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ISSUE 76, June 2011

Update Memo

PRESS

Policy Reference Education Subscription Service

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Instructions

You are encouraged to share this **PRESS** Update Memo with all board members and appropriate staff. It may be viewed and downloaded from **PRESS Online**: iasb.com/policy/login.cfm. Subscribers are mailed the current password with each **PRESS** issue.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online** – the committee worksheets and the updated Policy Reference Manual pages. The committee worksheets show suggested changes to **PRESS** material (including administrative procedures and exhibits) 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's manuals.

This publication is designed to provide information only and is not a substitute for legal advice from the school board's legal counsel. If you have any questions, please contact Melinda L. Selbee, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1231, or Kimberly A. Small, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1226.

Personal Technology and Social Media

Social media, also known as social networking, is here to stay and employers need to address it. Some explanations describe it as a "digital version of a relationship." This definition underscores a major reason fueling the demand from our **PRESS** subscribers for a "Facebook policy." Our subscribers understand that social media provides a perceived sense of security that can often make people feel quite comfortable disclosing details about their work and life to complete strangers. This perception creates unique risks that school districts must manage. While social media and employees' use of their personal technology present similar risk management issues for all school districts, each board and its community may have very different philosophies on social media and personal technology usage and conduct. Our **PRESS** policy stresses the importance of focusing on *appropriate behavior*, and encourages a school board to further discuss its expectations with the superintendent and board attorney.

► **5:125, Personal Technology and Social Media; Usage and Conduct.** This policy is **NEW**. It is optional, but risk management experts advise employers to have a social media policy in place. We added the term *personal technology* because more often than not, social media is used with an employee's personal technology, not the employer's network. The policy defines social media and personal technology and lists appropriate usage and conduct expectations that cross reference prior established policies. The footnotes provide options and explain that this issue is an unprecedented area of the law that involves employees' First Amendment rights. This policy and/or its implementation may trigger collective bargaining requirements; consult the board attorney before adoption or implementation.

► **5:125-E, Employee Receipt of Board Policy on Personal Technology and Social Media, NEW.** This type of receipt is commonly used to document that employees have received, read, and agreed to comply with important policies.



Care of Students with Diabetes

The Care of Students with Diabetes Act, 105 ILCS 145/ (added by P.A. 96-1485), prohibits schools from denying a student access to any school or school-related activity on the basis that the student has diabetes. It contains specific requirements for the care of diabetic students. The diabetes-related services needed by a student at school are specified in a *diabetes care plan*. A student's parent/guardian is responsible for sharing instructions from the student's physician related to the student's diabetes management during the school day. A *delegated care aide* assists the student in implementing his or her diabetes care plan.

The Act contains staff training requirements for schools that have a student with diabetes. The legislature has approved HB 1571 that will amend these training requirements. Several implementation problems are unanswered. IASB and the Ill. Council of School Attorneys are seeking guidance from ISBE.

- ▶ **6:120-AP4, Administrative Procedure - Care of Students with Diabetes, NEW.** The Ill. Council of School Attorneys prepared material for implementing the Care of Students with Diabetes Act. This material includes sample procedures for the care of students with diabetes that we coded as 6:120-AP4. The procedures are posted on the IASB website, iasb.com/law/diabmats.cfm. We anticipate changes in response to legislation and request that school officials periodically check the IASB website for updates.

Five Year Review

To further our commitment to continuous improvement, we attempt to review each policy and administrative tool that was not updated during the previous five years. This process keeps our material aligned with good governance principles and keeps the footnotes and legal references current. Moreover, this process provides an occasion for school board members and administrators to review their materials to ensure that they are fulfilling their purpose.

Governance Material - Five Year Review

- ▶ **1:10, School District Legal Status.** The sentence describing population is clarified as follows: "The District is governed by the laws for school districts ~~having~~ having serving a resident population of not fewer than 1,000 and not more than 500,000."
- ▶ **1:20, District Organization, Operations, and Cooperative Agreements.** This policy is unchanged. We clarified the footnotes to explain the policy's original intent for listing joint programs and intergovernmental agreements was to list those that are *educational*. We explained that boards may choose to also list insurance co-ops or other similar joint agreements. We also added an alternative

first sentence to the policy that boards may customize as appropriate.

