

Operational Services

Administrative Procedure - Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; and Bus Driving Comments

Bus Driver Communication Devices

State law prohibits a school bus driver from operating a school bus while using a cellular radio telecommunication device, [which includes a cell phone](#). It requires each school bus to contain either an operating cellular radio telecommunication device or two-way radio while the school bus driver is in possession of the school bus. The cellular radio telecommunication device or two-way radio must be turned on and adjusted in a manner that would alert the driver of an incoming communication request. 625 ILCS 5/12-813.1(b), (e).

Bus drivers may still have cell phones although they are prohibited from using cell phones [or any cellular radio telecommunication device](#) for anything, including personal use, while operating a bus except: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) to call for assistance in the event of a "mechanical breakdown or other mechanical problem;" (3) to communicate with school authorities or their designees about bus operation or the welfare and safety of any passengers on the bus; or (4) when the bus is parked. 625 ILCS 5/12-813.1(c).

Bus/Vehicle Pre-Trip and Post-Trip Inspection ¹

All school bus drivers, whether employed by the School District or private sector school bus company, shall perform each of the following:

1. Comply with the applicable pre-trip inspection of the mechanical and safety equipment on the school bus listed on the *School Bus Driver Pre-Trip Inspection Form* (92 Ill.Admin.Code §§458.1030 and 458.ILLUSTRATION A, *School Bus Driver's Pretrip Inspection Form*). **Note:** 92 Ill. Admin. Code §458.1030(u) requires any variations from the form to be approved by the Dept. of Transportation by calling (217) 785-3031 or writing to:
 Vehicle-Inspection Unit Manager
 Ill. Dept. of Transportation, Div. of Traffic Safety
 1340 North 9th St.
 P.O. Box 19212
 Springfield, IL 62794-9212
2. Test the cellular radio communication device or two-way radio and ensure that it is functioning properly before the bus is operated. 625 ILCS 5/12-816.

The footnotes should be removed before the material is used.

¹ 625 ILCS 5/12-816(a) requires districts to have a pre-trip and post-trip inspection policy. Sample policy 4:110, *Transportation*, requires the superintendent or designee to develop the inspection procedures. 23 Ill.Admin.Code §1.510 requires bus drivers to follow this administrative procedure. ~~and~~ 92 Ill.Admin.Code §440.420(h) requires [that if a mechanical or electronic child check system is installed, then it must illuminate the interior lights on the bus when the ignition is turned off](#) bus drivers to follow this procedure. 92 Ill.Admin.Code §1035.45 requires the bus driver's prospective or current employer to notify the Secretary of State whenever the bus driver failed to perform the pre-trip and post-trip inspection process.

3. Perform a visual sweep for children or other passengers at the end of a route, work shift or workday by:
 - a. Activating interior lights of the school bus to assist the driver in searching in and under each seat (625 ILCS 5/12-816(c)), and
 - b. Walking to the rear of the school bus/vehicle checking in and under each seat (625 ILCS 5/12-816(a), (b)).

If a mechanical post-trip inspection reminder system is installed, the driver shall comply with the requirements of that system. 625 ILCS 5/12-816(d).

Bus Driving Comments²

Each school bus and multifunction school activity bus shall display a sign at the rear, with letters and numerals readily visible and readable, in the following form:

TO COMMENT ON MY DRIVING, CALL [*insert District area code and telephone number*]³

Driving comments shall be accepted in the following manner:

1. Calls to comment on school bus driving shall be directed to the Superintendent or designee.
2. The Superintendent or designee shall conduct an internal investigation of the events that led to each complaint. Required for districts that own school buses by 625 ILCS 5/12-821(c)(1).
3. The Superintendent or designee shall inform the commenting party of the results of any investigation and the action, if any, taken to remedy the situation. Required for districts that own school buses by 625 ILCS 5/12-821(c)(2).

The footnotes should be removed before the material is used.

² This section applies only to districts that own school buses. 625 ILCS 5/12-821(b). The Ill. Vehicle Code requires school bus owners to display an area code and telephone number at the rear of all buses for the purpose of commenting on school bus driving. *Id.* at (a). It allows school bus owners who, before 1-1-10, placed a sign without an area code to use that sign until the owner replaces the sign. School bus owners must also establish their own procedures for accepting calls and taking complaints. *Id.* at (b).

Although not mandatory, best practice for school districts that do not own school buses is to replace the content of this subhead with the following sentences; the procedural expectation should also be included in contracts with private carriers:

Every comment that a private company receives about a driver must be noted in writing along with the follow-up activity, and a copy sent or emailed to the Superintendent or designee. The Superintendent will communicate regularly with the school bus owner to ensure bus driving comments are accepted and investigated in accordance with State law.

³ An area code in addition to the telephone number of the school bus owner must be displayed, regardless of whether the owner is a school district or another person or entity. 625 ILCS 5/12-821(a). This sample administrative procedure's language assumes the district owns the school bus.

Although not mandatory, school districts that do not own school buses should replace #2 with the following sentences; the procedural expectation should also be included in contracts with private carriers:

Every comment that a private company receives about a driver must be noted in writing along with the follow-up activity, and a copy sent or emailed to the Superintendent or designee. The Superintendent will communicate regularly with the school bus owner to ensure bus driving comments are accepted and investigated in accordance with State law.

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Operational Services

Exhibit - Accident or Injury Form ¹

The supervisory staff member must complete this form for submission to the Superintendent whenever any person is injured on District property or at a District-sponsored event.

Name of injured person _____

Date of Birth _____ Telephone _____

Email _____

Address _____

Class, activity, or event _____

Accident location _____

Accident date _____ Time of accident _____

How did the accident occur? (Describe sequence of events) _____

Emergency contact notified? ☐ Yes ☐ No If no, explain why: _____

If yes, provide the following:

Contact name _____ Relationship _____

Time and method of contact _____ By whom _____

Witnesses Information

Name	Address	Telephone	Email

First aid administered? ☐ Yes ☐ No (please explain): _____

If yes, describe first aid administered and by whom: _____

The footnotes should be removed before the material is used.

¹ A completed accident form can provide useful information for examining and evaluating risks as well as defending a lawsuit. Many insurance companies require completion of their own forms, which may be adequate without an additional accident form.

