



Oak Park Elementary School District 97

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**TO: Members, Board of Education
Dr. Carol Kelley, Superintendent**

FROM: District 97 Policy Review Team

RE: Policy Review and Discussion

DATE: September 12, 2017

The district's policy review team (Keecia Broy, Bob Spatz and Chris Jасulca) is presenting the following information to the Board of Education tonight for review/discussion:

- Proposed changes/updates to policies and exhibits that were provided by the Policy Reference Education Subscription Service (PRESS) in its March 2017 and July 2017 Update Memos
- Proposed revisions/updates to miscellaneous policies that feature differing levels of changes. These policies include:
 - Policy 1:30 (School District Philosophy)
 - Policy 5:10 (Equal Employment Opportunity and Minority Recruitment)
 - Policy 5:20 (Workplace Harassment Prohibited)
 - Policy 5:190 (Teacher Qualifications)
 - Policy 5:250 (Leaves of Absence)
 - Policy 5:330 (Sick Days, Vacation, Holidays, and Leaves)
 - Policy 7:20 (Harassment of Students Prohibited)
 - Policy 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment)

A second reading and approval/adoption of the revisions to these policies and exhibits are scheduled for the board meeting on September 26, 2017.

In addition to providing these items for review/discussion, the team is updating the board on the status of proposed changes to the charge for the Finance Oversight and Review Committee (FORC) and the possible creation of several new policies and procedures regarding the following topics:

- Equity
- Charter schools
- Economic development
- Website accessibility
- Anti-fraud

Proposed Changes to Policies and Exhibits from PRESS

The policy review team reviewed/discussed the proposed changes to the policies and exhibits that were featured in the March 2017 and July 2017 Update Memos provided by PRESS. While the board does not normally review administrative procedures or exhibits, there are two exhibits dealing with school board procedures that PRESS recommends be included in the Board of Education section of the district's policy manual. In order to be included in the manual, these exhibits, along with any changes to them, must be reviewed and approved by the board.

In addition, several of the revisions outlined in the memo from PRESS were limited to the footnotes that correspond with the policies. Since changes to the footnotes do not require board action, the team did not include them in this document.

Below is a summary of the changes from PRESS' March 2017 and July 2017 updates, as well as the team's recommendations.

- **Policy 2:100 (Board Member Conflict of Interest) and three corresponding exhibits** – PRESS recommends that policy, legal references and cross references be updated in response to the federal regulations requiring “written standards of conduct covering conflicts of interest and governing the actions of those engaged in the selection, award, and administration of contracts in compliance with 2 C.F.R. §200.318.” The most substantive revision is the change of the first paragraph from:

No Board of Education member shall have a beneficial interest directly or indirectly in any contract, work, or business of the District unless permitted by State law.

to:

No School Board member shall: (1) have a beneficial interest directly or indirectly in any contract, work, or business of the District unless permitted by State or federal law; 2 or (2) solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts with the District. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Other changes include adding C.F.R. §200.318(c)(1) to the legal references, adding policy 4:60 (Purchases and Contracts) to the cross references and updating the name of policy 5:120 (Employee Ethics; Conduct; and Conflict of Interest) in the cross references.

The team recommends that the board approve/adopt the updates to the policy, legal references and cross references as stated above.

- **Policy 2:260 (Uniform Grievance Procedure)** – PRESS recommends making several revisions to the policy and cross references to “clarify that Title II of the Americans with Disabilities Act applies to website accessibility.” There are also several minor changes to the policy that PRESS suggests making for the purposes of “continuous improvement.” For example, there are several places where the word procedure has been changed to policy to reflect that this is a board policy despite procedure being included in the title.

The team recommends that the board approve/adopt the revisions to the policy and cross references as stated above. The team also recommends that the board approve updating the administration building's mailing address in the policy from 970 Madison Street to 260 Madison Street.

- **Third exhibit that corresponds with policy 2:220 (Board of Education Meeting Procedure)** – PRESS recommends that the legal requirements previously included in a footnote be incorporated into the exhibit. The legally required information includes:
 - Date
 - Time
 - Location
 - Members in attendance

- Members absent
- Summary of the discussion on all matters
- Basis for the finding that litigation is probable or imminent, if applicable
- The date the minutes will officially be available for public inspection

The team recommends that the board approve/adopt the revisions to the exhibit as stated above.

