

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 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.

<i>Please read carefully and mark one column in each row. Policies not marked in any column will be held for future response.</i>					
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	✓			
6:80	Teaching About Controversial Issues	✓			
6:210	Instructional Materials		✓		
7:275	Orders to Forgo Life-Sustaining Treatment				✓
	<i>Option:</i> Include optional additional statements? (Choose one box). NO <input type="checkbox"/> YES, include Option 1 <input type="checkbox"/> YES, include Option 2 <input 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.

DRAFT UPDATE

SPEED - SEJA #802

2:260

District Boards

Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the Governing Board or Operating Committee, 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.

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/.

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.

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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.

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 shall ensure both parties have an equal opportunity to present evidence during an 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

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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.

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:

Sharon Curry
Name
1125 Division St., Chicago Heights, IL 60411
Address
scurry@speed802.org
Email
708-481-6100, ext.3113
Telephone

Complaint Managers:

Sharon Curry
Name
1125 Division St., Chicago Heights, IL 60411
Address
scurry@speed802.org
Email
708-481-6100, ext.3113
Telephone

Kevin Slattery, CSBO
Name
1125 Division St., Chicago Heights, IL 60411
Address
kslattery@speed802.org
Email
708-481-6100
Telephone

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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: ~~October 23, 2015~~

DRAFT UPDATE

SPEED - SEJA #802

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 (Program and Curriculum Development), 6:255 (Assemblies and Ceremonies)

ADOPTED: ~~September 3, 2009~~

Commented [APowell1]:

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

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SPEED - SEJA #802

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 ^{MAY} shall annually provide a list or description of textbooks and instructional materials used in the District to the Governing Board. 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 movie above the G rating may be shown in grades 3 or below unless prior approval is received from the Superintendent or designee. No movie above the PG rating shall be shown in grades 4-8 without prior approval. At the high school, movies with a PG-13 rating may be shown. No R-rated movie or movie rated NC-17 (no one under 17 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.

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.

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

CROSS REF.: 6:30 (Organization of Instruction), 6:40 (Program and Curriculum Development), 6:80 (Teaching About Controversial Issues), 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: ~~January 31, 2013~~

DRAFT UPDATE

SPEED - SEJA #802

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)/guardian(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.

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: August 30, 2012

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 Director 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 Director 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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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 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: ~~March 16, 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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