Supervisor (*please print*)

Supervisor Signature

Date

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Exhibit - Memo to Staff Members Regarding Contacts by Media About a Crisis

If the media attempts to contact you about a death or other crisis, please follow these guidelines:

1. It is perfectly ~~correct~~ acceptable to tell a reporter that you would rather not comment on the incident, especially if it has been an emotional strain. Rather than shouting, "No comment" (which could imply that you are trying to hide something), say something like, "This incident has affected the school community greatly, and I would prefer to not comment on it." ~~One~~ You should then refer the reporter to the Safety Program Coordinator, the person designated for the District's public relations, or other designated spokesperson.
2. According to School Board policy, ~~and~~ the Family Educational Rights and Privacy Act (FERPA), and the Ill. School Student Records Act (ISSRA), the only information about a student that the school is allowed to release is ~~a verification of period of attendance at the school. If the parent/guardian of a student under age 18, or a student aged 18 or older, gives permission, then certain directory information (name, address, grade level, participation in sports or activities, awards received, period of attendance in the school, etc. as defined by the District in its procedures implementing Board policy 7:340, Student Records), except that the parent/guardian of a student under age 18, or a student aged 18 or older, may prohibit its release may also be released. In the event of such approval Where no prohibition is on file, that information will be given to the media by the Superintendent or the designated spokesperson may provide that information to the media.~~
3. Best practices ~~are~~ is to avoid specific comments about students, such as the following: "_____ was a B student," "_____ was having trouble in class, and had been referred to the social worker last week," and "_____ was constantly in trouble for dealing drugs and smoking on school grounds." Do not speculate, assume, or hypothesize. If a reporter persists with ~~these~~ questions, say something like, "Board policy prohibits me from specifically commenting on any student. Furthermore, I wish to respect the family's privacy."
4. Do not feel compelled to correct a reporter if a reporter tells you incorrect information. For example, to try and obtain more information, a reporter might say, "I was informed the student was failing...." Refer the reporter to the Safety Program Coordinator, the person designated for the District's public relations, or ~~the other~~ designated spokesperson.
5. For persistent reporters, it may be helpful to acknowledge that you understand that ~~he or she~~ has they have a job to do, but you have a job to do as well, and you do not have the authority to comment.
6. If you choose, you may make your own personal comments about how the crisis has affected you. If the incident involved an athlete's death, the coach might say, "_____ 's death is very tragic, and the team and I will miss him/her/them."
7. You may also address actions the school is taking to deal with the crisis. For example, you could say, "Although this is a terrible situation, we are fortunate to have a crisis plan to counsel students and faculty who are understandably upset."
8. Do not agree to set up interviews with students. All requests for interviews should be directed to the Safety Program Coordinator, the person designated for the District's public relations, or ~~the other~~ designated spokesperson.

9. Media ordinarily should not be in a school building following a crisis (see *Appendix F: Planning for the Psychological Aftermath of School Tragedy* of the Ill. State Board of Education *School Emergency and Crisis Response Plan Guide*, available at: www.isbe.net/Pages/School-Emergency-and-Crisis-Response-Plan-Guide.aspx). If you are approached by a member of the media in a school building, immediately notify the Building Principal or other administrator.
10. Do not speculate or comment on the cause of death or other crisis, especially in an apparent suicide or murder. Tell reporters that information on the death should be obtained from the police department.
11. Remember, you do not have to answer any questions ~~at all~~ and may choose to simply refer all reporters to the Safety Program Coordinator, the person designated for the District's public relations, or ~~the other~~ designated spokesperson.

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Operational Services

Administrative Procedure - Routine Communications Concerning Safety and Security

This procedure's purpose is to identify and organize the District's routine communications to stakeholders regarding safety and security. These routine communications are an integral part of the District's coordinated communication system. Communications to stakeholders that do not concern safety or security are organized with their respective topics.

Form, Memo, or Letter	Explanation
4:15-E1, <i>Letter to Employees Regarding Protecting the Privacy of Social Security Numbers</i>	Board policy makes the Superintendent responsible for ensuring that the District complies with the Identity Protection Act, 5 ILCS 179/. The letter in exhibit 4:15-E1 informs staff members about their obligation to protect the privacy of sSocial sSecurity numbers. Exhibits 4:15-E2 and 4:15-E3 fulfill the requirement in the Identity and Protection Act to provide a statement of the purposes for which the District is collecting and using sSocial sSecurity numbers.
4:15-E2, <i>Statement of Purpose for Collecting Social Security Numbers</i>	
4:15-E3, <i>Statement for Employee Manual or District Website Describing the District's Purpose for Collecting Social Security Numbers</i>	
4:110-E, <i>Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses</i>	The parent/guardian of a student with special needs or medical conditions completes this form to provide information to bus drivers and emergency medical technicians. One copy is kept at the school and another copy on the student's school bus in a secure location. 105 ILCS 5/10-20.35 encourages, but does not require, this communication.
4:170-AP1, E1, <i>Accident or Injury Form</i>	This form documents an accident or injury. It provides useful information for examining and evaluating risks. Many insurance companies require completion of their own forms.
4:170-AP1, E2, <i>Memo to Staff Members Regarding Contacts by Media About a Crisis</i>	This memo is intended to encourage staff members to refer questions from the media to the District spokesperson to avoid disseminating incomplete or inaccurate information, or unintentionally violating student privacy rights.
4:170-AP2, E1, <i>Letter to Parents/Guardians Regarding Student Safety</i>	This letter is intended to gain the support and cooperation of parents/guardians concerning the District's safety and security plan. It should align with 4:170-AP1, <i>Comprehensive Safety and Security Plan</i> .
4:170-AP2, E2, <i>Letter to Parents/Guardians Regarding the Dangers of Underage Drinking</i>	This letter informs parents/guardians about: (1) the dangers of underage drinking, (2) the prohibition on serving alcohol to minors, and (3) the punishment for

Form, Memo, or Letter	Explanation
	violating these laws. House Resolution 98-162 encourages, but does not require, this communication.
4:170-AP2, E3, <i>Letter to Parents/Guardians About Disruptive Social Media Apps; Dangers</i>	This letter informs parents/guardians about social media apps that can be harmful and disruptive. It describes <i>hyperlocal</i> social media apps, e.g., <i>YikYak</i> , that use GPS on cell phones to target groups in specific areas; and temporary social media apps that offer a false sense of anonymity or a false belief that content disappears after a certain set time limit , e.g., ask.fm and Snapchat ; <u>and gaming apps that may present safety risks, e.g., Roblox.</u>
4:170-AP2, E4, <i>Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting</i>	Informing <u>This letter informs</u> parents/guardians about sexting, <u>which</u> may help gain their support and cooperation to end sexting and its resulting disruption to the educational environment.
4:170-AP2, E5, <i>Notice to Parents/Guardians of Lockdown Drill; Opt-out</i>	This notification informs <u>notifies</u> parents/guardians in advance of any law enforcement lockdown drill addressing a school shooting incident that involves student participation, as required by 105 ILCS 128/20(c), <u>amended by P.A. 103-197.</u>
4:170-AP2, E6, <i>Letter to Parents/Guardians About Safe Firearm Storage</i>	<u>This letter informs parents/guardians of the benefits of safe firearm storage for keeping the school community, buildings, and grounds safe.</u>
4:170-AP6, E1, <i>School Staff AED Notification Letter</i>	This letter informs staff members of <u>automated external defibrillator (AED)</u> locations and instructions for responding to medical emergencies, as required by 77 Ill.Admin.Code §527.800(b).
4:170-AP6, E2, <i>Notification to Staff and Parents/Guardians of CPR and AED Video</i>	This notification informs <u>exhibit notifies</u> parents/guardians and staff of the training video on hands-only cardiopulmonary resuscitation and automated external defibrillators <u>AEDs</u> available on the Ill. High School Association (IHSA) website. Required by 105 ILCS 25/1.10.
4:175-AP1, E1, <i>Informing Parents/Guardians About Offender Community Notification Laws</i>	This notification informs <u>exhibit notifies</u> parents/guardians that information about sex offenders and violent offenders against youth is available on the Ill. State Police's website. It is provided during school registration or parent-teacher conferences, as required by 730 ILCS 152/.

