

School District Organization

Administrative Procedure - Checklist for Handling Intergovernmental Agreement Requests

The Superintendent completes this checklist whenever the District receives a request to enter into an intergovernmental agreement. ¹

- ☐ Acknowledge the receipt of the request to the sender.
- ☐ Confer with the ~~School~~ Board President as to when to put the request on an open meeting agenda as a discussion and/or action item.
- ☐ Inform the request's sender of approximately when the request will be presented to the Board.
- ☐ Investigate the factual context and the impact of granting or not granting the request.
- ☐ Determine if the request is for procurement purposes and evaluate whether an intergovernmental agreement would be exempt under 105 ILCS 5/10-20.21.
- ☐ Prepare an evaluation of the request and a recommendation that takes into account the Board's priorities in the allocation of resources, including funds, time, personnel, facilities, and the transmission of knowledge and culture through which students learn in areas necessary to their continuing development and entry into the world of work. ²
- ☐ Consult the Board ~~A~~ttorney for a legal review of the proposed intergovernmental agreement.
- ☐ Include the evaluation and recommendation in the appropriate Board meeting packet.

The footnotes should be removed before the material is used.

¹ If the pre-existing process for handling requests to enter into an intergovernmental agreement is that the board receives all requests, use the following alternative:

Whenever the Board, having received a request to enter into an intergovernmental agreement, requests the Superintendent to provide an evaluation and recommendation, the Superintendent will:

² This language is from ~~sample~~ policy 6:15, *School Accountability*. Some issues for consideration include: (1) space availability, (2) teacher-student ratio, (3) available resources, (4) costs, (5) effect on Evidence-Based Funding, transportation reimbursement, and special education reimbursement, (6) rival gang factors and other safety concerns, and (7) current levels of school performance.

School Board

Administrative Procedure - Types of School Board Meetings

| Meeting Type | Notice | Agenda | Notice to News Media | District's Website ¹ |
|----------------|--|--|---|---|
| Regular | <p>Given once a year when the Board adopts its regular meeting schedule.</p> <p>105 ILCS 5/10-6, 5/10-16.</p> <p>The notice and agenda must be continuously available for public review during the entire 48-hour period before the meeting. Posting on the District's website satisfies the requirement for continuous posting. However, to comply with the legislative intent, posting on the District's website does not replace the posting described in the Agenda column.</p> <p>5 ILCS 120/2.02.</p> | <p>Post at the District's main office and at the meeting site, at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p> | <p>Give to any news media that filed an annual request for such notices.</p> <p>5 ILCS 120/2.02.</p> | <p>Post the annual schedule of regular meetings and post a public notice of each meeting along with the meeting agenda.</p> <p>5 ILCS 120/2.02.</p> <p>Post regular Board meeting minutes within 10 days after approval; the minutes remain there for at least 60 days.</p> <p>5 ILCS 120/2.06.</p> |
| Special | <p>Post a notice at the District's main office or, if no main office exists, at the meeting site, at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p> | <p>Include with the public notice.</p> <p>5 ILCS 120/2.02.</p> | <p>Give to any news media that files an annual request. Must also give the same notice as that given Board members if the</p> | <p>Post a public notice of each meeting along with the meeting agenda, at least 48 hours before the</p> |

The footnotes should be removed before the material is used.

¹ Required *only* if the district has a website that is maintained by a full-time staff member; if not, this column may be omitted. 5 ILCS 120/2.02~~6~~(b).

| Meeting Type | Notice | Agenda | Notice to News Media | District's Website ¹ |
|------------------|---|---|---|---|
| | <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the Regular meeting row.</p> <p>Notice to Board members must be served by mail 48 hours before the meeting or by personal service 24 hours before the meeting.</p> <p>105 ILCS 5/10-16.</p> | | <p>news media provides an address or telephone number within the District's jurisdiction.</p> <p>5 ILCS 120/2.02.</p> | <p>meeting. The notice and agenda must remain posted on the website until the meeting is concluded.</p> <p>5 ILCS 120/2.02.</p> |
| Emergency | <p>Post the notice at the District's main office or, if no main office exists, at the meeting site, as soon as practicable before the meeting.</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the Regular meeting row.</p> <p>No specific notice to Board members is specified, but it is advisable to provide the notice as soon as possible.</p> | No State law requirements. | Same as for special meetings. | <p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p> |
| Closed | <p>May hold a closed meeting, or close a portion of an open meeting, upon a majority <u>roll call</u> vote of a quorum present, taken at a properly noticed open meeting.</p> <p>5 ILCS 120/2a.</p> | <p>None required, but only topics <u>covered by the specific exception(s) cited</u> in the vote to hold the closed meeting may be considered.</p> <p>5 ILCS 120/2a.</p> | No additional notice required. | <p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p> |

| Meeting Type | Notice | Agenda | Notice to News Media | District's Website ¹ |
|----------------------------------|--|----------------------------------|--------------------------------|--|
| Rescheduled or Reconvened | <p>Post a notice at the District's main office or, if no main office exists, at the meeting site at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the Regular meeting row.</p> <p>No notice is needed when an open meeting is reconvened within 24 hours, or when the time and place of a reconvened meeting was announced at the original meeting and the agenda is not changed.</p> <p>5 ILCS 120/2.02.</p> | Included with any public notice. | Same as for a special meeting. | <p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p> |

General School Administration

Administrative Procedure - Succession Plan

If the Superintendent, Building Principal, or other administrator is temporarily unavailable, the succession of authority and responsibility of the respective office shall be as stated below. If the first person on the succession list is unavailable, the second person shall be the responsible person, and so on, in order through the list. The designated individual shall communicate with the ~~School~~ Board President in cases of importance and/or emergency.

Superintendent

Building Principal

**IASB POLICY REFERENCE MANUAL
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|---------------|--|
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Operational Services

Administrative Procedure - Food Services; Competitive Foods; Exemptions

This procedure applies only to schools that participate in federal meal reimbursement programs. 7 C.F.R. Part 210; 23 Ill.Admin.Code Part 305. They are *participating* schools.

All food and beverages sold to students on the school campuses of participating schools during the school day must comply with the “general nutrition standards for competitive foods” specified in 7 C.F.R. §210.11, unless they are exempted by 23 Ill. Admin.Code §305.15(a).

Definitions

Competitive foods are 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. 7 C.F.R. §210.11(a)(2); 23 Ill. Admin.Code §305.5. Competitive foods do not include foods offered during after-school athletics or extracurricular events, or weekend events. *School campus* means all areas of the property under the jurisdiction of the participating school that are accessible to students during the school day. 23 Ill.Admin.Code §305.5. *School day* means the period of time from midnight before the start of the official school day until 30 minutes after the end of the official school day. 23 Ill.Admin.Code §305.5.

Exempted fundraising day (EFD) means 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. 7 C.F.R. §210.11 (b)(4); 23 Ill.Admin.Code §305.5.

Competitive Foods

Competitive foods and beverage items sold during the school day must meet the requirements listed at 7 C.F.R. §210.11 (c)-(11).

All revenue from the sale of competitive foods sold to students in the food service areas during meal periods shall accrue to the nonprofit school lunch program account. 23 Ill.Admin.Code §305.15(d).

Exempted Fundraising Days

EFD foods and/or beverages may not be sold in competition with school meals in the food service area during meal periods. 7 C.F.R. §210.11 (b)(4). In schools with grades 9-12, only 9 or fewer EFDs are allowed. In schools with grades 8 and below, EFDs are prohibited. 23 Ill.Admin.Code §305.15(b)(2+)-(3).

To request an EFD, the Superintendent or designee for the participating school must be contacted. He or she will (1) explain the District’s process and criteria for reviewing and approving or denying an EFD request, and (2) provide any written documents to assist with the EFD request. The Superintendent or designee must maintain a list of all EFDs held and retain them for at least three years. 7 C.F.R. §210.9(b)(17) and 23 Ill.Admin.Code §305.15(c)(3).

LEGAL REF.: 42 U.S.C. §1779⁵
7 C.F.R. §210.11.
23 Ill.Admin.Code Part 305, School Food Service.

Operational Services

Administrative Procedure - Unsafe School Choice Option

Illinois public school districts must comply with the following two statutes: (1) 105 ILCS 5/2-3.134 requires ISBE to maintain data and annually publish a list of persistently dangerous schools, and (2) 105 ILCS 5/10-21.3a, ~~amended by P.A. 100-1046~~, requires each school board to adopt a policy governing the transfer of students within the district from a persistently dangerous school to another public school in the district. Board policy 4:170, *Safety*, fulfills this requirement with its section on **Unsafe School Choice Option**.

