



Oak Park Elementary School District 97

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**TO: Members, Board of Education
Dr. Albert Roberts, Superintendent**

FROM: Chris Jасulca

RE: Policy Review and Discussion

DATE: December 16, 2014

The district's policy review team (Amy Felton, Denise Sacks and Chris Jасulca) is presenting the following information to the Board of Education tonight for review/discussion:

- Proposed policy changes/updates provided by the Policy Reference Education Subscription Service (PRESS)
- Recommendation regarding policy 8:80 (Gifts to the District)

Proposed policy changes from PRESS

The policy review team reviewed/discussed the proposed policy changes that were featured in the most recent Update Memo provided by PRESS. Below is a summary of the changes, as well as the team's recommendations. Please note that several of the revisions outlined in the memo from PRESS were limited to the footnotes that correspond with the policies. Since changes to the footnotes do not require board action, we did not include them in this document.

- Policy 2:140 (Communications To and From the Board) – PRESS is recommending that the policy and legal references be updated in response to Public Act 98-930, which goes into effect on January 1, 2015. Below is the new language regarding the process for contacting the board via email, as well as how the board responds to messages it receives, that PRESS suggests adding to the policy based on the change in the law.

Individuals may submit questions or communications for the Board's consideration to the Superintendent or may use the electronic link to the Board's email address(es) that is posted on the District's website. In accordance with the Open Meetings Act and the Oath of Office taken by Board members, individual board members will not (a) reply to an email on behalf of the entire board, or (b) engage in the discussion of District business with a majority of Board-quorum.

The Superintendent or designee shall

- 1. Ensure that the home page for the District's website contains an active electronic link to the email address(es) for the School Board, and**
- 2. Provide the Board, such as in the Board meeting packet, with all emails that are received and any feedback regarding them.**

If contacted individually, Board members will refer the person to the appropriate level of authority, except in unusual situations. Board members' questions or communications to staff or about programs will be channeled through the Superintendent's office. Board members will not take individual action that might compromise the Board or District.

Since the change in the law and proposed new language represent a departure from how board members have traditionally responded to emails from the general public, the policy review team contacted PRESS for clarification and direction. More specifically, the team asked the company the following questions.

Based on the change in the law, are there recommendations regarding how boards should handle this issue going forward?

Also, should messages sent to board members' individual, district-issued email addresses redirect to a single address? If not, should all emails sent to individual board members be forwarded to the entire board?

Melinda Selbee and Kimberly Small from PRESS' legal department called on December 4, 2014 with answers to these questions. They said that, based on the change in the law, no board member should ever reply to a message sent to him/her individually or to the entire board. The most any board member should ever say is something akin to "Thank you very much for your message. I have forwarded it to X. He/she will respond to you shortly." They also said that, while it is not legally required, best practice is for board members to forward all messages sent to their individual, district-issued email accounts to the rest of the board to ensure they are aware of all communications sent by members of the general public. In addition, they said that any messages the board wants to address as a group must be added to a board meeting agenda. As for the requirement about posting an active link to the board members' email addresses on the home page of the district website, Selbee and Small said this can be accomplished by adding a link titled "Contact" on a drop-down menu under the Board of Education link in the main navigation.

While the policy review team realizes that the board will likely want to discuss the process and procedures for responding to emails from the general public moving forward, it is recommending that the changes be made to the policy to ensure it aligns with the law. We are also recommending that a drop-down menu be created under the Board of Education link in the main navigation, and that a link titled "Contact" be added to it.

- Policy 4:45 (Insufficient Fund Checks and Debt Recovery) – PRESS provided optional updated language that:
 - Clarifies the language under the subhead titled "Debt Delinquent Recovery."
 - Specifies the steps that need to be addressed if a district decides to enter the Local Debt Recovery Program through the Illinois Office of the Comptroller (IOC).

Therese O'Neill, the assistant superintendent for finance and operations, supports PRESS' recommendation to change the first sentence from:

The Superintendent or designee is responsible for collecting the maximum fee authorized by State law for returned checks written to the District that are not honored upon presentation to the respective bank or other depository institution for any reason.

to:

The Superintendent or designee is responsible for collecting **up to the maximum fee authorized by State law for returned checks written to the District that are not honored upon presentation to the respective bank or other depository institution for any reason.**

She believes, and the policy review team agrees, that this revision, more specifically adding the phrase “up to,” provides the district with greater flexibility when dealing with situations that involve the receipt of checks with insufficient funds.