Form, Memo, or Letter	Explanation
6:235-AP1, <i>Acceptable Use of the District's Electronic Networks</i> 6:235-AP1, E1, <i>Student Authorization for Access to the District's Electronic Networks</i> 6:235-AP1, E2, <i>Staff Authorization for Access to the District's Electronic Networks</i> 6:235-E3, <i>Online Privacy Statement</i> 6:235-E4, <i>Online Safety Resources</i>	Internet safety is promoted by wide distribution of the District's rules and guidelines <u>and other resources for parents/guardians and students</u>.
6:235-E54, <i>Children's Online Privacy Protection Act/Keeping Yourself and Your Kids Safe on Social Networks</i>	Many parents/guardians are unaware that the Children's Online Privacy Protection Act gives them control over the types of information that websites can collect from their children. This document's purpose is to provide information to <u>informs</u> parents/guardians about this Act.
6:250-E, <i>Resource Person and Volunteer Information Form and Waiver of Liability</i>	Board policy makes the Superintendent responsible for establishing procedures for securing and screening resource persons and volunteers. This form is completed by an individual who wants to be a resource person and/or volunteer in a school.
7:180-AP1, E2, <i>Be a Hero by Reporting Bullying</i>	The District's anti-bullying program seeks to stop bullying and school violence. This exhibit's purpose is to <u>encourage</u>s reporting by both witnesses and victims.
7:180-AP1, E3, <i>Memo to Staff Regarding Bullying</i>	The District's anti-bullying program seeks to stop bullying and school violence. This exhibit informs staff members about the District's anti-bullying program and its expectations of staff members.
7:180-AP1, E4, <i>Memo to Parents/Guardians Regarding Bullying</i>	The District's anti-bullying program seeks to stop bullying and school violence. This exhibit informs parents/guardians of the District's anti-bullying program and encourages them to help the District identify students who are being bullied.
7:180-AP1, E5, <i>Report Form for Bullying</i>	The District's anti-bullying program seeks to stop bullying and school violence. This form is completed by the bullying target, witness, or other person and submitted to the Building Principal's office. Its purpose is to expedite bullying reports.
7:185-E, <i>Memo to Parents/Guardians Regarding Teen Dating Violence</i>	This memo informs students and their parents/guardians about the Board's policy prohibiting teen dating violence. Required by 105 ILCS 110/3.10(b)(5) <u>5/27-240(a)(5)</u>, <u>renumbered by P.A. 104-391</u>.

Form, Memo, or Letter	Explanation
7:270-E1, <i>School Medication Authorization Form</i>	This form offers a systematic process for parents/guardians to provide notice and instructions to the school nurse or other staff member regarding <u>student use of medications, asthma inhalers, and/or epinephrine injectors during school hours or school-related activities.</u>
7:270-E2, <i>School Medication Authorization Form - Medical Cannabis</i>	This form offers a systematic process for parents/guardians to provide notice and instructions to the school nurse or other staff member regarding student use of medical cannabis <u>during school hours or school-related activities.</u>
7:280-E3, <i>Preventing Staphylococcal Infections for Schools</i>	This exhibit contains information for letter informs students and their parents/guardians and staff members <u>concerning about</u> preventing staphylococcal infections in schools.
7:300-E1, <i>Agreement to Participate</i>	This exhibit documents that a student athlete and his or her parent/guardian were informed about the risks inherent in sports and received IHSA's: (1) information about performance enhancing substances testing program, and (2) Concussion Information Sheet. It also asks the parent/guardian for emergency contacts.
7:300-E2, <i>Certificate of Physical Fitness for Participation in Athletics</i>	This certificate provides <u>documentation</u> that the parent/guardian believes that his or her student athlete is in good health and capable of participating in the sport or activity. The parent/guardian also provides a short medical history and current medications for the student athlete.
7:300-E3, <i>Authorization for Medical Treatment</i>	Parents/guardians sign this form to authorize medical treatment of their child who is a student athlete.
8:30-E1, <i>Letter to Parent Regarding Visits to School by Child Sex Offenders</i>	This exhibit informs parents/guardians that State law restricts when a child sex offender may be on school property. It provides instructions to any parent/guardian who is a child sex offender.
8:30-E2, <i>Child Sex Offender's Request for Permission to Visit School Property</i>	A child sex offender uses this exhibit to request permission to visit school property. He or she must provide the reason(s) for seeking permission to visit school property.

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Operational Services

Administrative Procedure - National Terrorism Advisory System

The National Terrorism Advisory System (NTAS) is designed to convey timely information to the American public about terrorist threats. NTAS issues two types of advisories: *Bulletins* and *Alerts*, which are described below:

Bulletins — Communicate current developments or general trends about terrorism threats without necessarily indicating a specific threat. This means a Bulletin provides broad terrorism threat information that allows recipients to quickly take protective measures.

Alerts — Are only issued when specific, credible information about a terrorist threat is available. An Alert may include specific information, if available, about the nature of the threat, including the geographic region, mode of transportation, or critical infrastructure potentially affected by the threat, as well as steps that individuals and communities can take to protect themselves and help prevent, mitigate, or respond to the threat. Alerts carry an expiration date and will be automatically canceled on that date. Updates to an Alert, as well as ~~its~~ the cancellation of an Alert, will be distributed in the same way as the original Alert.

Alerts will state whether a threat is *elevated* or *imminent* as follows:

A threat is *elevated* if there is no specific information about the timing or target.

A threat is *imminent* if the threat is believed to be specific and impending.

NTAS advisories are issued by the U.S. Dept. of Homeland Security at: www.dhs.gov/national-terrorism-advisory-system.

District Response Measures

The Superintendent or designee is responsible for tracking Bulletins and Alerts and disseminating those that merit administrative review.

After receiving an NTAS advisory, the Superintendent, Building Principal or other appropriate administrator (*administrator*) will review it and determine what response measures, if any, should be taken. To determine the appropriate response, the administrator should assess the threat to District activities for which he or she is responsible and consider reviewing the threat with other administrators and/or public safety officials. A range of potential response measures are listed below in the column entitled **Potential Response Measures in Addition to Any Suggested by the NTAS Advisory**.