- ▶ **1:30, School District Philosophy.** The policy is unchanged. We updated footnotes to mirror language from, and include a citation to, IASB's *Foundational Principles of Effective Governance*.
- ▶ **2:10, School District Governance.** The policy now refers to the provision in the board member oath of office for the statement that "a board member has no legal authority as an individual." The legal references and cross references are also updated.
- ▶ **2:130, Board-Superintendent Relationship.** The policy is unchanged. We updated footnotes.
- ▶ **3:10, Goals and Objectives.** The goals and objectives for the general school administration are reorganized and edited. The footnotes are also updated.
- ▶ **3:30, Chain of Command.** The policy is unchanged.
- ▶ **3:30-E, Exhibit AP, ~~Administrative Procedure - Organizational Chart for Administration.~~** Unchanged other than being made an exhibit.
- ▶ **3:70, Succession of Authority.** Nonsubstantively updated.
- ▶ **3:70-AP, Administrative Procedure - Succession Plan.** Nonsubstantively updated.

Mandatory Board Member Training

Together, two pieces of legislation contain three separate requirements for school board member training. These requirements, along with IASB's plans to provide the training, are summarized in the table at the end of this memo. Policy 2:120, *Board Member Development*, will be updated to contain these training requirements.

Material on Copyright Compliance - Five Year Review

- ▶ **5:170, Copyright.** The policy is unchanged.
- ▶ **5:170-AP1, Administrative Procedure - Copyright Compliance.** The contents of Appendix 1 is moved to Appendix 2 and updated. Appendix 1 is now a Copyright Fair Use Assessment Factors Checklist.
- ▶ **5:170-AP2, Administrative Procedure - Seeking Permission to Copy or Use Copyrighted Works.** Email and website links are updated.
- ▶ **5:170-AP3, Administrative Procedure - Instructional Materials and Computer Programs Developed Within the Scope of Employment.** It is unchanged.

- ▶ **5:170-E, Exhibit - Request to Reprint or Adapt Material.** This exhibit is renamed; it is edited to cover requests for both reprinting (to use without change) and adapting (to use and modify).

Internet Access - Five Year Review

- ▶ **6:235-AP1, Administrative Procedure - Acceptable Use of Electronic Networks.** This is nonsubstantively updated. Footnote language is moved into the procedure and we made other minor style edits for consistency. Titles to statutes were added in the legal references.
- ▶ **6:235-AP1, E1, Exhibit - ~~Letter to Parents/Guardians Regarding Student Use of the District's Electronic Networks~~ Student Authorization for Electronic**

Network Access. This is rewritten and renamed. We reorganized all of the materials addressing the student authorization for electronic network access here.

- ▶ **6:235-AP1, E2, Exhibit - Staff Authorization for Electronic Network Access.** This is rewritten. Similar to the discussion above, we also reorganized this material, renumbered this exhibit, and kept the material for staff authorization for electronic network access here. The student authorization for electronic network access was moved to 6:235-AP1, E1, *Exhibit - Student Authorization for Electronic Network Access*.
- ▶ **6:235-E4, Exhibit - Keeping Yourself and Your Kids Safe On Social Networks.** Additional resources for students and parents are added.

Progress Report:

Topics	Our Response
<p>P.A. 96-1624, eff. 2-14-11, allows school boards to adopt policies addressing the prevention of sexual abuse.</p>	<p>Before we can determine which sample policies require amendments, the Task Force on the Prevention of Sexual Abuse of Children must meet and fulfill several statutory obligations. Many sample PRESS policies already address the issues presented in this bill.</p>
<p>An archaic law, 105 ILCS 5/10-21.6, requires boards to establish a list of individuals who have requested to be mailed meeting agendas, budgets, audits, and minutes. It is implemented by policy 2:190, <i>Mailing Lists for Receiving Board Material</i>. If a request is made under this policy or statute, districts may consider asking whether the individual will consent to receive the material by email. Otherwise, districts should treat requests for records according to the Freedom of Information Act as implemented by policy 2:250, <i>Access to District Public Records</i>.</p>	<p>Rather than updating policy 2:190, <i>Mailing Lists for Receiving Board Material</i>, we are seeking to repeal this law. A bill was approved by the legislature and sent to the Governor.</p>
<p>ISBE finalized its rules that incorporate by reference the: <i>Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects</i>, and <i>Common Core State Standards for Mathematics</i>, both published by the Common Core State Standards Initiative. They are referred to as <i>common core standards</i> and are posted at: www.corestandards.org/the-standards/english-language-arts-standards, and www.corestandards.org/the-standards/matematics. Both replace State goals and standards for English and math in Appendix D to Part 1.</p>	<p>We will amend references to State goals and standards by referring to the common core standards in applicable footnotes and policies as they are reviewed.</p>
<p>Several developments have occurred concerning student records. Specifically:</p> <ol style="list-style-type: none"> 1. The U.S. Dept. of Education updated its rules implementing the Family Educational Rights and Privacy Act, found at: www.ed.gov/legislation/FedRegister/finrule/2008-4/120908a.pdf. 2. 105 ILCS 10/5, amended by P.A. 96-628, shields from disclosure confidential communications to a school social worker, counselor, psychologist, or an intern being supervised by one of the aforementioned. 3. ISBE is reviewing its rules on student records, 23 Ill.Admin.Code Part 375. 	<p>We will update all material on student records after conferring with ISBE. In May 2011, the Ill. Council of School Attorneys provided detailed suggestions to ISBE for updating the rules.</p>

Progress Report *continued*

Topics	Our Response
<p>Section 565 of the National Defense Authorization Act for 2010 (P.L. 111-84) amended the Family and Medical Leave Act (FMLA), 29 U.S.C. §2612. The amendments expanded the military family leave provisions that were added in 2008 to provide qualifying exigency and military caregiver leave for employees with family members who are covered military members.</p> <p>The U.S. Office of Personnel Management's proposed rules are pending adoption.</p>	<p>We will update 5:185, <i>Family and Medical Leave</i>, and 5:185-AP, <i>Resource Guide for Family and Medical Leave</i>, after the final FMLA rules are adopted.</p>
<p>On July 2, 2008 the final guidelines to implement Sex Offender Registration Notification Act (SORNA) were adopted. They set forth standards to address the various aspects of sex offender tracking and public notification with the objective of establishing a national baseline for sex offender registration and notification. The U.S. Attorney General's supplemental guidelines were finalized 1-11-2011.</p> <p>The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) reports that Illinois has requested another one-year extension to 7-27-2011 to implement the regulations. Illinois has not done so as of the date of this publication nor has it requested another extension. States, that fail to substantially implement SORNA by 7-27-2011, (and have not been granted a time extension) are subject to a 10% reduction in funding under 42 U.S.C. §3750 <i>et seq.</i> (Byrne Justice Assistance Grant funding). For up to date information: www.ojp.usdoj.gov/smart/newsroom.htm.</p>	<p>We will continue to monitor and update all applicable policies and procedures affected by SORNA when Illinois reaches substantial implementation.</p>

Revisions to Policies, Administrative Procedures and Exhibits

Immediate Action Suggested	Number and Title	Reason The memo more completely describes the actions taken.
	1:10, School District Legal Status	Nonsubstantively updated after 5-year review.
	1:20, District Organization, Operations, and Cooperative Agreements	Unchanged after 5-year review. Footnotes updated and example language provided.
	1:30, School District Philosophy	Policy text is unchanged. Footnotes are updated.
	2:10, School District Governance	Nonsubstantively updated. Legal and Cross References updated.
	2:130, Board-Superintendent Relationship	Unchanged after 5-year review.
	3:10, Goals and Objectives	Edited and augmented after 5-year review.
	3:30, Chain of Command	Unchanged after 5-year review.
	3:30-E, Exhibit AP, Administrative Procedure - Organizational Chart for Administration	Unchanged other than being made an exhibit.
	3:70, Succession of Authority	Nonsubstantively updated after 5-year review.
	3:70-AP, Administrative Procedure - Succession Plan	Nonsubstantively updated after 5-year review.
✓	5:125, Personal Technology and Social Media; Usage and Conduct	NEW
	5:125-E, Exhibit - Employee Receipt of Board Policy on Personal Technology and Social Media	NEW
	5:170, Copyright	Unchanged after 5-year review.
	5:170-AP1, Administrative Procedure - Copyright Compliance	Nonsubstantively updated after 5-year review.
	5:170-AP2, Administrative Procedure - Seeking Permission to Copy or Use Copyrighted Works	Email and web-links updated.
	5:170-AP3, Administrative Procedure - Instructional Materials and Computer Programs Developed Within the Scope of Employment	Unchanged after 5-year review.
	5:170-E, Exhibit - Request to Reprint <u>or Adapt</u> Material	Amended to include permission for adapting material.
✓	6:120-AP4, Administrative Procedure - Care of Students with Diabetes	NEW
	6:235-AP1, Administrative Procedure - Acceptable Use of Electronic Networks	Nonsubstantively updated after 5-year review.