This procedure implements the policy. It incorporates guidance issued by the U.S. Dept. of Education (DOE), *Unsafe School Choice Option, Non-Regulatory Guidance* (February 2004), available under the Policy Guidance section at <https://files.eric.ed.gov/fulltext/ED494736.pdf> ~~www2.ed.gov/programs/dvpgovgrants/legislation.html~~, when No Child Left Behind (NCLB) was in effect. NCLB was repealed. The law that took its place is called the Every Student Succeeds Act (ESSA), which amended [Elementary and Secondary Education Act \(ESEA\)](#) on December 10, 2015. ESEA, as amended by ESSA, still requires states to implement an unsafe school choice option; however, the DOE has not updated its guidance to be consistent with this new law. This procedure incorporates DOE guidance to the extent that it is consistent with the new law. ~~ESSA implementation guidance is expected as states implement the law.~~

Unsafe School Choice Option for Students in Persistently Dangerous Schools

| Actor | Action |
|--------------------------------|---|
| ISBE | Identifies each Illinois school that is a <i>persistently dangerous school</i> as defined in 105 ILCS 5/10-21.3a(b) (attached) . As of May 2014 June 2025, ISBE has not identified a <i>persistently dangerous school</i> . |
| Building Principal or designee | Within 10 calendar days of identification, or longer time if necessary, notifies by U.S. mail, the parents/guardians of students attending a <i>persistently dangerous school</i> , of that school's status as <i>persistently dangerous</i> . |
| Superintendent | Keeps the Board informed as appropriate. Determines which, if any, schools will receive students assigned to a <i>persistently dangerous school</i> . The recipient school may be a public charter school. If a recipient school is not available in the District, the Superintendent will explore other appropriate options, e.g., intergovernmental agreements with another district to accept transfer students. The needs and preferences of affected students and parents/guardians will be considered. Develops and implements a corrective action plan. |

| Actor | Action |
|--------------------------------|---|
| Building Principal or designee | Within 20 calendar days of identification, or longer time if necessary, informs parents/guardians of the following: <ol style="list-style-type: none"> 1. The status of the corrective action plan; and 2. The identities of any available school or public charter school into which students may transfer. |
| Parents/guardians | As soon as possible after being informed of the unsafe school choice option, confers with the Building Principal concerning whether to exercise the transfer option. |
| Building Principal or designee | Executes any requested transfers as soon as possible. Transfers will be in effect at least while the original school is identified as <i>persistently dangerous</i> . When determining the transfer length, the Principal considers the student's educational needs as well as other factors affecting the student's ability to succeed if returned to the transferring school. |
| Superintendent or designee | Upon corrective action plan's completion, requests that ISBE remove the school from the list of <i>persistently dangerous schools</i> . |

Unsafe School Choice Option for Any Student Who Is a Victim of a Violent Criminal Offense Occurring on School Grounds During Regular School Hours or During a School-Sponsored Event

| Actor | Action |
|--------------------------------|--|
| Building Principal or designee | Notifies the Superintendent that a student was a victim of a violent crime, as defined by 725 ILCS 120/3 (attached) , occurring on school grounds during regular school hours or during a school-sponsored event. |
| Superintendent | As soon as possible, determines which, if any, schools are available recipients for a student who was a victim of a violent crime while in school or on school grounds. <p>The recipient school may be a public charter school.</p> <p>If a recipient school is not available in the District, the Superintendent will explore other appropriate options, e.g., an agreement with a neighboring district to accept the student.</p> <p>The needs and preferences of the affected student and his or her parents/guardians shall be considered.</p> <p>Keeps the Board informed as appropriate.</p> |
| Building Principal or designee | As soon as possible, notifies the student's parent(s)/guardian(s) that the student may transfer to another school, provided another school is available. |
| Parent(s)/guardian(s) | As soon as possible after being informed of the unsafe school choice option, confers with the Building Principal concerning whether to exercise the transfer option. |
| Building Principal or designee | Executes any requested transfer as soon as possible. When determining the transfer length, considers the student's educational needs as well as other |

| Actor | Action |
|-------|--|
| | factors affecting the student's ability to succeed if returned to the transferring school. |

Definitions for “Persistently Dangerous School”

~~105 ILCS 5/10-21.3a, amended by P.A. 100-1046 (current as of June 2021)~~

~~§10-21.3a(b).~~ In order to be considered a persistently dangerous school, the school must meet all of the following criteria for ~~2~~ consecutive years:

- ~~1. Have greater than 3% of the students enrolled in the school expelled for violence-related conduct.~~
- ~~2. Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921.~~
- ~~3. Have at least 3% of students enrolled in the school exercise the individual option to transfer schools pursuant to subsection (c) of this section. [105 ILCS 5/10-21.3a(c), see the second section of this procedure]~~

Definitions for “Crime Victim” and “Violent Crime”

~~725 ILCS 120/3, amended by P.A. 100-961 (current as of June 2021)~~

~~§ 3.~~ The terms used in this Act shall have the following meanings:

~~(a) "Crime victim" or "victim" means (1) any natural person determined by the prosecutor or the court to have suffered direct physical or psychological harm as a result of a violent crime perpetrated or attempted against that person or direct physical or psychological harm as a result of (i) a violation of Section 11-501 of the Illinois Vehicle Code or similar provision of a local ordinance or (ii) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) in the case of a crime victim who is under 18 years of age or an adult victim who is incompetent or incapacitated, both parents, legal guardians, foster parents, or a single adult representative; (3) in the case of an adult deceased victim, 2 representatives who may be the spouse, parent, child or sibling of the victim, or the representative of the victim's estate; and (4) an immediate family member of a victim under clause (1) of this paragraph (a) chosen by the victim. In no event shall the defendant or any person who aided and abetted in the commission of the crime be considered a victim, a crime victim, or a representative of the victim.~~

~~(e) "Violent Crime" means: (1) any felony in which force or threat of force was used against the victim; (2) any offense involving sexual exploitation, sexual conduct, or sexual penetration; (3) a violation of Section 11-20.1, 11-20.1B, 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the Criminal Code of 2012; (4) domestic battery or stalking; (5) violation of an order of protection, a civil no contact order, or a stalking no contact order; (6) any misdemeanor which results in death or great bodily harm to the victim; (7) any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death. "Violent crime" includes any action committed by a juvenile that would be a violent crime if committed by~~

an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

Operational Services

Administrative Procedure - Criminal Offender Notification Laws; Screening

Laws Protecting Students on School Grounds

The following list describes laws and resources protecting students on school grounds from individuals convicted of serious crimes:

1. A child sex offender is prohibited from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present unless specifically permitted by statute. 720 ILCS 5/11-9.3(a), (b). See ~~School~~ Board policies 4:175, *Convicted Child Sex Offender; Screening; Notifications*; and 8:30, *Visitors to and Conduct on School Property*; ~~and administrative procedure 8:30-AP, Definition of Child Sex Offender.~~
2. Law enforcement must notify schools of offenders who reside or are employed in the county. See: (a) Sex Offender Community Notification Law, 730 ILCS 152/, and (b) Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-154/105. These laws are hereafter referred to as “offender notification laws.” See also Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.
The School Code (105 ILCS 5/10-21.9, 5/21B-5 and 5/21B-80) lists criminal offenses that disqualify an individual from District employment if the individual was convicted. 105 ILCS 5/~~21~~10-21.9 requires any person hired by the District to submit to a fingerprint-based criminal history records check through ~~(a)~~ the Ill. State Police (ISP) for an individual’s *Criminal History Records Information* (CHRI), and ~~(b)~~ the Federal Bureau of Investigation (FBI) national crime information databases. The law also requires a school district to initially check ~~two publicly available Illinois offender databases for each applicant being considered for hire and, if hired, repeatedly at least once every five years that an individual remains employed by the District~~¹, which are ~~(a)~~ the Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, and ~~(b)~~ the Statewide Murderer and Violent Offender Against Youth Registry, <https://isp.illinois.gov/MVOAY/Disclaimer>, ~~for each applicant being considered for hire and, if hired, repeatedly checked at least once every five years that an individual remains employed by the District.~~ Obtaining the results of the fingerprint-based criminal history records check and review of the database registries is a *complete criminal history records check* as required by the School Code. See Board policy 5:30, *Hiring Process and Criteria*; administrative procedure 5:30-AP2, *Investigations*; and Ill. State Board of Education (ISBE)’s non-regulatory guidance ~~document~~, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/Documents/guidance_chr.pdf.
3. The National Sex Offender Public Website, www.nsopw.gov/; however, if performing a check here note that the same information will likely appear in the information furnished by the FBI.
4. The provisions in the School Code described above also apply to employees of persons or firms holding contracts with a school district who have direct, daily contact with students. 105 ILCS

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ 105 ILCS 5/10-21.9(a-5) and (a-6), ~~amended by P.A. 101-531~~. **Note:** the statute uses the term *applicant* even though a person who “remains employed by the school district” is commonly referred to as an employee.

5/10-21.9(f). See administrative procedures 4:60-AP3, *Criminal History Records Check of Contractor Employees*; and 5:30-AP2, *Investigations*.

5. Being charged with attempting to commit, conspiring to commit, soliciting, or committing any offense listed in 105 ILCS 5/21B-80(b-5) results in the automatic suspension ~~or revocation~~ of the individual's license or denial of the individual's license application until the individual's criminal charges are adjudicated through a court of competent jurisdiction. If the individual is acquitted, his or her license or application shall be immediately reinstated. ²
6. Conviction of an offense listed in 105 ILCS 5/21B-80(c) results in the automatic suspension ~~or revocation~~ of the individual's license or denial of the individual's license application, whichever is applicable. When the conviction becomes final, the license will be revoked. Conviction of an offense listed in 105 ILCS 5/21B-80(b), ~~depending upon whether the individual's sentence has been satisfactorily completed and seven years have passed since that date, may result in the~~ automatic suspension ~~or revocation~~ of the individual's license or denial of the individual's license application, whichever is applicable, until seven (7) years following the end of the sentence for the criminal offense. ³
7. The offender notification laws require law enforcement to ascertain whether a juvenile sex offender or violent offender against youth is enrolled in a school and, if so, to provide a copy of the registration form to the Building Principal and any school counselor designated by him or her. This registration form must be kept separately from any and all school records maintained on behalf of the juvenile sex offender. 730 ILCS 152/121(b). See Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.
8. When a criminal sexual offense is committed, or alleged to have been committed, by a District employee or contractor, law enforcement shall immediately transmit a copy of the criminal history record information relating to the investigation of the offense/alleged offense to the Superintendent. This transmission occurs either (725 ILCS 191/15, ~~added by P.A. 102-652~~):
 - a. Upon the Superintendent's request⁴ to a law enforcement agency; or
 - b. If the law enforcement agency knows the offender/alleged offender is employed by the District (either as an employee or contractor), automatically.The copy of the CHRI that is provided must exclude the identity of the adult victim, and if the Superintendent is otherwise aware of the adult victim, he or she must keep that person's identity confidential.