The Superintendent and Building Principal(s) should strongly consider closing school(s) and canceling activities whenever there is an imminent threat to the District or one of its buildings.

Response Category	Potential Response Measures in Addition to Any Suggested by the NTAS Advisory
Emergency Planning and Preparedness	Update the s School e Emergency o Operations and e Crisis r Response p Plan (SEOCRP), specifically the emergency and disaster response procedures. See administrative procedure

Response Category	Potential Response Measures in Addition to Any Suggested by the NTAS Advisory
	4:170-AP1, <i>Comprehensive Safety and Security Plan</i>, at Sections G and H. Address critical emergency needs under the direction of public safety officials. Coordinate emergency plans with county, State, and federal agencies. Inventory emergency supplies and equipment. Maintain current emergency communication lists for employees and students. Test alternative communication capabilities. Designate an alternative communications center located off school property. Review parent/guardian notification procedures. Review procedures to reunite students with their parents/guardians should schools close mid-day.
Communication/Activities with Employees	Instruct employees to report suspicious activities or persons to the administrative office. Conduct emergency and disaster response training for all employees. Disseminate emergency communications methods and resources, e.g., where to get information, to employees. Review SEOCRPs with all employees. Update employee emergency contact numbers.
Communication/Activities with Students	Instruct students to report suspicious activities or persons to any employee. Conduct school safety drills with students.
Classes and School Activities	Close school(s) early. Cancel classes. Cancel outside activities and field trips. Cancel all activities. Cancel regular and/or extracurricular bus service.
Building and Grounds Security	Reassess facility security measures, e.g., lock exterior doors. Increase building security throughout the school system. Implement visitor control procedures.

Response Category	Potential Response Measures in Addition to Any Suggested by the NTAS Advisory
	Limit visitor access to school. Prohibit visitor access to school. Prohibit parking near buildings. Request police department to increase patrols around school. Take additional precautions during events and activities, e.g., hiring additional security staff, restricting public access, or canceling the event/activity. In anticipation of a building lockdown, ensure each school building has a reasonable supply of food, drinking water, medical supplies, back-up communication equipment, generator, batteries, etc.
Parent/Guardian Communication	Disseminate emergency communications methods and resources, e.g., where to get information, to parents/guardians and the community. Update student emergency contact numbers. Test parent/guardian notification procedures. Increase communication with parents/guardians and community via website and email distribution. Inform parents/guardians of procedures to reunite students with parents/guardians should schools close mid-day.

Resources

For further information on NTAS (including to access NTAS Bulletins or Alerts, view sample NTAS advisories, sign up to receive NTAS Alerts, or add NTAS Alerts to a website) see: www.dhs.gov/national-terrorism-advisory-system.

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Operational Services

Administrative Procedure - School Action Steps for Pandemic Influenza or Other Virus/Disease

Building a strong relationship with the local health department and emergency medical agencies is critical for developing a meaningful school action plan to address pandemic influenza (flu) or other viruses/diseases. The key planning activities in this checklist should build upon the School District's existing contingency plans.

The following is a list of important step-by-step actions school officials should take before a pandemic flu or other virus/disease outbreak. This list needs to be repeated when an outbreak has several cycles or waves.

Prior to Outbreak/Preparedness and Planning Phase

Actor	Action
Superintendent or designee	Identify Pandemic Planning Team to operate as a Superintendent Committee that includes one or two School Board members, administrators, and staff members.
Superintendent and School Board	Identify, modify, and monitor relevant policies that a pandemic may possibly affect, including but not limited to: 1:20, <i>District Organization, Operations, and Cooperative Agreements</i> 2:20, <i>Powers and Duties of the School Board; Indemnification</i> 2:70, <i>Vacancies on the School Board - Filling Vacancies</i> 2:200, <i>Types of School Board Meetings</i> 2:220, <i>School Board Meeting Procedure</i> 3:70, <i>Succession of Authority</i> 4:130, <i>Free and Reduced-Price Food Services</i> 4:180, <i>Pandemic Preparedness; Management; and Recovery</i> 5:35, <i>Compliance with the Fair Labor Standards Act</i> 5:40, <i>Communicable and Chronic Infectious Disease</i> 5:180, <i>Temporary Illness or Incapacity</i> 5:185, <i>Family and Medical Leave</i> 5:200, <i>Terms and Conditions of Employment and Dismissal</i> 5:250, <i>Leaves of Absence</i> 5:270, <i>Employment At-Will, Compensation, and Assignment</i> 5:300, <i>Schedules and Employment Year</i> 5:330, <i>Sick Days, Vacation, Holidays, and Leaves</i> 6:20, <i>School Year Calendar and Day</i> 6:60, <i>Curriculum Content</i> 6:120, <i>Education of Children with Disabilities</i> 6:150, <i>Home and Hospital Instruction</i> 7:70, <i>Attendance and Truancy</i> 7:280, <i>Communicable and Chronic Infectious Disease</i>

Actor	Action
	8:100, <i>Relations with Other Organizations and Agencies</i>
Superintendent or designee and Pandemic Planning Team	Begin review and use of the following publications: For flu season: <u><i>School District (K-12) Pandemic Influenza Planning Checklist</i> at:</u>¹ www.idph.state.il.us/pandemic_flu/school_guide/sppg_checklist.pdf. For MPox: <u><i>Human Mpox Virus Interim Guidance for Schools</i> at:</u> https://dph.illinois.gov/topics-services/diseases-and-conditions/mpox/guidance/school-guidance.html For COVID-19 infections, generally: <u><i>Interim Guidance for Administrators of US K-12 Schools and Child Care Programs Preventing Spread of Infections in K-12 Schools</i> at:</u> www.cdc.gov/children-and-school-preparedness/infection-prevention/index.html www.cdc.gov/coronavirus/2019-nCoV/community/schools-childcare/k-12-guidance.html. Review and ensure a succession of authority plan exists in case Board members, administrators, and/or others are unable to fulfill duties during the pandemic. Succession plans for Board members unable to fulfill duties during the pandemic may create a vacancy on the Board. Discuss the issues of succession plans for elected officials with the Board Attorney. See Board policies 2:70, <i>Vacancies on the School Board - Filling Vacancies</i>, and 3:70, <i>Succession of Authority</i>. Work with local health and emergency preparedness officials. They may want to use the schools to disseminate information to families about a crisis. Train employees about <u>the Fair Labor Standards Act (FLSA)</u>, overtime, and recordkeeping requirements necessary to work during a pandemic while the District is closed. Open communications with employee unions regarding “wages, hours and terms and conditions of employment” during a pandemic.²

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The footnotes should be removed before the material is used.

¹ This comprehensive checklist was prepared by the U.S. Department of Health and Human Services (HHS) and the Centers for Disease Control and Prevention (CDC), a major operating component of HHS. School districts play an integral role in protecting the health and safety of their staff, students, and families. The HHS and CDC developed this checklist to assist school districts in developing and/or improving plans to prepare for and respond to a flu pandemic.