O’Neill does not recommend entering the IOC’s program because the district has already collected almost all of the money it is owed.

The policy review team recommends making the revision to the first sentence of the policy, but not making any of the changes associated with the Local Debt Recovery Program.

- Policy 4:110 (Transportation) – PRESS is recommending that the policy be updated to ensure that it aligns with the state statute. More specifically, the language in the section about pre-trip and post-trip vehicle inspections should be changed from:

The Superintendent or designee shall develop and implement a pre-trip and post-trip inspection procedure to ensure that the school bus driver: (1) tests the two-way radio and ensures that it is functioning properly before the bus is operated, and (2) walks to the rear of the bus before leaving the bus at the end of each route, work shift, or work day, to check the bus for children or other passengers in the bus.

to:

The Superintendent or designee shall develop and implement a pre-trip and post-trip inspection procedure to ensure that the school bus driver: (1) tests the two-way radio or cellular radio telecommunication device and ensures that it is functioning properly before the bus is operated, and (2) walks to the rear of the bus before leaving the bus at the end of each route, work shift, or work day, to check the bus for children or other passengers in the bus.

The statutory definition of a cellular radio telecommunication device is “a device capable of sending or receiving telephone communications without an access line for service and which requires the operator to dial numbers manually; it does not include citizens band radios or citizens band radio hybrids, [a cell phone].”

Therese O’Neill contacted Lakview Bus Lines about the statute and proposed change to the policy. Lakeview, which is the district’s transportation provider, told O’Neill that it is currently operating in full compliance with state law and the amended policy being presented tonight for a first reading.

The policy review team agrees with this update.

- Policy 4:120 (Food Services) – PRESS is recommending that the policy be rewritten and legal references be updated to comply with the U.S. Department of Agriculture’s *Smart Snacks* rules, as well as the Illinois State Board of Education’s rules that implement them.

The policy review team agrees with revisions to the policy and updates to the legal references. We also want to make you aware of the potential impact these changes will have on competitive food sales in the future. According to the administrative procedures that correspond with the policy, competitive foods, which are defined as “all food and beverages that are offered by any person, organization or entity for sale to students on the school campus during the school day that are not reimbursed under programs authorized by federal law,” must minimally meet the nutritional standards established under the new *Smart Snacks* rules. Those standards can be accessed by visiting <http://www.law.cornell.edu/cfr/text/7/210.11>.

During the next two years, Illinois schools are also permitted to host a limited number of exempted fundraising days. Those days are defined as “a school day on which foods and/or beverage items not meeting the ‘general nutrition standards for competitive foods’ may be sold to students on the school campus.” At the middle school level, which is the only place where competitive food sales take place in the district, those days total nine or less this year, four or less next year and none during the 2016-17 school year.

The administration will share the new standards with the stakeholders from Brooks and Julian (staff members, parents/guardians, organizations such as BRAVO and CAST, etc). In addition, we are working with PRESS to determine if the new rules impact the waiver extension that was granted by the state in 2012 and allows for competitive food sales during lunch at our middle schools through the 2016-17 school year. We will update both school communities about the status of the waiver as soon as possible.

- Policy 4:150 (Facility Management and Building Programs) – PRESS is recommending that the legal references be updated to reflect changes in the law, more specifically the mandate for the decennial safety survey report. After January 1, 2015, all “new school building construction must include a storm shelter that meets or exceeds the ICC/NSSA Standard for the Design and Construction of Storm Shelters (ICC-500) published jointly by the International Code Council and the National Storm Shelter Association (105 ILCS 5/2-3.12, Public Act 98-883).”

The policy review team agrees with these updates.

- Policy 5:10 (Equal Employment Opportunity and Minority Recruitment) – PRESS is recommending that several updates be made to the policy language and legal references to align them with changes in the law. These updates include:
 - Revising the final sentence of the second paragraph to reflect that, per Public Act 98-1050, discrimination on the basis of a request for or use of a reasonable accommodation is a civil rights violation under the Illinois Human Rights Act.
 - Adding Section 2-103 and 6-101 of the Human Rights Act and the Job Opportunities for Qualified Applicants Act (820 ILCS 820 ILCS 75/) to the legal references.