Receipt of Information from and Collaboration with Law Enforcement ⁵

Offender Notification Laws: The Superintendent and Building Principal(s) shall notify the local law enforcement official, including the relevant lawyers in the county State's Attorney's Office and/or

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² 105 ILCS 5/21B-80(b-5), ~~added by P.A. 101-531~~.

³ 105 ILCS 21B-80(b), (c); 105 ILCS 5/21B-15(a).

⁴ The law is silent as to how a superintendent can make this request. Contacting the county State's Attorney's Office(s) and/or local law enforcement agencies that the district has established relationships with through a reciprocal reporting agreement are the suggested request methods. See sample administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students*. The law also does not address to whom criminal history records information may be transmitted if the superintendent is the offender/alleged offender. **Contact the board attorney for further guidance.**

⁵ The law is silent with regard to what, if anything, districts do with the information (except for records provided to a school district by a state's attorney's office under the Juvenile Court Act at 705 ILCS 405/5-901(8), ~~amended by P.A. 102-497~~). It does, however, provide that "any person who provides or fails to provide information relevant to the procedures set forth in this [Sex Offender Community Notification] Law shall not be liable in any civil or criminal action." 730 ILCS 152/130.

county sheriff, that he or she is the District's official contact person for purposes of the offender notification laws.⁶ The Superintendent and/or Building Principal may at any time request information from law enforcement officials regarding sex offenders or violent offenders against youth.

The Superintendent will provide Building Principals and other supervisors with a copy of all lists received from law enforcement officials containing the names and addresses of sex offenders and violent offenders against youth.

The Building Principal or designee shall provide the lists to staff members in his or her building on a need-to-know basis, but in any event:

- A teacher will be told if one of his or her students, or a student's parent/guardian, is on a list.
- The school counselor, nurse, social worker, or other school service personnel will be told if a student or the parent/guardian of a student for whom he or she provides services is on a list.

No person receiving a list shall provide it to any other person, except as provided in these procedures, State law,⁷ or as authorized by the Superintendent. Requests for information should be referred to the local law enforcement officials or State Police.

Licensed Teacher Felony Conviction Notification Laws: On behalf of the Board, the Superintendent, or if the licensed teacher is the Superintendent, the Board President, shall notify the State Superintendent of Education promptly and in writing of the name of a licensed teacher who was convicted of a felony, along with the conviction and the name and location of the court where the conviction occurred.⁸

On behalf of the Board, the Superintendent, or if the teacher is the Superintendent, the Board President, shall notify the Teachers' Retirement System (TRS) of the State of Ill. Board of Trustees promptly and in writing when the District learns that a teacher as defined in the Ill. Pension Code was convicted of a felony, along with the name and location of the court where the conviction occurred, and the case number assigned by that court to the conviction.⁹

Juvenile Delinquency Adjudication Notifications: The Superintendent or designee shall contact the Juvenile Division(s) of the County State's Attorney Office(s) having jurisdiction over the District's school(s) to discuss how the State's Attorney(s) shall inform the Superintendent or designee of any students adjudicated as delinquent minors for offenses that would be felonies and/or certain weapons offenses under the Criminal Code of 2012. 705 ILCS 405/5-901(8), ~~amended by P.A. 102-197~~. The Superintendent and/or designee(s) shall ensure the dissemination of such information is limited to the Building Principal and any school counselor designated by the Building Principal. Id.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

⁶ Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and the superintendent may wish to have a contact person from each building.

⁷ The list of child sex offenders may be a *public record* subject to disclosure under the Ill. Freedom of Information Act (FOIA). 5 ILCS 140/. Consult the board attorney when a FOIA request is made ~~using this Act~~.

⁸ 105 ILCS 5/21B-85(a).

⁹ Id. at 5/21B-85(b), ~~amended by P.A. 102-552~~.

Informing Staff Members and Parents/Guardians About the Law ¹⁰

Building Principals or their designees shall inform parents/guardians about the availability of information concerning sex offenders during school registration and, if feasible, during parent-teacher conferences. Information should be distributed about the Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, and the Statewide Murderer and Violent Offender Against Youth Registry, <https://isp.illinois.gov/MVOAY/Disclaimer>. Information may also be included in the Student Handbook. See the Sex Offender Community Notification Law, 730 ILCS 152/, and exhibit 4:175-AP1, E1, *Informing Parents/Guardians About Offender Community Notification Laws*.

Requests for additional information shall be referred to local law enforcement officials.

Screening Individuals Who Are Likely to Have Contact with Students at School or School Events ¹¹

The law is silent with regard to *screening* volunteers and individuals in the proximity of a school. *Screening* is not the same as the School Code's requirement to perform a *fingerprint-based criminal history records check* through (a) the ISP for an individual's *Criminal History Records Information* (CHRI), and (b) the FBI's national crime information databases. 105 ILCS 5/10-21.9.

Screening involves checking an individual's name and address against the: (1) Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, and (2) the Statewide Murderer and Violent Offender Against Youth Registry maintained by the ~~ISP State~~ ~~Police~~, <https://isp.illinois.gov/MVOAY/Disclaimer>. 105 ILCS 5/10-21.9(a-5), (a-6).

There are five categories listed below of individuals with the potential to have contact with students at school or at school events.

1. For employees and student teachers, the Superintendent or Building Principal(s) perform the following tasks:
 - a. Complete the required forms to request the *fingerprint-based criminal history records check*; see *administrative procedure* 5:30-AP2, *Investigations*. 105 ILCS 5/10-21.9(a).
 - b. Screen the individual's name and address against the: (1) Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, and (2) the Statewide Murderer and Violent Offender Against Youth Registry maintained by the State Police, <https://isp.illinois.gov/MVOAY/Disclaimer>. 105 ILCS 5/10-21.9(a-5), (a-6). This screening must be done for applicants being considered for hire and, if hired, repeatedly at least once every five years that an individual remains employed by the District. ¹²
 - c. Review the lists of sex offenders and violent offenders against youth as the lists are received from law enforcement. If a match is found, the Superintendent immediately contacts the local police officials to confirm or disprove the match. The Superintendent immediately notifies the Board if a match is confirmed. The Board President will contact

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¹⁰ State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. 730 ILCS 152/120(g). While State law allows the notification to be made during registration or parent-teacher conferences, the sample procedure makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

¹¹ The law is silent with regard to screening volunteers and individuals in the proximity of a school. *Screening* is not the same as the School Code's requirement to perform a *fingerprint-based criminal history records check* through (a) the ISP for an individual's *Criminal History Records Information* (CHRI), and (b) the FBI's national crime information databases. 105 ILCS 5/10-21.9.

¹² See f/n 1.

the Board Attorney and the Board will take the appropriate action to comply with State law that may include terminating the individual's employment.

- d. May request the individual to authorize a clearance of his or her name through the Ill. Dept. Of Children and Family Services (DCFS) [Child Abuse and Neglect Tracking System, a/k/a CANTS-system](https://dcfs.illinois.gov/for-providers/background-checks-for-licensed-and-unlicensed-providers/background-check-portal-for-licensed-providers.html). This check documents that the person does not have an indicated report or record on DCFS' registry of child abuse and/or neglect. 325 ILCS 5/11.1(a)(11) and (c). Clearances must be requested using the DCFS [Background Check Portal](https://dcfs.illinois.gov/for-providers/background-checks-for-licensed-and-unlicensed-providers/background-check-portal-for-licensed-providers.html) form at www.dhs.state.il.us/page.aspx?item=48125 <https://dcfs.illinois.gov/for-providers/background-checks-for-licensed-and-unlicensed-providers/background-check-portal-for-licensed-providers.html>.
If an indicated report by DCFS or by a child welfare agency of another jurisdiction is found, the Board must consider the individual's status as a condition of employment.¹³ Contact the Board Attorney for guidance.
 - e. Notify the State Superintendent of Education in writing¹⁴ within ~~ten~~⁴⁰ business¹⁵ days when a fingerprint-based criminal history records check returns a *pending* criminal charge against a license holder for an offense set forth in 105 ILCS 5/21B-80.
 - f. Notify the State Superintendent of Education in writing within 15 business days when a fingerprint-based criminal history records check returns a *conviction* of a crime set forth in 105 ILCS 5/21B-80 or when publicly-available Illinois offender databases checks find a registration.¹⁶
2. For students doing field or clinical experience other than student teaching, the Superintendent or Building Principal(s):
 - a. May require the same fingerprint-based criminal history records check required of student teachers.¹⁷ The cost of this check will be reimbursed by the student seeking the experience.¹⁸
 - b. Performs the responsibilities listed in 1. b. & c., above.
 3. For volunteers, see [administrative procedure 6:250-AP, Resource Persons and/or School Volunteers; Screening](#). The Superintendent or Building Principal(s):

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¹³ 105 ILCS 5/10-21.9(c) and (g), ~~amended by P.A. 101-531~~.

¹⁴ 105 ILCS 5/10-21.9(e), ~~amended by P.A. 101-643~~, requires written notice for *convictions*. While notice for *pending* criminal charges is not required to be "in writing," for ease of use, consistency in administration, alignment with the requirement to provide written notice for *convictions*, and best practices this sample text states the State Superintendent will also be notified of *pending* criminal charges in writing. Consult the board attorney for further guidance.