² During the COVID-19 pandemic, the Governor and the Ill. State Board of Education (ISBE) issued many directives and/or guidance. See the Ill. Gov., ISBE, Ill. Association of School Admin., Ill. Principals Assoc., Ill. Ed. Assoc., and Ill. Fed. of Teachers Joint Statement (*Joint Statement*) at: www.isbe.net/Documents/Joint-Statement-Updated%203-27-20.pdf.

Actor	Action
	Address policies for employee absenteeism, identifying critical job functions, plans for alternate coverage, and return-to-work policies as well as disease symptom recognition.³ Ensure resources for nurses and staff to receive training and personal protective equipment to identify flu or other pandemic disease symptoms. For flu reporting, see administrative procedure 4:180-AP2, Pandemic Influenza Surveillance and Reporting. Remember that a person who is infected does not show symptoms right away, but children becoming ill may show different behavior than usual, such as eating less or being irritable. Knowing the differences between seasonal and pandemic flu is also critical to pandemic preparedness. A fact sheet is available at: See https://dph.illinois.gov/topics-services/diseases-and-conditions/respiratory-disease/diseases/influenza/pandemic-flu.htmlwww.cdc.gov/flu/pandemic-resources/basics/about.html. Train staff to protect themselves from occupational exposure to flu or other disease through workplace <i>social distancing</i> based upon the Occupational Safety and Health Administration's (OSHA), <i>Guidance on Preparing Workplaces for an Influenza Pandemic</i>,⁴ which may be found at: www.osha.gov/pandemic-influenza. Ensure that Standard Surveillance disease recognition procedures are in place and implemented. See administrative procedure 4:180-AP2, Pandemic Influenza Surveillance and Reporting. For flu, encourage the use of simple non-medical ways to reduce the spread of flu by <i>cough and sneeze etiquette</i> and cleansing of hands and work areas. For COVID-19<i>infections, generally</i>, see Preventing Spread of Infections in K-12 Schools at: www.cdc.gov/children-and-school-preparedness/infection-prevention/index.htmlthe Interim Guidance for Administrators of US K-12 Schools and Child Care Programs, When there is no community transmission (preparedness phase) section at:

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³ This is an item on which collective bargaining may be required. Any matter that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the matter involves an inherent managerial right.

~~During the COVID-19 pandemic, the Governor and ISBE issued many directives and/or guidance about employees. See the Joint Statement (En2, above) and multiple IDPH-ISBE joint workplace health and safety guidance documents at: www.isbe.net/coronavirus.~~

⁴ U.S. Dept. of Labor, Occupational Safety and Health Administration, OSHA 3327-02N, 2007. The handbook provides a general overview of pandemic preparedness related to OSHA standards. It does not alter or determine compliance responsibilities in OSHA standards or the Occupational Safety and Health Act of 1970. Because interpretations and enforcement policy may change over time, consult current OSHA administrative interpretations and decisions by the Occupational Safety and Health Review Commission for additional guidance on OSHA compliance requirements.

Actor	Action
	www.ede.gov/coronavirus/2019-neov/community/schools-childcare/k-12-guidance.html. Decide to what extent the District will encourage or require students and staff to stay home when they are mildly ill. Some parents/guardians may need to be more cautious in keeping their students out of school. Identify students who have a greater risk of infection and are most vulnerable to serious illness. Review their health needs and encourage those families to talk with their health care providers. Assess nutritional assistance needs for students who receive free and reduced-price food programs. For more information about providing continuity of meal distribution for students eligible for reimbursable meals, see Q & A #5 at: www.isbe.net/Documents/usda_qa072309.pdf and monitor for any Ill. State Board of Education (ISBE) guidance ISBE's nutrition page specific to managing COVID-19 issues at: www.isbe.net/nutrition. Through consultation with the Regional Office of Education or Intermediate Service Center and local authorities, develop strategies for remote learning through collaborative agreements (television or other local cable stations, teleconferencing, electronic instructional resources, etc.). 105 ILCS 5/10-30, added by P.A. 101-643 and see administrative procedure 6:20-AP, Remote and/or Blended Remote Learning Day Plan(s). Educate staff, students, and parents/guardians about the differences between the various types of flu, other viruses, and/or other diseases, best hygienic practices to prevent them, and what could occur in a pandemic. See Sample Parent Letter #1, Preparation and Planning at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_ltr_preparation.pdf. Also see, Preparing for the Flu at: www.ede.gov/h1n1flu/schools/toolkit/pdf/schoolflutoolkit.pdf and www.dph.illinois.gov/topics-services/diseases-and-conditions/influenza#publications-publications-influenza. Review Sections IV and V of School Guidance During an Influenza Pandemic at: www.idph.state.il.us/pandemic_flu/schoolguide.htm.

Outbreak of Flu or Other Virus/Disease

Actor	Action
Superintendent or designee	Depending upon the type of virus/disease: For COVID-19, review the <i>Interim Guidance for Administrators of US K-12 Schools and Child Care Programs</i> at: www.ede.gov/coronavirus/2019-neov/community/schools-childcare/k-12-guidance.html.

Actor	Action
	For flu, consider issuing Sample Parent Letter # 2, First Bird Case at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_ltr_bird.pdf. Begin Heightened Surveillance responses. See administrative procedure 4:180-AP2, Pandemic Influenza Surveillance and Reporting. Issue Sample Parent/Guardian Letter #3, Illinois/Regional Cases, informing parents/guardians that some students are sick but schools remain open, include tip sheets and information resource list. A sample letter is at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_il_cases.pdf. Note: If this sample is used for another infection, such as COVID-19, amend it with those specifics.
Pandemic Planning Team	When a confirmed case has entered a school, regardless of community transmission, work with the local health department to issue a press release announcing that schools will remain open, if applicable, and advising parents/guardians to prepare. A sample, titled Schools Open, is at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_media_open.pdf. Note: If this sample is used for another infection, such as COVID-19, amend it with those specifics.
Building Principal	Post flu or other virus/disease prevention signs on campuses. See Section V of School Guidance During an Influenza Pandemic at: www.idph.state.il.us/pandemic_flu/schoolguide.htm. For infections, generally, see Preventing Spread of Infections in K-12 Schools at: www.cdc.gov/children-and-school-preparedness/infection-prevention/index.html [COVID-19, see Promoting Behaviors that Reduce Spread subhead in the CDC's Considerations for Schools at: www.cdc.gov/coronavirus/2019-nCoV/community/schools-childcare/schools.html, including a handwashing etiquette example at: www.cdc.gov/handwashing/when-how-handwashing.html].

Expansion of the Outbreak

Actor	Action
Local Health Department	Issue epidemic statement to general public.
Superintendent or designee	For flu, begin Intensive Surveillance responses. See administrative procedure 4:180-AP2, Pandemic Influenza Surveillance and Reporting .