- **Policy 3:70 (Succession of Authority)** – PRESS proposes changing the phrase “approved by” in the third line of the policy to “submitted to” in order to provide the board with “an opportunity for the superintendent to manage the district and provide leadership for the staff while allowing the board to monitor this policy and stay informed.”

The team recommends that the board approve/adopt this change to the policy. The team will also make sure the administration provides the board with the most up-to-date version of the district’s succession plan.

- **Policy 4:15 (Identify Protection)** – PRESS recommends that the policy and legal references be updated in response to the Personal Information Protection Act, which was amended by Public Act 99-503. More specifically, it recommends revising the language regarding compliance measures to reflect new notification requirements that must occur in the event of a security breach. These notification requirements include:

- Disclosing a breach of security involving personal information when a user name or email address in combination with a password or security question is acquired by an unauthorized person; includes when an individual’s first name or first initial and last name is acquired in combination with his/her social security number, driver’s license number or state ID number, financial account information, medical information, health insurance information, or unique biometric data or other physical or digital representation of biometric data
- Notifying the Illinois Attorney General within 45 days of the discovery of a security breach involving more than 250 Illinois residents or when notice is given related to the items listed in the first sub bullet above.

The team recommends that the board approve/adopt the updates to the policy and legal references as described above.

- **Third exhibit that corresponds with policy 4:130 (Free and Reduced-Price Food Services)** – PRESS recommends adding this new exhibit to serve as a reminder to districts that the United States Department of Agriculture requires “school food authorities participating in the FNS’ National School Lunch Program and School Breakfast Program to institute and clearly communicate a meal charge policy, which would include, if applicable, the availability of alternate meals.” This requirement “does not require a formally-adopted policy, but rather a meal charge process, method, or procedure on how meal charges are managed in the district.” This information is currently posted on our website and also shared with our families via letters, forms and emails.

The team recommends that the board approve the addition of this exhibit to our manual.

- **Policy 5:120 (Employee Ethics; Conduct; and Conflict of Interest)** – PRESS recommends that the policy be renamed and that the policy, legal references and cross references be updated to “reflect the response to the federal regulations requiring written standards of conduct covering conflicts of interest and governing the actions of school district employees engaged in the selection, award, and

administration of contracts in compliance with 2 C.F.R. §200.318.” These updates include the creation or revision of several subheads, including:

- Professional and Appropriate Conduct
- Statement of Economic Interests
- Outside Employment
- Prohibited Interests; Conflict of Interest; and Limitation of Authority.

They also include changing the second paragraph under the subhead “Prohibited Interests; Conflict of Interest; and Limitation of Authority” from:

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District.

to:

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award or administration of a contract supported by a federal award when the employee has a real or apparent conflict of interest as defined by 2 C.F.R. §200.318(c)(1).⁹ Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts.¹⁰ Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

The team recommends that the board approve/adopt the updates to the policy, legal references and cross references as described above.

- **Policy 5:230 (Maintaining Student Discipline)** – PRESS recommends that the following updates be made to the policy for “clarity and consistency with other changes” in response to changes in the law.

- Change the third sentence of the first paragraph from:

The Superintendent or designee shall ensure that all teachers, other certificated employees, and persons providing a student’s related service(s): (1) maintain discipline in the schools as required in the School Code, and (2) follow the Board of Education policies and administrative procedures on student conduct and discipline.

to:

The Superintendent or designee shall ensure that all teachers, other certificated employees, and persons providing a student’s related service(s): (1) maintain discipline in the schools as required in the School Code, and (2) follow the Board of Education policies and administrative procedures on student conduct, behavior and discipline.

- Change the first sentence of the second paragraph from:

When a student’s behavior is unacceptable, the teacher should first discuss the matter with the student.

to:

When a student’s behavior is unacceptable, the teacher should first discuss the matter with the student, if appropriate.

Per a change in the law, school officials have “discretion to determine whether a behavioral intervention is *appropriate*.”

The team recommends that the board approve/adopt the updates to the policy as described above.

- **Policy 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers)** – PRESS recommends that minor changes be made to the policy and legal references for style and consistency purposes.

The team recommends that the board approve/adopt the changes to the policy and legal references as written.

- **Policy 5:300 (Schedules and Employment Year)** – PRESS recommends that changes be made to the policy and legal references. The most substantive of these changes is the inclusion of the Right to Breastfeed Act in the legal references.

The team recommends that the board approve/adopt the changes to the policy and legal references as written.