¹⁵ 105 ILCS 5/10-21.9(e), ~~amended by P.A.s 101-531 and 101-643~~. The statute does not state whether the notice requirement is *calendar* days or *business* days. Support for it being *business* days is found later in 105 ILCS 5/10-21.9(e), which requires that notice for *convictions* be provided within 15 business days.

¹⁶ Id.

¹⁷ For districts with boards that require students participating in any field or clinical experience to undergo the same fingerprint-based criminal history records check required of student teachers in 105 ILCS 5/10-21.9(g), delete "~~May require~~" and replace with "Performs". See f/n 3 in sample policy 5:260, *Student Teachers*.

¹⁸ ~~For districts with boards that require students participating in any field or clinical experience to undergo the same fingerprint based criminal history records check required of student teachers in 105 ILCS 5/10-21.9(g), delete "May require" and replace with "Performs". See f/n 3 in policy 5:260, *Student Teachers*.~~Optional. Delete if your district pays for the fingerprint-based criminal history records check for student teachers.

- a. May require the same fingerprint-based criminal history records check required of student teachers. ¹⁹
 - b. Performs the responsibilities listed in 1. b. & c., above.
4. For contractors' employees, see administrative procedures 4:60-AP3, *Criminal History Records Check of Contractor Employees*; and 5:30-AP2, *Investigations*.
 5. For individuals in the proximity of a school or bus stop, the Building Principal(s) review(s) the lists of sex offenders and violent offenders against youth as they are received from law enforcement. The Building Principal or designee shall: (a) notify staff members according to the section of this procedure on **Receipt of the Information from Law Enforcement**, and (b) attempt to alter school bus stops and the route students travel to and from school in order to avoid contact with an individual on such a list.

CROSS REF.: 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:60 (Administrative Responsibility of the Building Principal), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:30 (Hiring Process and Criteria), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property)

ADMIN. PROC.: 4:60-AP3 (Criminal History Records Check of Contractor Employees), 4:175-AP1, E1 (Informing Parents/Guardians About Offender Community Notification Laws), 5:30-AP2 (Investigations), 6:250-AP (Resource Persons and/or School Volunteers; Screening), 6:250-E (Resource Person and Volunteer Information Form and Waiver of Liability), 8:30-AP (Definition of Child Sex Offender), 8:30-E1 (Letter to Parent Regarding Visits to School by Child Sex Offenders), 8:30-E2 (Child Sex Offender's Request for Permission to Visit School Property)

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹⁹ For districts with boards that require volunteers to undergo the same fingerprint-based criminal history records check required of student teachers in 105 ILCS 5/10-21.9(g), delete "May require" and replace with "Performs".

Operational Services

Administrative Procedure - Pandemic Influenza Surveillance and Reporting¹

During all levels of a pandemic flu outbreak, monitoring and documenting the number of students and faculty who are absent and report having influenza is critical. Keeping track of these numbers helps health officials determine whether: (1) the outbreak is increasing in scope, (2) to declare an epidemic and (3) to close school buildings and facilities. Consult the local public health department for an illness' *expected range*.

The following information assists officials with monitoring illness rates and the potential for an epidemic:

- Basic surveillance level definitions and response actions with instructions as outlined below.
- Website links to reporting form(s) to submit to the local public health department.
- Sample attendance log to document flu-related absences.

| Surveillance Levels | Response Actions |
|--|---|
| Standard Surveillance — Reported illnesses are within expected range. | Monitor attendance for increased reports of absence due to flu-like illness. Do not report absences to the local health department. |
| Heightened Surveillance — — Reported illnesses exceed expected range. | Monitor weekly attendance for flu-like illness/absences on Weekly Influenza Census at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_weekly_census.pdf . Begin morning <i>flu check</i> first hour of school; screen those who report positive for symptoms. Log absences due to flu-like illness on Daily Pandemic Influenza Census Log ; a sample is available at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_daily_censusus.pdf . Send weekly absence report to local health department upon request. |
| Intensive Surveillance — — Reported illnesses significantly exceed expected range. | Monitor daily attendance and log absences on Daily Influenza Census or Daily Pandemic Influenza Log at: www.idph.state.il.us/pandemic_flu/school_guide/sppg_daily_censusus.pdf . |

The footnotes should be removed before the material is used.

¹ This administrative procedure is specific to pandemic influenza only. Do not use this material for COVID-19 surveillance and reporting.

| Surveillance Levels | Response Actions |
|---------------------|---|
| | <p>Continue morning flu check.</p> <p>Send daily absence report to local health department upon request.</p> <p>Begin preparation for potential school closure.</p> |

Important Resources

School Guidance During an Influenza Pandemic, Section III. Surveillance at:
www.idph.state.il.us/pandemic_flu/schoolguide.htm.

Operational Services

Administrative Procedure – Grant Flexibility; Payment of Employee Salaries During a Pandemic 1

The Superintendent may implement this procedure if it is determined it would be in the best interest of the District to allow grant flexibilities that allow funds during a pandemic. This procedure is required by Board policies 5:200, *Employment At-Will, Compensation, and Assignment*. 3

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in consultation with the Board, when it is determined that the District will utilize federal or State agency grants and benefits from grant funds consistent with District practices and policies, and 5:270, *Employment At-Will, Compensation, and Assignment*. 5

During a pandemic, federal and/or State agencies may take official action to temporarily allow the District (as a grant recipient) to continue to charge employee salaries and benefits to grant funds while the activities of a grant are closed in whole or in part because of a pandemic, when those payments are made consistent with the District's local practices⁴ for the payment of salaries and benefits to *similarly situated* employees paid from *other* funding sources (i.e., not tied to grant-funds) during a pandemic. The Districts will use this procedure to address the payment of salaries and benefits to grant-funded employees and similarly situated non-grant funded employees during a pandemic. 5

The footnotes should be removed before the material is used.

¹ Depending upon the specific terms of government orders and/or guidance issued during a pandemic, this procedure may be required if a district wishes to continue to charge employee salaries and benefits to a grant during an extended school closure. See f/n 3 below for further discussion. **Note:** Apart from this potential requirement tied to grant funding, there is no other federal or State law that requires a district to have a procedure that specifically addresses the payment of employee salaries during a pandemic.

² The Superintendent needs to document his or her consultation with the Board under this procedure. This procedure does not require formal board action; however, documentation could be accomplished through board meeting minutes if discussed at a meeting or through correspondence from the Superintendent to Board members. See policy 2:140, *Communications To and From the Board*, and 2:140-E, *Guidance for Board Member Communications, Including Email Use* for guidance regarding compliance with the Open Meetings Act as it pertains to board member communications outside of a public meeting.

³ See policies 5:200, *Terms and Conditions of Employment and Dismissal*, at f/n 7 and 5:270, *Employment At-Will, Compensation, and Assignment*, for information about general sources of board authority for the payment of professional and educational support personnel.

⁴ The memorandum issued by the federal Office of Management and Budget (OMB) referenced in f/n 5 below refers to grant recipients having a "policy," which is used in the generic sense and does not mean a formally adopted board policy. To avoid confusion regarding the federal government's use of the word "policy" in this context and the PRESS PRM's use of policy, this procedure uses the term "practices."

⁵ During the COVID-19 pandemic, the federal Office of Management and Budget (OMB) issued a memorandum on 3-19-20, that permitted federal agencies to allow grant recipients to continue to pay employee salaries and benefits from federal grant funds for a 90-day period, if such payments were made "consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources." See www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf. Specifically, the memorandum permitted relief from certain provisions of the federal uniform guidance for grants at 2 C.F.R. Part 200 that require grant expenditures to be directly tied to the activities of the grant. That relief was subsequently extended until 9-30-20. See www.whitehouse.gov/wp-content/uploads/2020/06/M-20-26.pdf. The Grant Accountability and Transparency Unit of the Illinois Governor's office, which administers the Grant Accountability and Transparency Act (GATA)(30 ILCS 708/), confirmed that the OMB flexibility memo also applied to State grants through GATA. See *Guidance for Short-Term Relief of 2 CFR 200*, at www2.illinois.gov/sites/GATA/Pages/default.aspx.

When school buildings are closed due to a pandemic, the Superintendent shall:

1. Consult with the Board to determine the extent to which continued payment of salaries and benefits will be made to the District's employees,⁶ pursuant to Board policies 3:40, *Superintendent*, 3:50, *Administrative Personnel Other Than the Superintendent*, 5:35, *Compliance with the Fair Labor Standards Act*, 5:200, *Terms and Conditions of Employment and Dismissal* and 5:270, *Employment At-Will, Compensation, and Assignment*, and consistent with the following: ⁷
 - a. Laws, regulations, federal or State or local emergency declarations, executive orders, and agency directives; ⁸
 - b. Collective bargaining agreements and any bargaining obligations; and
 - c. The terms of any grant under which an employee is being paid.
2. When permitted by the terms of any grant or related regulatory flexibility, and in consultation with the Board, ensure that the District continues to charge to the respective grants payment of the salaries and benefits to grant-funded employees when payment of salary and benefits is also being made to similarly situated non-grant funded employees.
3. Consult with the Board Attorney for guidance on the continued payment of salaries and benefits for grant-funded employees and similarly situated non-grant funded employees and any related legal obligations, such as collective bargaining. ⁹

The footnotes should be removed before the material is used.