Continued Expansion of the Outbreak

4:180-AP1

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Actor	Action
Local Health Department	Evaluate the need for school closure with local school officials.
Superintendent or designee	In consultation with local health department, emergency management agencies, and Regional Office of Education, close school(s). Issue press release. A sample, titled Schools Closed Closures, is at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_media_closed.pdf. Note: If this sample is used for COVID-19 another type of infection, such as COVID-19, amend it with those specifics. Issue Sample Parent Letter #4, School Closures. A sample is at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_closures.pdf. Note: If this sample is used for another type of infection, such as COVID-19, amend it with those specifics.
School Board and/or Superintendent	Cancel any non-academic events.

Following the Outbreak

Actor	Action
Local Health Department	Evaluate the advisability of opening school(s) with school officials.
Superintendent or designee	Issue press release that schools are open. Issue Sample Parent Letter #5, Schools Reopen. A sample is at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_reopening.pdf. Note: If this sample is used for another type of infection, such as COVID-19, amend it with those specifics.
Pandemic Planning Team	Continue communicating with local health department.
Superintendent or designee	For flu, return to Heightened Surveillance response. See administrative procedure 4:180-AP2, Pandemic Influenza Surveillance and Reporting. Begin checklist again if an outbreak recurs.

Local Health Department: ⁵

Regional Office of Education:

Name _____

Name _____

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⁵ For a local health department director, see www.cdc.gov/public-health-gateway/php/communications-resources/health-department-directories.html www.cdc.gov/publichealthgateway/healthdirectories/index.html.

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_____	_____
Address	Address
_____	_____
Telephone	Telephone
Emergency Management Agencies:	
_____	_____
Name	Name
_____	_____
Address	Address
_____	_____
Telephone	Telephone

Important Resources

ISBE and the Ill. Dept. of Public Health (IDPH) released a publication titled *School Guidance During an Influenza Pandemic*, December 2006 at:

www.idph.state.il.us/pandemic_flu/schoolguide.htm.

The resource is meant to guide and supplement, not replace, school districts' existing plans.

Further information on pandemic flu can be found by calling 1-800-CDC-INFO or at the following websites:

<https://dph.illinois.gov/topics-services/diseases-and-conditions/respiratory-disease/diseases/influenza/pandemic-flu.html>

www.cdc.gov/flu/pandemic-resources/index.htm

www.cdc.gov/flu

www.redcross.org

Further information on COVID-19 is subject to continual change. Follow the HHS/CDC and IDPH websites or call 1-800-CDC-INFO.

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OK as is
Share w/ Lisa,
Jen, Melissa

General Personnel

Administrative Procedure - Sample Questions and Considerations for Conducting the Internal Harassment in the Workplace Investigation

State and federal law prohibit harassment on the basis of an individual's actual or perceived ~~race, religion, national origin, sex (including pregnancy), sexual orientation, age, citizenship status, work authorization status, disability, or other~~ protected status, as identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. ~~For the purpose of this procedure, sexual harassment includes harassment on the basis of sexual orientation, which means actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity.~~

Pre-Investigation Considerations

Can the investigation be handled internally or should an external investigator be hired? ¹

Ensure that the internal investigator is qualified to conduct the investigation and the investigation can be done correctly.

The following issues should be addressed if the investigation will be handled by the District:

1. Discuss confidentiality with the complainant. Consider and explain how requirements as an employer in the public sector (subject to open records requests and other transparency laws) may impact the investigation practices and confidentiality protocols.
2. Consider whether to take immediate measures for the protection of the complainant or the alleged victim. Separating the complainant from the accused may be necessary to guard against continued harassment or potential retaliation.
3. Create an investigation plan. The plan should include a scope and objectives that clearly identify the issue(s) and policy violation(s) alleged to have occurred.
4. Establish methods to use in the investigation e.g., witness list, sources of evidence, interview questions, a process for documentation of interview notes, etc. and create a timeline for the investigation.

Investigation Considerations and Questions

The person charged with conducting the internal harassment investigation must ascertain: (1) if the alleged conduct occurred; (2) if the conduct was unwelcome; (3) if the harassing conduct was based on any protected status of the complainant; and (4) whether the harassment created a hostile environment in that it had the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. The questions that follow are designed to help the investigator uncover this evidence. *The questions below serve as a general sample; they are not all-inclusive, and the exact questions must be designed for the specific allegations in each case.*

The footnotes should be removed before the material is used.

¹ See f/n 19 of sample policy 2:260, *Uniform Grievance Procedure*, for discussion of appointing an outside investigator.

Did the alleged conduct occur?

Investigators should consider a number of factors in evaluating whether the complained of conduct occurred, such as:

1. The level of detail provided by the complainant/witness. In certain cases, a witness's ability to recall information may be impacted by past trauma. Consider the use of a trauma-informed approach in these circumstances.²
2. The consistency within and between a witness's statement(s).
3. The consistency between the witness's statements and those of other witnesses.
4. Corroborating witnesses and other evidence.
5. Body language/eye contact of the witness. In certain cases, the manner of a complainant's body language/eye contact during an interview may be attributable to the complainant's discomfort, rather than a lack of truthfulness.
6. The existence of a pattern of similar past behavior/harassment complaints involving the alleged harasser.
7. ~~Does Whether~~ the witness has~~ve~~ reason to be untruthful, such as a financial, social, reputational, or other personal stake in the outcome.~~?~~
8. Any corroborating documentation of the alleged conduct.

Is the conduct complained of unwelcome?

Unwelcome conduct is that verbal or physical conduct which the employee did not solicit or incite and that which the employee regarded as undesirable or offensive. The Equal Employment Opportunity Commission (EEOC) evaluates the issue of whether conduct was welcome on a case-by-case basis, considering the totality of the circumstances. The wise investigator will do the same.

Below are sample questions that can be used to formulate actual questions for this part of the investigation.

1. Who is the alleged harasser? What is the alleged harasser's name? Is the alleged harasser a co-worker or a supervisor?
2. Is the conduct complained of physical, verbal, and/or committed using an electronic device, such as, through email, text message, or a social networking websitemedia platform? Obtain relevant details for each incident (the Five W's: Who, What, Where, When, and Why).
3. If physical, describe with specificity the nature of the physical conduct. Inquire into all locations on the complainant's body that were touched and ask when, how often, how the complainant was approached, who witnessed the physical conduct, and where was the complainant when the conduct took place? Did the physical conduct involve an injury to or destruction of the complainant's possession(s) and, if so, what was the property, what was the nature of the injury, when did it happen, and where is the property now?
4. If the unwelcome conduct was verbal, what was stated, when, how often, where were the parties when the statements were made, and who witnessed the statements being made?
5. If the conduct was committed using an electronic device, e.g., through email, text message, or social networking websitemedia platform, what was stated, where, when, how often, who saw

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² For resources on a trauma-informed approach, see *SAMSA's Concept of Trauma and Guidance for a Trauma-Informed Approach* (Oct. 2014), at: www.netsn.org/sites/default/files/resources/resource-guide/samhsa_trauma.pdf www.store.samhsa.gov/product/SAMHSA's-Concept-of-Trauma-and-Guidance-for-a-Trauma-Informed-Approach/SMA14-4884, and www.sakitta.org/toolkit/index.cfm www.sakitta.org/toolkit/index.cfm?fuseaction=topic&topic=10.

it? Does the complainant still have access to the emails or, text messages, or social networking websites for the investigator's review?