The policy review team agrees with these updates.

- Policy 5:185 (Family and Medical Leave) – PRESS is recommending that several updates be made to the policy language in accordance with amendments to the federal rules, as well to “enhance clarity and resources.” These updates include:
 - Adding the following sentence to the first paragraph under the section titled “Leave Description,” which states that employees may use unpaid family and medical leave as guaranteed by the federal Family and Medical Leave Act.

The U.S. Department of Labor’s rules (federal rules) implementing FMLA, as they may be amended from time to time, control FMLA leave.

- Adding a new second paragraph under the section titled “Leave Description” that reads as follows:

An eligible employee may take FMLA leave for up to a combined total of 12 weeks each 12-month period for any rolling 12-month period measured backward from the date an employee uses FMLA leave.

- Listing instances in which FMLA leave is available, including the “existence of a qualifying exigency arising out of the fact that the employee’s spouse, child, or parent is a military member on covered active duty.”
- Replacing multiple definitions with references to the “federal rules.” The recent amendments to the federal rules have made the definitions too lengthy to state in the policy.
- Revising the language under the section titled “Certificate” to reflect the requirement that certificates be “complete and sufficient and signed by the individual identified in the policy.”

Steve Cummins, the senior director of human resources, supports the updates. He also recommends including references to the board’s collective bargaining agreements with the Oak Park Teacher Assistants’ Association, the Educational Support Professionals and the Service Employees International Union since all three of them address FLMA.

The policy review team agrees with the updates and the recommendation from Cummins.

- Policy 5:220 (Substitute Teachers) – PRESS is recommending that the policy and legal references be updated to enhance clarity and align them with the law. The primary change to the policy language is the replacement of certificate with license per state statute and law. Most of the other changes are featured in the second paragraph and the two items that follow it, which are being revised from:

A substitute teacher must hold either a valid teaching or substitute certificate and may teach in the place of a certified teacher who is under contract with the Board. There is no limit on the number of days that a substitute teacher may teach in the District during the school year. However there is a limit on the number of days that a substitute teacher may teach for any one certified teacher under contract with the District in the same school year. The following limitations apply:

- 1. A substitute teacher holding a substitute certificate may teach only for a period not to exceed 90 school days.**
- 2. A teacher holding a valid early childhood, elementary, high school, or special certificate may teach only for a period not to exceed 120 school days.**

to:

A substitute teacher must hold either a valid teaching or substitute [license](#) and may teach in the place of a [licensed](#) teacher who is under contract with the Board. There is no limit on the number of days that a substitute teacher may teach in the District during the school year, [except as follows](#):

- 1. A substitute teacher holding a substitute [license](#) may teach only [for any once licensed teacher under contract with the District](#) for a period not to exceed 90 school days.**
- 2. A teacher holding a [Professional Educator License](#) or [Educator License with Stipulations](#) may teach [for any once licensed teacher under contract with the District](#) only for a period not to exceed 120 school days.**

As for the legal references, those are updated to reflect that substitute teaching licenses are governed by 105 ILCS 5/21B-20(3) and 23 Ill. Admin.Code §25.520.

The policy review team agrees with these updates.

- Policy 5250 (Leaves of Absence) – PRESS is recommending that the policy and legal references be updated to reflect the addition of a new leave (leave to serve as an election judge).

The policy review team agrees with these updates.

- Policy 6:20 (School Year Calendar and Day) – PRESS is recommending that the legal references be updated in response to an amendment to 10 ILCS 5/11-4.1 in accordance with Public Act 98-773, which encourages schools that are chosen to be polling places to either close for the day or hold a teachers' institute with students not in attendance.

The policy review team agrees with this update.

- Policy 6:60 (Curriculum Content) – PRESS is recommending that the policy and cross references be updated to reflect the change in the name of policy 7:180 from Preventing Bullying, Intimidation and Harassment to Prevention of and Response to Bullying, Intimidation and Harassment. The company is also recommending that the legal references be updated to reflect several new laws.

The policy review team agrees with these updates.

- Policy 6:110 (Programs for Student at Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program) – PRESS is recommending that the policy and legal references be updated to reflect a change in legislation, as well as to align the policy language with what is used legally and in other policies. In terms of the change in legislation, 105 ILCS 5/2-3.64 was repealed by Public Act 98-972. As for the alignment of the language, LEP in item five is being replaced with English Language Learners program because that is what is featured in statute and policy 6:160 (English Language Learners).