Following the OMB memorandum, the U.S. Dept. of Education (DOE) issued its own guidance to grant recipients, stating that recipients could continue to pay employees with DOE grant funds when closed due to COVID-19, as long as the recipient paid "consistent with its policies and procedures, similarly situated employees whose compensation is paid with non-federal funds during an extended closure." See www2.ed.gov/documents/coronavirus/factsheet-fiscal-questions.pdf. Neither the OMB nor DOE define *similarly situated* in their guidance; consult the board attorney for advice on this issue. Other agencies administering grant flexibilities during a pandemic such as COVID-19 may issue their own guidance regarding whether a grant recipient's local employee payment practices during extraordinary circumstances must address all employees, only similarly situated employees, or other subsets of employees. This procedure includes the *similarly situated* standard because districts receive much of their federal funding through DOE. Consult the board attorney if the district wants to modify this procedure based on agency guidance from agencies other than DOE.

⁶ 105 ILCS 5/10-23.8 and 5/10-23.8a (superintendent and other administrators salary and benefits); 105 ILCS 5/10-20.7, 5/10-21.1, 5/24-1, and 5/24-8, amended by P.A. 101-443, beginning with the 2020-2021 school year, (teacher minimum salary); and 105 ILCS 5/10-22.34, 5/10-23.5 (educational support personnel); 29 U.S.C. §201 *et seq.* (payment of *exempt* employees as defined in the Fair Labor Standards Act (FLSA)); and 820 ILCS 115/3 (payment of non-exempt educational support personnel).

⁷ 105 ILCS 5/10-20.5 and 115 ILCS 5/1 *et seq.* See paragraph four of f/n 1 in policy 4:180, *Pandemic Preparedness*.

⁸ The Fair Labor Standards Act (FLSA) (29 U.S.C. §201 *et seq.*) generally requires employers to pay *exempt employees* their full salary for any week in which the employee performs work, regardless of the number of days or hours worked in that week; however, the FLSA does not require employers to pay them for any workweek in which they perform no work. 29 C.F.R. §541.602. The FLSA has no such payment requirement for *non-exempt* employees who are generally paid on an hourly basis.

During the 2020 COVID-19 pandemic, the Governor and the Ill. State Board of Education (ISBE) issued directives and/or guidance regarding payment of school district employees that may impact a board's decision regarding continued payment of employees during an extended closure. ISBE and the Governor suspended in-person learning and issued a Joint Statement with other school administrator and union groups, which purported to mandate that all school district employees on the district's payroll be paid as if districts were functioning normally and they were performing their normal work. See www.isbe.net/Documents/Joint-Statement-Updated%203-27-20.pdf. The Joint Statement cited no specific authority for the payment mandate. Additionally, changes to wages, hours, terms and conditions of employment, even when made during an extraordinary circumstance such as a pandemic, remain subject to collective bargaining obligations.

⁹ Staffing and payment of employees during a pandemic presents a number of complex and potentially fluid legal issues; regular consultation with the board attorney is critical under such circumstances to limit the district's liability.

4. Make recommendation(s) to the Board about the continued payment of grant-funded and similarly situated non-grant funded employees' salary and benefits during the emergency closure.
5. Regularly report to the Board regarding the payment of grant-funded and similarly situated non-grant funded employees and the work being performed by those employees during the period of the emergency closure.

General Personnel

Administrative Procedure - Copyright Compliance

These guidelines help staff members determine if they may use non-original work freely or whether permission is needed to use or copy it. Whenever a staff member is uncertain, has questions, or needs permission from a copyright owner to use or copy a work, he or she should contact the Superintendent or designated copyright compliance officer. Appendix 1 is a *Fair Use Assessment Factors Checklist*. Appendix 2 contains use resources available online.

1. Is the work copyright protected? *A “no” means you may use the work freely; a “yes” or uncertain answer means you should proceed with the second query.* Note: The presence of a copyright notice is not determinative.
 - a. No, if it is in the public domain.
 - b. No, if it is a U.S. Government publication.
 - c. No, if it is an idea or method described in copyrighted work.
 - ~~d. The presence of a copyright notice is not determinative.~~
 - e.d. Yes, almost all other works.
2. Do you want to exercise one of the copyright owner’s exclusive rights? *A “yes” or uncertain answer means you should proceed with the third query.*
 - a. Yes, if you plan to copy the work.
 - b. Yes, if you plan to use the work as the basis for a new work.
 - c. Yes, if you plan to electronically distribute or publish copies.
 - d. Yes, if you plan to perform music or drama, recite prose or poetry, or if you plan to play a video and/or audio ~~digital or tape~~ recording ~~or DVD~~.
 - e. Yes, if you plan to publicly display the work.
3. Does your planned use of the work require the copyright owner’s permission? *A “no” means you may use the work, provided that any copies contain the copyright notice as it appears in the original work; a “yes” or uncertain answer means you should contact the Superintendent or designated copyright compliance officer.*
 - a. No, if your planned use of printed work is within the *fair use* exception as defined in 17 U.S.C. §107. See Appendix 1.
 - b. No, if your planned use of the work is within the *library’s special rules* exception as defined in 17 U.S.C. §108.
 - A library may make a single copy containing the copyright notice for the purpose of archiving lost, stolen, damaged, or deteriorating works.
 - A library may make a single copy containing the copyright notice for a student or staff member at no more than the actual cost of photocopying, provided that the

library finds that the copyrighted work cannot be obtained elsewhere at a fair price.

- c. No, if your planned use of the work is within the *educational performances and displays* exception as defined in 17 U.S.C. §110.

Performances by teachers or students are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

- d. No, if you plan to use it in an overhead or opaque projector for instructional purposes.
- e. No, if you plan to copy and use music for academic purposes, other than performance.
- f. Yes, notwithstanding the above, if you plan to create anthologies, compilations, or collective works.
- g. Yes, notwithstanding the above, if copies will be *consumed* during the course. *Consumable* works include: workbooks, exercises, standardized tests, test booklets, and answer sheets.
- h. Yes, notwithstanding the above, if you plan to substitute copies for the purchase of the work; likewise, if you yearly copy the same item.
- i. You must receive permission from the Superintendent or designated copyright compliance officer before showing the off-air recording of television programs, video rentals, or videos purchased for home use. You must follow any applicable license agreements.
- j. You must receive permission from the Superintendent or designated copyright compliance officer before using any non-District owned software, DVD products, and/or downloadable files in District-owned equipment. No one may install or download any program on District-owned equipment without the Superintendent or designee's permission.
- k. You must follow licensing agreements applicable to District-owned software and DVD products.
- Licensing agreements with the manufacturer and vendor shall be followed.
 - Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment, to avoid the installation of privately purchased software on school equipment, and to avoid the use of single copy software across a network with multiple users unless the applicable license agreement permits.
 - A back-up copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the District shall make a back-up program in accordance with the terms of the applicable licensing agreement or 17 U.S.C. §117.

Appendix 1: Copyright Fair Use Assessment Factors Checklist

Purpose and Character of Use of Copyrighted Work

Use this checklist to analyze whether material falls under the *fair use doctrine*. Factors favoring fair use will generally indicate that material may be used without seeking permission from the copyright

owner. Factors opposing fair use require permission to reprint or adapt the material from the copyright owner. If a copyright owner is known, always request permission before using any material.

| Favoring Fair Use | Opposing Fair Use |
|---|---|
| <input type="checkbox"/> Teaching | <input type="checkbox"/> Commercial activity — gain of financial rewards from (sic) use; e.g., sale of goods, services; advertising; fundraising, etc. |
| <input type="checkbox"/> Research/Scholarship/Academics | <input type="checkbox"/> Profiting from use |
| <input type="checkbox"/> Nonprofit educational institution | <input type="checkbox"/> Bad-faith behavior; e.g., misrepresentation of intended use |
| <input type="checkbox"/> Criticism | <input type="checkbox"/> Denying credit to original author or artist |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Entertainment |
| <input type="checkbox"/> News reporting that is fact intensive | <input type="checkbox"/> News reporting with a new perspective or creative flair |
| <input type="checkbox"/> Used to create something different and new | <input type="checkbox"/> Making a stylized version that retains the core elements of the original work |
| <input type="checkbox"/> Restricted access given | |
| <input type="checkbox"/> Parody | |

Nature of Copyrighted Work Used

| Favoring Fair Use | Opposing Fair Use |
|--|---|
| <input type="checkbox"/> Published work | <input type="checkbox"/> Unpublished work |
| <input type="checkbox"/> Factual or nonfiction based | <input type="checkbox"/> Highly creative work (art, music, novel) |
| <input type="checkbox"/> Out of print work | <input type="checkbox"/> Fiction |

Amount and Substantiality of Copyrighted Work Used

| Favoring Fair Use | Opposing Fair Use |
|---|--|
| <input type="checkbox"/> Small amount used | <input type="checkbox"/> Large portion or whole work used |
| <input type="checkbox"/> Portion used not central or significant to entire work | <input type="checkbox"/> Portion used is the heart of the work |

Impact on Market of Copyrighted Work (often viewed as the most important factor)

| Favoring Fair Use | Opposing Fair Use |
|---|---|
| <input type="checkbox"/> User owns lawfully acquired/purchased copy | <input type="checkbox"/> Use could supplant original author's sale for copyrighted work |

| | |
|--|---|
| <input type="checkbox"/> One or few copies made | <input type="checkbox"/> Significantly impairs the market/potential market of copyrighted work or derivative work |
| <input type="checkbox"/> No significant effect on market/potential market for copyrighted work | <input type="checkbox"/> Reasonable available licensing mechanisms |
| <input type="checkbox"/> No similar product marketed by copyright holder | <input type="checkbox"/> Affordable permission to use copyrighted work available |
| <input type="checkbox"/> No ready licensing or permission mechanism | <input type="checkbox"/> Numerous copies made |
| | <input type="checkbox"/> Made accessible on the Internet or elsewhere |
| | <input type="checkbox"/> Repeated or long-term use |

In addition to the defense of fair use, a user of a work may also raise the argument that the expression at issue is not protectable because it is composed of *scènes à faire*, which are elements of work that are so rudimentary, commonplace, standard or unavoidable that they do not distinguish one work in a class from another, and therefore receive no copyright protection. Examples of *scènes à faire* might include:

- Story elements, e.g., an adventure story involving a wizened old mentor to a young upstart
- A horror story featuring an unstoppable killer
- Cliché phrases such as *ruby red lips*

A related concept is the *merger doctrine*, which provides that if an idea can be expressed in only a few limited ways, the expression *merges* with the idea and cannot be protected by copyright. Examples of merger may be:

- An order form for a certain type of product
- The architectural layout of a one-bedroom apartment
- Sweepstakes rules

Like questions of fair use, these issues are likely to be factually intensive and their application can be highly subjective. Consult the board attorney for guidance.