6. Did the complainant or any of the witnesses retain any evidence of the offensive conduct such as a picture, email message, text message, or video or audio recording?
7. Was a complaint or protest made to anyone employed by the District or to anyone else? If so, to whom did the complainant complain, when was the complaint made, what was stated therein, and were there any witnesses to this or these complaints?
8. What was the complainant's response to the conduct? Did the complainant tell the alleged harasser to stop? Did the complainant complain to others about the alleged harasser's behavior? Did the complainant ask co-workers, supervisors or managers to make the harassment stop? If so, obtain all relevant details (the Five W's).
9. Did the complainant engage in any conduct with the alleged harasser that could have encouraged the alleged harasser's behavior? If so, what was the conduct, when and where did it occur, how often and who witnessed it?
10. Did the complainant make the alleged harasser aware at the point when the conduct became unwelcome? If so, when, how was this done, what was communicated to the alleged harasser, and were there any witnesses?
11. Did the complainant complain about the harassment to the alleged harasser, to the complainant's or alleged harasser's supervisors, other managers or others? If so, when were the complaints made, what was said, who was present, and what was the response to each complaint?
12. If no prior complaints about the alleged harassment were made, why not?
13. What other actions, if any, did the complainant take to indicate to the alleged harasser that the alleged harasser's conduct was unwelcome?
14. If they lack knowledge about the harassment, did co-workers, supervisors or managers notice any changes in complainant's behavior at work or in the alleged harasser's treatment of the complainant?
15. Has the alleged harasser been accused of harassment by other employees? If so, when, and were the allegations investigated? If so, what was the result of the investigation, and what was management's response, i.e., what remedy was imposed?

Did the work environment become hostile?

To ascertain whether unwelcome conduct creates an unlawful *hostile environment*, the major inquiry is whether the conduct had the purpose or effect of unreasonably interfering with an individual's performance or creates an intimidating, hostile, or offensive working environment. In the sexual harassment context, trivial or annoying conduct such as sexual flirtation or innuendo or vulgar language would probably not establish a hostile environment, but in certain circumstances the conduct when viewed in the aggregate can establish a hostile environment. The challenged conduct must substantially affect the work environment of a reasonable person for a violation to be found.

Consider the following additional questions for this part of the inquiry:

1. What effect, if any, did the alleged harassment have upon the complainant's ability to perform the complainant's job?
2. What effect, if any, did the alleged harassment have upon the complainant's mental or physical health or well-being? Was medical treatment/therapy sought?
3. Even if the alleged harassment had little, or no effect on the complainant's work performance or well-being, is there evidence, e.g., verbal or written comments, that the alleged harasser intended the conduct to have that effect?

4. **Additional question for sexual harassment complaints:** What was the sexual character of the work environment before the complainant entered the environment? Were sexual comments and actions common? If so, what types, when did they occur? Who was involved? Supervisors? Co-workers?
5. Did the character of the workplace change after complainant joined the workplace? If so, how? What was complainant's behavior? How did the alleged harasser and other co-workers or supervisors respond to complainant's behavior?
6. Was the complaint of verbal or physical behavior directed at persons other than complainant? If so, who were they? What conduct was directed towards them, when, how frequently, who was present, where did it occur, and who witnessed it? How did these persons react to the physical or verbal conduct?
7. Did the alleged harasser single out the complainant? If so, how, when, where, and why?
8. Did others join in perpetrating the harassment? If so, who? What was done; when, where, who witnessed the conduct, and were others harassed too?
9. If the complained of conduct was verbal, what were the remarks? Were they hostile and derogatory? What was the frequency and context of the comments? Were the parties inside or outside of the workplace when the comments were made?
10. Was the alleged harassment observed by supervisors, managers, or other co-workers? If so, by whom, when, where, and what was observed?
11. Was the alleged harassment observed by former employees or others outside the workplace? If so, by whom, when, where, and what was seen?

Was the harassment committed by a supervisor?

The employer will be held responsible for acts of harassment committed by the employee's supervisor, meaning someone who was authorized by the employer to have authority over the complainant's terms and conditions of employment. To investigate harassment committed by the complainant's supervisor, include questions such as the following:

1. What conduct is the supervisor accused of? When, where, how often did it occur, and who observed?
2. Was the supervisor authorized to grant or deny tangible job benefits to the complainant? If so, what was the scope of that authority and what documents evidence it? If not, were the supervisor's recommendations concerning the complainant's terms and conditions of employment typically or routinely followed?

Was the harassment *quid pro quo* (do this for that)?

An employer will be held responsible for acts of *quid pro quo* sexual harassment, meaning that tangible job benefits were either (1) conditioned on submitting to sexual favors, or (2) denied because of the complainant's rejection of a sexual advance or request for sexual favors. *Quid pro quo*-type harassment can also occur in other contexts, such as religious discrimination, for example, if a person is required to abandon or alter his or her religious practice as a condition of employment.

1. How was the complainant's employment affected by the alleged harassment? Was the complainant denied a salary increase, a promotion, a job transfer, etc.? If so, when?
2. Was the complainant treated differently from similarly situated employees in regard to the denied salary increase, promotion, job transfer, etc.? If so, who was treated differently by this same supervisor?
3. What other management employees were involved in decisions to grant or deny the tangible job benefit(s) to the complainant? Did they have knowledge of the sexual conduct?

[After reviewing your notes and asking any final clarifying questions:](#)

1. Ask if there is anything else that you should know.
2. Ask if there is anyone else you should speak to.
3. Remind the witness to contact you if they recall anything additional, witness anything concerning, or see any evidence of retaliation.

Investigation Report Considerations

Once the investigation is complete, evaluate all the information, prepare an investigation report outlining findings, make a formal determination of whether the accused violated any policies, and provide recommendations for corrective actions. Note the limitations on confidentiality of investigation reports and consider the potential that it may have to be produced to third parties in certain circumstances.

The investigation report list below serves as a general sample; it is not all-inclusive and the exact contents of the report must be designed for the specific allegations in each case. The investigative report should include:

1. Explanation of why the investigation was initiated, including dates and any relevant background.
2. All parties involved in the investigation: names, titles, and their role (complainant, witness, etc.).
3. Factual and credibility findings, including sources referenced (witness statements, documents, photographs, etc.).
4. District policies or procedures and their applicability to the investigation.
5. Specific conclusions (with evidence to support).
6. Names and titles of those responsible for making the final determination.
7. Issues that could not be resolved and reasons why.
8. Recommended actions and follow-up.