The policy review team agrees with these updates.

- Policy 6:280 (Grading and Promotion) – PRESS is recommending that the policy, cross references and legal references be updated in response to the repeal of 105 ILCS 5/2-3.64 and the enactment of 105 ILCS 5/2-3.64a-5. More specifically, this refers to the move from the Illinois Standards Achievement Test (ISAT) to the Partnership for Assessment of Readiness for College and Careers (PARCC).

The policy review team agrees with these updates.

- Policy 6:340 (Student Testing and Assessment Program) – Similar to the changes to policy 6:280 (Grading and Promotion) mentioned above, PRESS is recommending that the policy, cross references and legal references for 6:340 be updated in response to the repeal of 105 ILCS 5/2-3.64 and the enactment of 105 ILCS 5/2-3.64a-5 (i.e., the move from the Illinois Standards Achievement Test (ISAT) to the Partnership for Assessment of Readiness for College and Careers (PARCC)).

There is also an option to revise item number three to include the phrase “and an evaluation of the student’s progress.”

The policy review team agrees with the updates related to PARCC. However, we do not recommend inclusion of the optional phrase because it seems superfluous, the word “progress” in this context is vague, and the district will be using a variety of tools, measures and metrics beyond PARCC to measure student growth.

- Policy 7:50 (School Admissions and Student Transfers to and From Non-District Schools) – PRESS has offered optional language for inclusion in the section titled “Admission Procedure” that reflects changes to the Military Compact Act (105 ILCS 70/33). More specifically, the new language states that “students who are children of active duty military personnel transferring will be allowed to enter: (a) the same grade level in which they studied at the school from which they transferred if the transfer occurs during the District’s school year , or (b) the grade level following the last grade completed.”

The policy review team agrees with the inclusion of the optional language in the policy.

- Policy 7:100 (Health, Eye and Dental Examinations; Immunizations; and Exclusion of Students) – PRESS is recommending that the policy and legal references be updated in response to the new administrative rule 77 Ill. Admin.Code Part 695, which requires students in grade six to provide proof of immunization against meningococcal disease beginning with the 2015-16 school year. There are also several other more minor changes to the policy, as well as revisions based on the Military Compact Act referenced above.

The policy review team agrees with these updates, changes and revisions.

- Policy 7:270 (Administering Medicines to Students) – PRESS is recommending that the policy be updated in response to an amendment made to 105 ILCS 5/22-30 in accordance with Public Act 98-795. More specifically, the company suggests revising one of the subheads from “School District Supply of Epinephrine Auto-Injectors” to “School District Supply of Undesignated Epinephrine Auto-Injectors.” The language under the subhead would also be changed from:

The Superintendent or designee shall implement Section 22-30(f) of the School Code and maintain a supply of epinephrine auto-injectors in the name of the District and provide or administer them as necessary according to State law. This section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for school epinephrine auto-injectors and a standing protocol from a physician licensed to practice medicine in all its branches, or (2) fill the District’s prescription for school epinephrine auto-injectors.

Upon implementation of this subsection and Section 22-30(f) of the School Code, the protections from liability and hold harmless provisions as explained in Section 22-30(c) of the School Code apply.

No one, including without limitation parents/guardians of students, should rely on the District for the availability of an epinephrine auto-injector. This policy does not guarantee the availability of an epinephrine auto-injector; students and their parents/guardians should consult their own physician regarding this medication.

to:

The Superintendent or designee shall implement Section 22-30(f) of the School Code and maintain a supply of **undesignated epinephrine auto-injectors in the name of the District and provide or administer them as necessary according to State law. *Undesignated epinephrine auto-injector means an epinephrine auto-injector prescribed in the name of the District or one of its schools. A***

school nurse or trained personnel, as defined by State law, may administer an undesignated epinephrine auto-injector to a person when they, in good faith, believe a person is having an anaphylactic reaction.

This section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for undesignated epinephrine auto-injectors from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the District’s prescription for undesignated school epinephrine auto-injectors.

Upon any administration of an undesignated epinephrine auto-injector, the Superintendent or designee(s) must ensure all notifications required by State law and administrative procedures occur.

Upon implementation of this policy, the protections from liability and hold harmless provisions as explained in Section 22-30(c) of the School Code apply.