- **Policy 6:70 (Teaching About Religions)** – PRESS recommends updating the policy to clarify that “neither preferential nor derogatory treatment shall be given to any single religion, religious belief, or to religion in general.” PRESS is also recommending that minor updates be made to the legal references.

The team recommends that the board approve/adopt the changes to the policy and legal references as written.

- **Policy 6:80 (Teaching About Controversial Issues)** – PRESS recommends changing the last bullet point under the first section from:

Not tolerant of profanity or slander. Disruptive conduct is prohibited and may subject a student to discipline.

to:

Not tolerant of profanity or slander.

The recommendation to delete the specific reference to student discipline is based on the desire to “keep the focus of the policy on the broader topic of teaching.”

The team recommends that the board approve/adopt this change to the policy as written.

- **Policy 6:180 (Extended Instructional Programs)** – PRESS recommends that 5/10-22.20a be added to the legal references. The team recommends that the board approve/adopt this change.
- **Policy 6:210 (Instructional Materials)** – PRESS recommends that the first sentence of the third paragraph be changed from:

Teachers are encouraged to use supplemental material only when it will enhance, or otherwise illustrate, the subjects being taught and to ensure it is age-appropriate.

to:

Teachers are encouraged to use age-appropriate supplemental material only when it will enhance, or otherwise illustrate, the subjects being taught.

PRESS also recommends that 5/10-20.9 be removed from the legal references.

The team recommends that the board approve/adopt the changes to the policy and legal references as described above.

- **Policy 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students) –** PRESS recommends that the policy be updated to reflect a change in the law requiring “that health examinations contain an age-appropriate developmental screening and age-appropriate social and emotional screening.” Our team, at the advice of the administration, is also recommending that the following optional language be added to the policy.

If proof of the developmental screening or the social and emotional screening portions of the health examination are not presented, qualified school support personnel may, with a parent/guardian’s consent, offer the screenings to the child.

Once a student presents proof that he or she received a developmental screening or a social and emotional screening, the school may, with a parent/guardian’s consent, make available appropriate school personnel to work with the parent/guardian, child, and provider who signed the screening form to obtain any appropriate evaluations and services.

In addition, PRESS recommends making several minor changes to policy for consistency and clarity purposes, and removing 77 Ill.Admin.Code Part 695 from the legal references.

The team recommends that the board approve/adopt the changes to the policy and legal references as described above.

- **Policy 8:70 (Accommodating Individuals with Disabilities) –** PRESS recommends that the policy be updated to “clarify that Title II of the Americans with Disabilities Act applies to website accessibility.” The team recommends that the board approve/adopt the updates to the policy as written.

Proposed Changes to Miscellaneous Policies

There are several policies that require differing levels of changes. Below is a summary of those changes, as well as the team’s recommendations.

- **Policy 1:30 (School District Philosophy) –** Per a request/recommendation from Superintendent Kelley, the team is proposing that the following district goals be added to the policy.

That all District 97 students are:

Known, nurtured, and celebrated LEARNERS – every student feels a sense of belonging and is meaningfully engaged in rigorous learning with his/her unique needs being met and strengths leveraged.

Empowered and passionate SCHOLARS – every student is inspired to develop his/her full potential (academic, physical, artistic, and emotional) in order to cultivate high-intellectual performance.

Confident and persistent ACHIEVERS – every student has the access and opportunity to learn at high levels, eliminating the predictability of learning outcomes that are associated with race, gender and socioeconomic status.

Creative CRITICAL THINKERS and GLOBAL CITIZENS – every student is meaningfully engaged in our learning environments and challenged to become a critical thinker, creative solution seeker and contributor to the global community.

- **Policies 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 7:20 (Harassment of Students Prohibited) and 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment)** – Similar to policy 2:260 (Uniform Grievance Procedure), the team is recommending that the administration building’s mailing address be updated in these policies from 970 Madison Street to 260 Madison Street. The team is also recommending that policy 5:10 be revised to reflect that Laurie Campbell is the district’s nondiscrimination coordinator and Chris Jasculca has replaced Steve Cummins as one of the district’s complaint managers.
- **Policies 5:190 (Teacher Qualifications), 5:250 (Leaves of Absence) and 5:330 (Sick Days, Vacation, Holidays, and Leaves)** – These policies were leftovers from the PRESS update issued in October 2016 that required some additional input from the administration.