Immediate Action Suggested	Number and Title	Reason The memo more completely describes the actions taken.
	6:235-AP1, E1, Exhibit - Letter to Parents/Guardians Regarding Student Use of the District's Electronic Networks <u>Student Authorization for Electronic Network Access</u>	Renamed and reorganized. Renamed and reorganized. Additional resources added.
	6:235-AP1, E2, Exhibit - <u>Staff Authorization for Electronic Network Access</u>	
	6:235-E4, Exhibit - Keeping Yourself and Your Kids Safe On Social Networks	

Acknowledgement to PRESS Advisory Board

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

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IASB Staff Members, especially
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Mandatory Board Member Training

June 2011

Illinois General Assembly	Training Requirements	Who Must Receive Training	Timeline	IASB Professional Development Opportunities <i>designed to enable board members to meet the statutory requirements and more...</i>
<p>Open Meetings Act (OMA) (HB 1670)</p> <p>Effective upon signing by the Governor</p>	<p>OMA general applicability, procedures and legal requirements</p>	<p>Every school board member</p>	<p>Within one year of the effective date</p>	<p>Choose from two options, or attend both:</p> <ol style="list-style-type: none"> 1. <i>Basics of Law on Board Meetings and Practices</i>, a LeaderShop workshop, offered regionally during summer 2011 and again after January 1, 2012. See www.iasb.com and click on Events Calendar. 2. Joint Annual Conference panel
<p>Senate Bill 7 (105 ILCS 5/10-16a new)</p> <p>Effective June 13, 2011</p>	<p>A minimum of 4 hours of professional development leadership training, including:</p> <ul style="list-style-type: none"> • Education and labor law, • Financial oversight and accountability, and • Fiduciary responsibilities. <p><i>Also requires school districts to post on their websites the names of all board members who have successfully completed the training.</i></p>	<ul style="list-style-type: none"> • Every school board member elected for a term beginning after the bill's effective date, and • Every school board member appointed after the bill's effective date to fill a vacancy of at least one year's duration 	<p>Applicable to only those board members who are elected after the SB 7's effective date or who are appointed to fill a vacancy of at least one year's duration after the bill's effective date; they must complete the training within one year of the effective date or the first year of the board member's term</p>	<p><i>New Board Member Professional Development Leadership Training</i>, offered through the Online Learning Center at www.iasb.com after January 1, 2012.</p>

Mandatory Board Member Training *(continued)*

June 2011

Illinois General Assembly	Training Requirements	Who Must Receive Training	Timeline	IASB Professional Development Opportunities <i>designed to enable board members to meet the statutory requirements and more...</i>
Senate Bill 7 (105 ILCS 5/24-16.5 new) Effective June 13, 2011	A training program on Performance Evaluation Reform Act (PERA) evaluations*	School board members who participate in a vote on a dismissal based upon an “optional alternative evaluative dismissal process for PERA evaluations”	Prior to voting on a dismissal based upon an “optional alternative evaluative dismissal process for PERA evaluations”	This training will be developed after ISBE publishes its implementing rules.

* The previously enacted Performance Evaluation Reform Act (PERA,) requires school districts to incorporate student growth as a significant factor in principal and teacher evaluations. Senate Bill 7, will allow school officials to incorporate performance into personnel decisions, i.e. tenure, RIFs, tenured teacher dismissal, etc.

For more information about *training dates and registration processes*, please contact: Judy Williams, Board Development, at either IASB office, ext. 1103. For *other questions*, please contact: Bridget Trojan, Office of General Counsel, at either IASB office, ext. 1236.



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