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Appendix 2: Copyright Resource List

U.S. Copyright Office

www.copyright.gov

U.S. Copyright Office Fair Use Index

www.copyright.gov/fair-use/

Copyright Act, as amended, Title 17 of the United States Code

www.copyright.gov/title17/92chap1.html

[Copyright and Artificial Intelligence](#)

www.copyright.gov/ai/

Copyright Term and the Public Domain in the United States; updated every Jan. 1.

Cornell University Copyright Information Center

<https://guides.library.cornell.edu/copyright>

copyright.cornell.edu/resources/publicdomain.cfm

Cornell University Copyright Information Center

U.S. Copyright Office Circular 21: Reproductions of Copyrighted Works by Educators and Librarians

www.copyright.gov/circs/circ21.pdf U.S. Copyright Office

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals (see Circular 21: Reproductions of Copyrighted Works by Educators and Librarians, page 6) www.copyright.gov/circs/circ21.pdf

TEACH Act (Technology, Education and Copyright Harmonization Act of 2002)

www.copyright.gov/legislation/pl107-273.pdf

The TEACH Act: New roles, rules and responsibilities for academic institutions

<https://library.udel.edu/wp-content/uploads/2023/08/copyright-teach-act.pdf>
www.copyright.com/wp-content/uploads/2015/04/CR-Teach-Act.pdf

Copyright: Distance Education and the TEACH Act

<http://www.ala.org/advocacy/copyright/teachact/distanceeducation>
www.ala.org/advocacy/copyright/teachact/distanceeducation

Copyright Crash Course: TEACH ACT

The University of Texas Libraries

<https://guides.lib.utexas.edu/copyright/teachact>

The University of Texas Libraries

WIPO (World Intellectual Property Organization)

www.wipo.org

MPAA (Motion Picture Association of America)

www.mpaa.org

Permissions Group (Negotiation of rights and fees for the use of copyrighted material in and for all media)

www.permissionsgroup.com

SIIA (Software & Information Industry Association)

www.siia.net/

CCC Copyright Clearance Center (Copyright permission for publications worldwide)

www.copyright.com

ASCAP (American Society of Composers, Authors and Publishers)

www.ascap.com

BMI (Broadcast Music Inc.)

www.bmi.com

SESAC, Inc. (A performing rights organization)

www.sesac.com

The Harry Fox Agency, Inc. (Licensing agency for U.S. music publishers)

www.harryfox.com

The Authors Registry (Maintains an extensive directory of authors)

www.authorsregistry.org

Copyright & Fair Use (Stanford University Libraries)

<https://fairuse.stanford.edu/>

Copyright Society of the USA

www.copyrightsociety.org <https://www.esusa.org> (copy and paste link into browser if clicking doesn't work)

The Copyright (Copyright Registration and Information Resource)

www.benedict.com

Crash Course in Copyright

University of Texas Libraries

<https://guides.lib.utexas.edu/copyright> ~~copyright.lib.utexas.edu/~~

Kohn on Music Licensing

www.kohnmusic.com

National Writers Union

www.nwu.org

Poets & Writers, Inc.

www.pw.org

Project Gutenberg (Internet's oldest producer of FREE electronic books (eBooks or eTexts))

www.gutenberg.org

WATCH: Writers and Their Copyright Holders

The University of Texas at Austin

<https://norman.hrc.utexas.edu/watch/>

General Personnel

Administrative Procedure - Seeking Permission to Copy or Use Copyrighted Works

The following resources are a partial list of where to begin searching for permission to copy or use copyrighted work. Whenever it is unclear who the owner is, or if the owner is a legal entity of some kind (a business or organization), be sure that the person granting permission is authorized to do so. Once it is known whom to ask, initiate contact by writing a letter, calling, or emailing. Seek written permission that clearly describes its scope. Document the receipt of an oral permission and send the owner a confirming letter or email. A copyright protects materials regardless of whether the owner cares about protection or not. Thus, if required permission cannot be obtained, the work may not be used.

1. For information regarding how to find copyright owners, contact the Writers Artists and Their Copyright Holders (WATCH) program through the University of Texas, Austin's Harry Ransom Humanities Research Center at <https://norman.hrc.utexas.edu/watch/>. Phone: 512/471-8944, Email: [see www.hrc.utexas.edu/contact/](http://www.hrc.utexas.edu/contact/).
2. For a part of a book or a journal article, contact: Copyright Clearance Center, "CCC" Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, Phone: 978/750-8400, Email: [see www.copyright.com/about/contact/](http://www.copyright.com/about/contact/), www.copyright.com.
3. For images, contact: The Film Foundation, 7920 Sunset Boulevard, 6th Floor, Los Angeles, CA 90046, Phone: 303/436-5060, Email: [see www.film-foundation.org](http://www.film-foundation.org); American Society of Media Photographers, Four Embarcadero Center, Suite 1400, San Francisco, CA 94111, Phone: 877/771-2767, Email: [see www.asmp.org/](http://www.asmp.org/).
4. If the author owns the copyright in a contribution to a periodical, magazine, or newspaper, permission may be obtained through The National Writers Union, 61 Broadway Ste. 1630, New York, NY 10006, Phone: 315/545-5034, Email: [see https://nwu.org/contact-us/](https://nwu.org/contact-us/), www.nwu.org; and the Society of Children's Book Writers and Illustrators, 8271 Beverly Blvd., Los Angeles, CA 90048, Phone: 323/782-1010, Email: [see www.scbwi.org/contact-us](http://www.scbwi.org/contact-us) averysilverberg@scbwi.org, www.scbwi.org.
5. For ~~a-musical-work~~ musical work, contact: American Society of Composers, Authors and Publishers (ASCAP), 250 West 57th Street, New York, NY 10107, Phone: 212/621-6000, Email: [see www.ascap.com](http://www.ascap.com); Broadcast Music Incorporated (BMI), 7 World Trade Center, 250 Greenwich Street, New York, NY 10007, Phone: 212/220-3000, Email: [see www.bmi.com/licensing](http://www.bmi.com/licensing); or SESAC, 55 Music Square East, Nashville, TN 37203, Phone: 615/320-0055, Email: [see www.sesac.com](http://www.sesac.com).
6. To record and distribute a musical composition recorded by someone else, or synchronize music with visual images, contact: The Harry Fox Agency, Inc. at www.harryfox.com; National Music Publishers Association, 1900 N St NW, Suite 500, Washington, DC 20036, Phone: 202/393-~~4~~6672, Email: [see www.nmpa.org](http://www.nmpa.org).

7. For pPlays-Rights, contact:

Concord Theatricals
250 W. 57th St., 6th Floor
New York, NY 10107
Phone: 866/979-0447
info@concordtheatricals.com
<https://www.concordtheatricals.com/concordtheatricals.co>
[m](#)

Dramatists Play Service, Inc.
440 Park Avenue South
New York, NY 10016
Phone: 212/683-8960
[postmaster@www.dramatists.co](mailto:postmaster@www.dramatists.com)
m
<https://dramatists.com/>
Anchorage Press (Plays for young
people)
c/o Dramatic Publishing
311 Washington St.
Woodstock, IL 60098-3308
Phone: 800/448-7469

Anchorage Press (Plays for young people)
c/o Dramatic Publishing
311 Washington St.
Woodstock, IL 60098-3308
Phone: 800/448-7469
customerservice@dpcplays.com
www.dramaticpublishing.com
Dramatists Play Service, Inc.
440 Park Avenue South
New York, NY 10016
Phone: 212/683-8960
postmaster@www.dramatists.com
<https://dramatists.com/>

8. For news archives, check the Webnews organization's website. Many of the largest news organizations have placed archives of their back issues online.

9. For mMovies, contact:

~~10.9.~~ tThe Motion Picture Licensing Corporation at ~~www.mple.com~~<https://us.mplc.com/>, Phone: 800/462-8855, Email: see <https://us.mplc.com/customer-support/>~~mplc.org/index/contactform~~, info@mplc.com, ~~www.mple.org~~, grants public performance rights. If the author and the publisher are known, contact them directly. If the publisher is unknown, contact: The Literary Marketplace, www.literarymarketplace.com (for books) or Ulrich's International Periodicals, www.ulrichsweb.com (for journals), both published by the R. R. Bowker Company, www.bowker.com.