OK as is

General Personnel

Administrative Procedure - Communicable and Chronic Infectious Disease

The following procedures will be implemented when a District employee has a communicable and/or chronic infectious disease. A copy of the procedures will be given to the employee.

The District shall not discriminate against an employee disabled by a communicable or chronic infectious disease. An employee with a communicable and/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.

Evaluation of the Employee's Condition

1. The employee who has or is suspected of having a communicable and/or chronic infectious disease is encouraged to self-report to inform the Superintendent immediately.
2. Upon having knowledge of a known or suspected case of a communicable and/or chronic infectious disease, the Superintendent or designee:
 - a. Notifies the *local health authority*¹ as required by 77 Ill.Admin.Code §690.200 and within the time frames required by 77 Ill.Admin.Code §690.100, and
 - b. Follows directions for temporarily excluding an employee from school according to local health authority direction and 77 Ill.Admin.Code Part 690. See also Exhibit 7:280-E2, *Reporting and Exclusion Requirements for Common Communicable Diseases*, identifying the diseases for which there is mandatory reporting.
3. The Superintendent will inform the Communicable and Chronic Infectious Disease Review Team (CCIDRT) within three days.²
4. The ~~Communicable and Chronic Infectious Disease Review Team~~ CCIDRT will meet within three days to:
 - a. Meet with the employee or a member of the employee's family to review the status of the employee's health, and
 - b. Evaluate the employee and submit a written report with recommendations to the Superintendent.
5. The School Board will receive a report, both written and verbal, of the ~~Communicable and Chronic Infectious Disease Review Team~~ CCIDRT's evaluation from the Superintendent.

The footnotes should be removed before the material is used.

¹ The *local health authority* is a full-time official health department, as recognized by the Ill. Dept. of Public Health (IDPH), having jurisdiction over a particular area, including city, village, township, and county boards of health. If there is not a local health authority recognized by the Ill. Dept. of Public Health (IDPH), the local health authority is IDPH. 77 Ill.Admin.Code §690.10. The Communicable Disease Report Act, 745 ILCS 45/1, grants immunity from slander or libel to persons who in good faith make such reports to local health authorities. A district's duty to report staff cases of communicable diseases aligns with its duty to report student cases; see sample administrative procedure 7:280-AP, Managing Students with Communicable or Infectious Diseases.

² The Americans with Disabilities Act (ADA) specifies that only an employee's direct supervisor and someone who would need to know in the event of an emergency may have access to an employee's medical records. 42 U.S.C. §12112(d). The Communicable and Chronic Infectious Disease Review Team's (CCIDRT) ability to operate depends on the employee's waiver of the ADA's confidentiality provisions. For more information about the functions of the CCIDRT, see sample administrative procedure 2:150-AP, Superintendent Committees.

6. The employee or a member of the employee's family will receive a report, both written and verbal, of the ~~Communicable and Chronic Infectious Disease Review Team~~CCIDRT's evaluation from the Superintendent.
7. The employee may be required to submit to a physical examination, given by a physician chosen and paid for by the District.³

Monitoring the Employee's Condition

The employee's health condition will be reviewed on a schedule determined by the ~~Communicable and Chronic Infectious Disease Review Team~~CCIDRT. The ~~CCIDRT~~Team's employee status report will be given to the Superintendent.

Each status report will indicate an employment recommendation for the employee, such as:⁴

1. Continued employment at the same position, with possible accommodations,
2. Continued employment but transfer to another position, with possible accommodations,
3. Temporary exclusion from the work-place, or
4. Dismissal.

Employee Dismissal

The dismissal of an employee on contractual continued service shall be in accordance with 105 ILCS 5/24-12.

The dismissal of an employee not on contractual continued service shall be in accordance with the law or policy applicable to his or her position.

Confidentiality⁵

The employee's medical condition and records shall be held in strictest confidence and shared only with members of the ~~Communicable and Chronic Infectious Disease Review Team~~CCIDRT, the

The footnotes should be removed before the material is used.

³ The federal ADA supersedes 105 ILCS 5/24-5 (allowing boards to require physicals of current employees "from time to time"). 42 U.S.C. §12112(d)(4), amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325. 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 not either eliminate the risk or reduce it to an acceptable level. 42 U.S.C. §12113; 29 C.F.R. §Part-1630.2(r). Districts should monitor for supplemental guidance that is issued by federal and State agencies during specific disease outbreaks. For example, during the COVID-19 pandemic, the Equal Employment Opportunity Commission (EEOC) and State agencies released guidance that detailed what types of medical inquiries related to COVID-19 were permissible under the ADA and Ill. Human Rights Act. See the State's *Guidance for Employers and Employees on Workers' Rights and Safety* (12-9-20), at: <https://labor.illinois.gov/content/dam/soi/en/web/idol/siteassets/pages/default/guidance-on-workers-rights-and-safety.pdf> www2.illinois.gov/dhr/Documents/Guidance%20on%20Workers%20Rights%20and%20Safety%2012-9-20.pdf and the EEOC's *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* (12-14-21), at: www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws.

⁴ A district must make reasonable accommodation to a known physical or mental limitation of an otherwise qualified employee, unless it can show that the accommodation would impose an undue hardship on the district's operation. 42 U.S.C. §§12112 and 12113, amended by the ADAAA.

⁵ The ADA specifies that only an employee's direct supervisor and someone who would need to know in the event of an emergency may have access to an employee's medical records. 42 U.S.C. §12112(d)(3). The ~~CCIDRT~~review team's ability to operate depends on the employee's waiver of the ADA's confidentiality provisions.

employee's direct supervisor, and someone who would need to know in the event of an emergency. Medical records will not become part of the employee's personnel file.

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Discuss with the board attorney whether the district is a covered entity as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. 104-191. Covered entities must follow HIPAA Privacy Rules (45 C.F.R. Part 164) and generally cannot disclose *protected health information* (PHI), which is generally defined as *individually identifiable health information* that is transmitted by, or maintained in, electronic media or any other form or medium. While a district is likely to have access to such information when an employee has a communicable or chronic infectious disease, the district is still unlikely a *covered entity* triggering HIPAA Privacy Rule.

See *HIPAA Privacy Rule and Public Health; Guidance from CDC and the U.S. Department of Health and Human Services* at: www.cdc.gov/mmwr/preview/mmwrhtml/m2e411a1.htm, and for an additional helpful explanation why school districts are often not HIPAA covered entities because they do not engage in covered transactions as defined under HIPAA, see pgs. 7-8 in *Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records (2019)* at: www.hhs.gov/sites/default/files/2019-hipaa-ferpa-joint-guidance-508.pdf.