.

LEGAL REF.: Health Care Surrogate Act, 755 ILCS 40/  
Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990).  
In re: C.A., a minor, 603 N.E.2d 1171 (Ill.App.1, 1992).

ADOPTED: April 16, 2014

#### **Commented [APowell1]:**

This optional policy is updated with suggestions from the PRESS Advisory Board (PAB). More members of the multidisciplinary team are added.

Consult the board attorney regarding the establishment of a multi-disciplinary team and whether attendance at meetings is necessary.

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#### **Commented [APowell2]:**

Consult the board attorney about requiring teachers and other non-administrative school employees to administer medical care and/or treatment to students who are the subject of orders to forgo life-sustaining treatment. Generally, only licensed (formerly certificated) school nurses and non-licensed (formerly non-certificated) registered professional nurses may be required to administer medication to students. See 105 ILCS 5/10-22.21b.

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#### **Commented [APowell3]:**

Either or both of the following optional sentences may be added at the end of this paragraph:

**Option 1:** The Superintendent or designee will ensure minutes are taken that summarize the decisions and guidelines made during multi-disciplinary meetings and obtain signatures of the child's parent(s)/guardian(s) on the minutes of each multi-disciplinary meeting.

**Option 2:** The Superintendent or designee will monitor the effectiveness of the guidelines established during the multi-disciplinary meetings at times the multi-disciplinary team determines are necessary.

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# DRAFT UPDATE

Harvey Public Schools District 152

8:70

## Community Relations

### Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities and will not be subject to illegal discrimination. When appropriate, the District may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others.

The District will provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, website, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Superintendent or designee is designated the Title II Coordinator and shall:

1. Oversee the District's compliance efforts, recommend necessary modifications to the School Board, and maintain the District's final Title II self-evaluation document, update it to the extent necessary, and keep it available for public inspection for at least 3-three years after its completion date.
2. Institute plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the Superintendent or Building Principal if they have a disability that will require special assistance or services and, if so, what services are required. This notification should occur as far in advance as possible of the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Superintendent or designated Title II Coordinator, or by filing a grievance under the Uniform Grievance Procedure.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq.; 28 C.F.R. Part 35.  
Rehabilitation Act of 1973 §104, 29 U.S.C. §794 (2006).  
105 ILCS 5/10-20.51.  
410 ILCS 25/, Environmental Barriers Act.  
71 Ill.Admin.Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and Expansion Programs)

ADOPTED: January 17, 2017

#### **Commented [APowell1]:**

"Website" was added to the policy to clarify that Title II of the ADA applies to websites. Even though the law has always included websites, websites have emerged into everyday life since this law was passed. Adding website to the policy is a way to inform the community that websites are included under Title II of the ADA.

See also policy 2:260, *Uniform Grievance Procedure*. While the U.S. Dept. of Justice (DOJ) under President Obama's Administration proposed regulations for public accommodations of websites (set to be final in 2018), President Trump signed an executive order in early 2017 entitled *Reducing Regulation and Controlling Regulatory Costs*, which makes it highly unlikely that the DOJ will issue any website regulations during the Trump Administration's tenure.

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#### **Commented [APowell2]:**

Consult the board attorney about procedures for the superintendent or designee to perform his or her duties as Title II Coordinator.

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