~~11.~~ For a changed oWner where

~~12.10.~~ tThe apparent copyright owner may not be the real copyright owner. ~~t~~The U.S. Copyright Office, www.copyright.gov, provides online searching of its registration records and performs professional searches for a fee.

~~13.~~ For software,

~~11.~~ contact the software's manufacturer at the address given on the licensing agreement.

~~14.12.~~ For musical theater, contact: Music Theater International at www.mtishows.com, Phone: 212/541-4684, Email: see www.mtishows.com/about/contact-us; or Broadway Licensing at

www.broadwaylicensing.com, Phone: 212/540-9330, Email: [see
www.broadwaylicensing.com/contact/](mailto:see@www.broadwaylicensing.com/contact/).

General Personnel

Administrative Procedure - Instructional Materials and Computer Programs Developed Within the Scope of Employment

Definitions¹

The definitions used in this procedure are in accordance with State and federal law. In the event of a change, these procedures shall be deemed to be modified to the extent required by the change.

Works made for hire — Instructional materials and computer programs (including written, electronic, digital, audio, visual materials ~~and tapes~~, films, and works of art) when an employee creates them:

1. Within the employee's scope of employment,
2. In whole or in part during hours of District employment (not including lunch periods or other similar free periods),
3. Under the District's supervision or control,
4. As a direct result of the employee's duties with the District, and/or
5. Using District resources or facilities.

Proceeds — Profits derived from the marketing or sale of instructional materials after deducting the expenses of developing and marketing these materials.

Computer program — A series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.

Computer — An internally programmed, general purpose digital device capable of automatically accepting and processing data and supplying the results of the operation.

Instructional Material Prepared Within the Scope of Employment

All instructional materials developed by an employee within the scope of District employment are works made for hire and belong to the District. The District is entitled to all proceeds from the marketing or sale of works made for hire other than computer programs.

~~An employee must provide the Superintendent or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of employment. The District has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the District for publication are original.~~

Computer Programs Prepared Within the Scope of Employment

All computer programs developed by an employee within the scope of District employment are works made for hire and belong to the District.

An employee who develops a computer program is entitled to a share of the proceeds from its sale as agreed to by the District. Neither the employee nor the District may receive more than 90% of the

The footnotes should be removed before the material is used.

¹ The definitions are derived from 105 ILCS 5/10-23.10(b) and 17 U.S.C. §101. See also the U.S. Copyright Office's *Works Made for Hire Circular* [30-9](#), at: www.copyright.gov/cirrcs/circ30.pdf ~~www.copyright.gov/cirrcs/circ09.pdf~~.

proceeds. An employee's representative may conduct the negotiation; the School Board must approve all agreements.²

The employee must provide the Superintendent or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of District employment. The District has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the District for publication are original.

The District shall compute proceeds. The proceeds of a computer program developed by more than one employee shall be equitably distributed among such employees, in proportion to their participation in the program's development.

LEGAL REF.: 17 U.S.C. §101.
105 ILCS 5/10-23.10.

The footnotes should be removed before the material is used.

² The provisions contained in this paragraph are required by 105 ILCS 5/10-23.10(a).

Professional Personnel

Administrative Procedure - Suspensions

Suspension Without Pay

| Actor | Action |
|--------------------------|--|
| School Board or designee | <p>Provide^s the professional employee with a written pre-suspension notification that includes:</p> <ol style="list-style-type: none"> 1. The reason(s) for the proposed suspension; 2. The date(s) and duration of the proposed suspension; 3. How the employee may request a hearing; and 4. The employee's rights to be represented, present witnesses on his/her behalf, and cross-examine any witness who testifies against him/her. <p>Contact^s the Board Attorney for advice and assistance.</p> |
| Professional Employee | <p>If a hearing is desired, request^s a hearing within five (5) calendar days of receipt of the pre-suspension notification. ¹</p> |
| School Board or designee | <p>If a hearing is requested:</p> <ol style="list-style-type: none"> 1. Promptly schedule^s a hearing and give^s the employee written notification of its date, time, and place at least five (5) calendar days before the hearing. This notification shall set forth the procedure to be followed at the hearing as stated below. <ol style="list-style-type: none"> a. The hearing shall be in closed session. b. The professional employee may be represented by a person of the employee's choice. c. The school officials and the employee may make short opening statements. d. The school officials shall present their evidence in oral or written form. e. After the school officials conclude their evidentiary presentation, the employee may present evidence to refute the charges orally or in writing. f. Each party shall be afforded an opportunity to cross-examine all witnesses who testify and to examine all written evidence presented. |

The footnotes should be removed before the material is used.

¹ See footnotes in [sample](#) policy 5:240, *Suspension*, for a list of cases holding that a district must provide due process, including a hearing, before suspending an employee especially if the suspension is without pay. The timelines are not specified in statute and may be modified as long as the employee is given ample opportunity to exercise his or her rights.

| Actor | Action |
|---------------------------------|--|
| | <p>g. The Board may receive all relevant oral and written evidence without regard to the legal rules of evidence, but shall consider the weight of the evidence in making a determination.</p> <p>h. The school officials and the employee may make closing statements at the conclusion of the hearing.</p> <p>i. The hearing may be recorded stenographically, electronically, or by tape at the direction of either party at its own expense. If either party makes a recording, the other party shall be offered an opportunity to purchase a copy of the transcript or to reproduce the electronic/tape recording.</p> <p>2. Appoints a hearing officer, if desired.</p> |
| School Board or Hearing Officer | <p>Conducts the hearing.</p> <p>The hearing officer, if one was used, shall prepare a written summary of the evidence for the Board and, if requested, a written recommendation.</p> |
| School Board | <p>Decides whether to suspend the professional employee as authorized by 105 ILCS 5/24-12(d)(1). If the Board used a hearing officer and requested a written recommendation, the Board may uphold, modify, or reverse the hearing officer's recommendation. If the teacher is not suspended, his or her personnel record shall be expunged of any notices or material relating to the suspension.</p> <p>If the Board's suspension is not sustained following review by a trial court: (1) ensure that the professional employee does not suffer the loss of any salary or benefits by reason of the suspension, and (2) assigns the professional employee to a position substantially similar to the one that the employee held prior to the suspension. 105 ILCS 5/24-12(d)(10).</p> |

Suspension With Pay

| Actor | Action |
|----------------------------|--|
| Superintendent or designee | <p>1. Informs the professional employee of a proposed suspension with pay by written or oral notice, which shall specify the reasons for the suspension. If the notice is oral, gives written notice as soon as reasonable.</p> <p>2. Meets with the employee before the proposed suspension to discuss the reasons for the suspension. If the Superintendent or designee cannot, for reasonable cause, meet with the employee before the suspension, the Superintendent or designee shall attempt such a meeting after the suspension begins.</p> <p>3. Gives the professional employee written confirmation of the suspension as soon as reasonably possible.</p> <p>Contact the Board Attorney for advice and assistance.</p> |

Instruction

Administrative Procedure - Care of Students with Diabetes ¹

The Ill. Council of School Attorneys prepared material for implementing the Care of Students with Diabetes Act (105 ILCS 145/). This material includes:

1. Sample procedures for the care of students with diabetes
2. Answers to FAQs on: Process for selecting a Delegated Care Aide; Training; Developing a diabetes care plan; Classroom management; and Sample Authorization, Release, and Acknowledgement

The material is posted on the IASB website at: iasb.com/law/diabmats.cfm.

School officials should periodically check the IASB website for updates to the material that are made in response to legislation or other developments.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ See sample policy 7:270, *Administering Medicines to Students*, addressing the administration of medication including self-carry management under a student's diabetes care plan.

Instruction

Administrative Procedure - Academic Eligibility for Participation in Extracurricular Activities ¹

| Actor | Action |
|--------------------------------|---|
| Building Principal | Includes ^s the minimum academic criteria for participation in the student handbook. |
| Coach or Sponsor | Explains ^s the minimum academic criteria for participation to student-participants. |
| Student | In order to be eligible to participate, maintain ^s an overall _____ grade point average. ² |
| Coach or Sponsor | Before allowing a student to join an extracurricular activity, ensure ^s that the student meets the academic criteria. |
| Building Principal or designee | At the end of each grade-reporting period, arrange ^s for all coaches and sponsors to have access to their student-participants' grades and grade point averages. |
| Coach or Sponsor | <p>At the end of each grade-reporting period, determine^s whether any student(s) failed to meet the academic criteria.</p> <p>For any student who fails to meet the academic criteria:</p> <p>Determine^s how long the student will be suspended from the activity; explain^s to the student the reason for the suspension; send^s a notice of the suspension to the student's parent(s)/guardian(s).</p> <p>For any student suspended for not meeting the academic criteria:</p> <p>At the end of the suspension, determine^s whether the student now meets the District's academic criteria. If so, notif^{ies}y the student and the student's parent(s)/guardian(s) that the student is now eligible to participate. If the student does not meet these criteria, notif^{ies}y the student's parent(s)/guardian(s) that the student will remain ineligible to participate until the student meets the academic criteria.</p> |

The footnotes should be removed before the material is used.

¹ These procedures must adhere to the academic criteria and suspension term established in school board policy.

² This provision must be consistent with board policy. Alternatives the board may have selected include:

Alternative 1: ... a student must maintain an overall ____ grade point average and a passing grade [or minimum grade of ____] in each course the student is enrolled.

Alternative 2: ...a student must maintain a passing grade [or minimum grade of ____] in each course the student is enrolled.

Alternative 3: ...a student must satisfy the Illinois High School Association's scholastic standing requirements [doing passing work in at least 25 credit hours of high school work per week].