No one, including without limitation parents/guardians of students, should rely on the District for the availability of an epinephrine auto-injector. This policy does not guarantee the availability of an epinephrine auto-injector; students and their parents/guardians should consult their own physician regarding this medication.

Since the updates are required by law and align with the district’s current practices, the policy review team recommends making them.

Recommendation Regarding Policy 8:80 (Gifts to the District)

The policy review team is recommending that District 97 replace the district-specific version of policy 8:80 (Gifts to the District) with the version that was drafted and is currently maintained by PRESS. As is the case with its other policies, PRESS’ version of 8:80 is clearer and more succinct. It also the one used by many of our peer districts.

While the team recommends making the switch, there is an important distinction/difference between the two versions that we want to bring to the board’s attention for the purposes of review/discussion. The current version of the district’s policy states that “all accepted gifts, grants, and bequests shall be acknowledged by the Board.” This means that any item donated to a school or the district regardless of size or value (technology, a library book, etc.) must be acknowledged/recognized from the board in some form or fashion.

On the other hand, the PRESS version of the policy states that “while the Board encourages unrestricted gifts, donations to fund specific projects are acceptable if the project is approved by the Board.” This means that only the items that impact a board-approved project (e.g., playground upgrades, advancement of the iLearn 97 initiative, etc.) need to be presented to the board.

While the current district policy clearly states that the board must recognize all items that are donated to a school or the district, this task is not being performed on a consistent basis. In addition, representatives from the various PTOs told us they think this process is too onerous and time-consuming for school communities. For example, they questioned whether it is logical for the schools to report and the board to recognize every birthday book donated to a building or Scholastic subscription purchased by parents/guardians for a classroom. They also asked if it might make more sense to identify categories of gifts and/or establish a minimum monetary amount that would trigger action by the board.

District 200’s version of policy 8:80 states that “The Board of Education shall recognize all gifts at its regularly scheduled Board meetings regardless of value. The identity of anonymous donors shall remain confidential;

however, the Board of Education shall still recognize the gift and its use.” It also says that “All gifts above a minimum value of \$75 may be subject to review by the Board of Education prior to acceptance in accord with established procedures. The Superintendent (or his/her designee) is hereby authorized to establish procedures regarding the acceptance of gifts by employees on behalf of the District in accordance with this policy.”

District 90’s version of policy 8:80 states that “While the Board encourages unrestricted donations, those used to fund specific projects are acceptable if the project is approved by the Board. The District may, by action of the Board of Education, accept or reject donations. The District retains the right to negotiate, modify and/or conditionally approve any proposed donations to better fit the needs of the District.” It also says that “Bereavement donations/memorials must be approved by the Board of Education and will be managed by the Superintendent or administrative designee.”

Once the board finalizes the process for approving and/or acknowledging donations, and determines how it wants to address the issue in policy 8:80, the administration will work on the procedures that will correspond with the policy and guide/govern the process moving forward. The administration may also benefit from seeking ways to include parents/guardians and other community members in the creation of these procedures. For your information, PRESS does not currently have or offer a template for administrative procedures that correspond with this policy.

Attached are the policies that are being presented to the board tonight for a first reading. A second reading and approval of these policies are scheduled for the board meeting on January 13, 2015.

Attachments:

- Policy 2:140 (Communications To and From the Board)
- Policy 4:45 (Insufficient Fund Checks and Debt Recovery)
- Policy 4:110 (Transportation)
- Policy 4:120 (Food Services)
- Policy 4:150 (Facility Management and Building Programs)
- Policy 5:10 (Equal Employment Opportunity and Minority Recruitment)
- Policy 5:185 (Family and Medical Leave)
- Policy 5:220 (Substitute Teachers)
- Policy 5:250 (Leaves of Absence)
- Policy 6:20 (School Year Calendar and Day)
- Policy 6:60 (Curriculum Content)
- Policy 6:110 (Programs for Student at Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program)
- Policy 6:280 (Grading and Promotion)
- Policy 6:340 (Student Testing and Assessment Program)
- Policy 7:50 (School Admissions and Student Transfers to and From Non-District Schools)
- Policy 7:100 (Health, Eye and Dental Examinations; Immunizations; and Exclusion of Students)
- Policy 7:270 (Administering Medicines to Students)
- Policy 8:80 (Gifts to the District)