Instruction

Administrative Procedure - Resource Persons and/or School Volunteers; Screening

The Building Principal or designee directs the use of resource persons and school volunteers within the school building. The use of any individual as a resource person or volunteer is subject to ~~School~~ Board policy 4:170, *Safety*; administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*; and Board policy 8:30, *Visitors to and Conduct on School Property*. Specifically, the Principal or designee directs recruitment, screening, placement, and training within the following parameters:

Qualifications — Resource persons and volunteers may come from all backgrounds and all age groups. The main qualification is for the individual to have a desire to give his or her time and talent to enrich student learning opportunities and the school community generally.

Individuals Prohibited from Serving as a Volunteer or Resource Person — No individual who is a *sex offender*, as defined by the Sex Offender Registration Act, or a *violent offender against youth*, as defined in the Child Murderer and Violent Offender Against Youth Registration Act, may serve as a resource person or volunteer. ¹

Screening — Whenever a potential ~~new~~ resource person or volunteer submits ~~an new~~ information form, the Principal or designee shall screen that individual's name and address ~~against in the following registries maintained by the Ill. State Police~~: (1) Ill. Sex Offender Registry, isp.illinois.gov/Sor/Disclaimer~~www.isp.state.il.us/sor/~~, and (2) the ~~Murderer and~~ Violent Offender Against Youth Registry ~~maintained by the Ill. Dept. of State Police (ISP)~~, isp.illinois.gov/MVOAY/Disclaimer~~www.isp.state.il.us/emvo/~~. The Principal may also request an individual to submit to a fingerprint-based criminal history records information check in situations where it would be prudent, e.g., extended direct, daily contact with students. In addition, the Principal or designee shall review monthly² the names of individuals who are serving as resource persons or volunteers to determine if any resource person or volunteer appears on the Ill. Sex Offender or ~~Murderer and~~ Violent Offender Against Youth Registries.

Recruitment — School personnel may recruit resource persons and volunteers through the following resources: parents/guardians, parent organizations, retired teachers and other senior citizen groups, community businesses, local volunteer centers, and universities. If a staff member, other than the Principal, recruits someone, the staff member must provide the individual's name and address to the Principal.

The footnotes should be removed before the material is used.

¹ Be sure this procedure is consistent with board policy regarding the persons prohibited from serving as a school volunteer or resource person.

² Optional. Insert the frequency with which the district will require a principal to review these publicly available databases. The databases are updated daily and allow searching by name, city, county, ~~zip~~ZIP code, compliance status, or any combination thereof.

Role — Resource persons and volunteers serve only in an auxiliary capacity under the direction and direct supervision of a staff member; they are not a substitute for a member of the school staff. Resource persons and volunteers do not have access to confidential student school records.

Selection, Placement, and Supervision — Selection and placement shall be on the basis of an individual's qualifications and availability and the school's needs. The individual will be assigned to a staff member only with the staff member's consent. The relationship between the individual and staff member should be one of mutual respect and confidence.

Requirements — Each resource person and volunteer must register in the school's main office at the beginning of each visit and wear identifying information, e.g., a name tag, etc., while in the building or serving. Unless he or she has already done so during the current academic year, the individual must complete an information form and waiver. Absent an indication on the form that the individual may not qualify, the individual may proceed to the assigned activity.

An individual is prohibited from being a resource person or volunteer if he or she behaves in any manner that does not align with Board policy, the District's vision/mission, or the District's and/or school building's vision, mission, policy and/or procedures or is otherwise detrimental to the school environment, e.g., —swearing, failing to be dependable, failing to follow the supervisor's instructions, committing any criminal act on school grounds or at a school activity, touching a student in a rude or overly forceful manner, failing to dress in an appropriate manner, or violating any school rule, etc.

Training — Each academic year, when an individual first completes the volunteer information form, the Principal or designee will give the individual a copy of this administrative procedure along with other pertinent information. The staff member to whom the individual is assigned is responsible for explaining what is expected of the individual. The Principal or designee should arrange appropriate training opportunities for those volunteer activities requiring a skill or knowledge base, e.g., working in the computer lab.

Students

Exhibit - Consent to Participate in Extracurricular Drug and Alcohol Testing Program

To be returned to the Building Principal. Please print.

Student _____ School year _____

To be read and signed by the student-participant and his/her parent/guardian:

We have received, ~~and have~~ read, and understand, the District Extracurricular Drug and Alcohol Testing Program. We voluntarily agree that our child shall be subject to its terms for his or her entire high school career (grades 9-12). We accept the method of obtaining breath and urine specimens, the testing and analyses of such specimens, and all other aspects of the program. The student-participant agrees to cooperate in furnishing urine specimens upon request.

We further agree and consent to the disclosure of the sampling, testing, and results as provided in this program. This consent is given pursuant to all State and federal privacy statutes, and it is a waiver of nondisclosure rights only to the extent of the disclosures required in the program.

We understand that there is more information available on the following websites:
www.ihsa.org/documents/sportsMedicine/Resource_Exchange_Center_Flyer.pdf and
www.ihsa.org/Resources/Sports-Medicine/Performance-Enhancing-Drugs-Steroid-Education .

Parent/Guardian name (please print)

Date

Parent/Guardian signature

Student signature

To be read and signed by student who is not participating:

I have decided **not to participate** in any extracurricular activities sponsored by the School District for the remainder of this school year. In order for me to participate in the extracurricular activity program at a later date, I understand that I must submit to a urinalysis.

Student signature

Date

Community Relations

Administrative Procedure - Definition of Child Sex Offender

This procedure is intended as a reference, but it may not reflect recent legislative updates. Consult the Board Attorney for further guidance.

Child Sex Offender ¹

720 ILCS 5/11-9.3(d)

(1) *Child sex offender* means any person who:

- (i) Has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (d) or the attempt to commit an included sex offense, and
 - (A) Is convicted of such offense or an attempt to commit such offense; or
 - (B) Is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
 - (C) Is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or
 - (D) Is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or
 - (E) Is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or
 - (F) Is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or
- (ii) Is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or
- (iii) Is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ Before relying on the definitions as stated, check the Illinois General Assembly website, www.ilga.gov, for the current statute.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), *sex offense* means:

(i) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012:

10-4 (forcible detention),

10-7 (aiding or abetting child abduction under Section 10-5(b)(10)),

10-5(b)(10) (child luring),

11-1.40 (predatory criminal sexual assault of a child),

11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult),

11-9.1 (sexual exploitation of a child),

11-9.2 (custodial sexual misconduct),

11-9.5 (sexual misconduct with a person with a disability),

11-14.3(a)(1) (promoting prostitution by advancing prostitution),

11-14.3(a)(2)(A) (promoting prostitution by profiting from prostitution by compelling a person to be a ~~prostitute~~person engaged in the sex trade),

11-14.3(a)(2)(c) (promoting prostitution by profiting from prostitution by means other than as described in subparagraphs (A) and (B) of paragraph (2) of subsection (a) of Section 11-14.3),

11-14.4 (promoting ~~juvenile prostitution~~commercial sexual exploitation of a child),

11-18.1 (patronizing a ~~juvenile prostitute~~sexually exploited child),

11-20.1 (child pornography),

11-20.1B (aggravated child pornography),

11-21 (harmful material),

11-25 (grooming),

11-26 (traveling to meet a minor or traveling to meet a child),

12-33 (ritualized abuse of a child),

11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park),

11-30 (public indecency) (when committed in a school, on real property comprising a school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age:

11-1.20 (criminal sexual assault),
11-1.30 (aggravated criminal sexual assault),
11-1.50 (criminal sexual abuse),
11-1.60 (aggravated criminal sexual abuse).

An attempt to commit any of these offenses.

- (iii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint),
11-9.1(A) (permitting sexual abuse of a child).

An attempt to commit any of these offenses.

- (iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) or (2)(ii) of subsection (d) of this Section.

(2.5) For the purposes of subsections (b-5) and (b-10) only, a sex offense means:

- (i) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012:

10-5(b)(10) (child luring),
10-7 (aiding or abetting child abduction under Section 10-5(b)(10)),
11-1.40 (predatory criminal sexual assault of a child),
11-6 (indecent solicitation of a child),
11-6.5 (indecent solicitation of an adult),
11-9.2 (custodial sexual misconduct),
11-9.5 (sexual misconduct with a person with a disability),
11-11 (sexual relations within families),
11-14.3(a)(1) (promoting prostitution by advancing prostitution),
11-14.3(a)(2)(A) (promoting prostitution by profiting from prostitution by compelling a person to be a ~~prostitute~~ person engaged in the sex trade),
11-14.3(a)(2)(C) (promoting prostitution by profiting from prostitution by means other than as described in subparagraphs (A) and (B) of paragraph (2) of subsection (a) of Section 11-14.3),
11-14.4 (promoting ~~juvenile prostitution~~ commercial sexual exploitation of a child),
11-18.1 (patronizing a ~~sexually exploited child~~ juvenile prostitute),

11-20.1 (child pornography),
11-20.1B (aggravated child pornography),
11-25 (grooming),
11-26 (traveling to meet a minor or traveling to meet a child), or
12-33 (ritualized abuse of a child).

An attempt to commit any of these offenses.

- (ii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age:

11-1.20 (criminal sexual assault),
11-1.30 (aggravated criminal sexual assault),
11-1.60 (aggravated criminal sexual abuse), and
subsection (a) of Section 11-1.50 (criminal sexual abuse).

An attempt to commit any of these offenses.

- (iii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint),
11-9.1(A) (permitting sexual abuse of a child).

An attempt to commit any of these offenses.

- (iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

- (3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (d) of this Section shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.