PRESS recommends that policy 5:190 and its legal references be updated to “align with current teacher qualification requirements under ESEA, as amended by ESSA, and to delete former NCLB references that teachers be *highly qualified*.” While the team supports this recommendation to help ensure that our policy aligns with the law, we, along with the administration, believe it is important to convey to the community that district remains focused on and committed to hiring highly qualified faculty and staff members to work on behalf of our schools and students.

PRESS recommends that policy 5:250 be updated “to address the Child Bereavement Leave Act, 820 ILCS 154/, added by Public Act 99-703, and the Employee Sick Leave Act 820 ILCS 191/, added by Public Act 99-841.” In addition to making the revisions based on changes in the law, the team and administration are recommending that the following subsections be revised to reflect that the board’s current collective bargaining agreement with the Oak Park Teachers’ Association, individual administrator employment contracts or annual salary/benefit letters provided to union-exempt staff should be consulted when seeking information about those topics.

- Sick and Bereavement Leave
- Personal Leave
- Leave of Absence Without Pay
- Child-Rearing Leave
- School Visitation Leave

PRESS recommends that policy 5:330 be updated “to address the Child Bereavement Leave Act, 820 ILCS 154/, added by Public Act 99-703, and the Employee Sick Leave Act 820 ILCS 191/, added by Public Act 99-841.” In addition to making the revisions based on changes in the law, the team and administration are recommending that the following subsections be revised to reflect that the board’s current collective bargaining agreements with the Oak Park Teacher Assistants’ Association, the Oak Park Educational Support Professionals Association and Service Employees

International Union, individual administrator employment contracts or annual salary/benefit letters provided to union-exempt staff should be consulted when seeking information about those topics.

- Sick and Bereavement Leave
- Vacation
- Holidays
- Personal Leave

FORC Charge

FORC is recommending that revisions be made to the following sections of its committee charge.

- Overview and Background
- Purpose
- Charge
- Composition

Our team will review these revisions in the weeks ahead to make sure they align with the board's goals and are consistent with the charges that guide the work of its other standing board committees. We will provide FORC with any comments, questions or feedback we have regarding the changes. If our team and the committee agree that the charge should be updated, we will present the board with a revised draft of the document for review, discussion and possible adoption.

Potential New Policies and Procedures

Below are updates on the status of several potential new policies and procedures being worked on by the policy review team and administration.

- **Equity policy** – Superintendent Kelley has created a draft of an equity policy that is meant to align with and support the district's vision of creating a positive learning environment for all students that is equitable, inclusive and focused on the whole child. In her role as the senior director of equity, Dr. Carrie Kamm has requested time to review the draft, compare it to similar policies created by other cities/communities ([Portland](#), [Seattle](#), [Cincinnati](#), [Minneapolis](#) and [Roanoke](#)) and determine the next steps in the process. The policy review team believes it is important to provide Dr. Kamm with the time and opportunity to complete this work. We will provide the board with an update on her efforts and the status of the policy during its meeting on September 26 or October 10.
- **Charter school policy** – Our team contacted PRESS to find out if it is considering creating a policy regarding charter schools, more specifically the application process for starting one. We were told by the organization that it “doesn't have anything in the works right now, but is discussing the possibility of adding sample policies and/or guidance regarding charter schools in the future.” Based on this response, we are considering creating a policy from scratch. We are currently working with the administration to compile information regarding the charter school application process here in Illinois, and also contact our peer districts to determine if any sample policies exist. We will provide the board with an update on the status of our efforts during its meeting on September 26 or October 10.
- **Economic development policy** – In response to the questions the district received from community members regarding its position on recent local economic development projects (Albion and Taco Bell), the board charged our team with determining whether there is a need to develop a policy/protocol that would enable it to effectively manage/address those types of issues and/or inquiries going forward. We developed a broad outline for a potential policy/protocol, and are seeking the board's permission to work with FORC and the Facilities Advisory Committee (FAC) on the creation of a more formal draft that we would present for review/discussion at a future board meeting.

We are also seeking the board's input on the following two questions.

- Is the outline in line with the board's goal/intent for a potential policy on this topic?
- While we are committed to getting the community's feedback on the policy, is there any targeted outreach the board would like our team to conduct either before or in conjunction with the work of FORC and FAC? For example, this could include getting input from organizations that include, but are not limited to:
 - Village of Oak Park
 - District 200
 - Park District of Oak Park
 - Oak Park Public Library
 - Oak Park Township
 - Oak Park-River Forest Chamber of Commerce
 - Business and Civic Council of Oak Park
 - Oak Park Area Association of Realtors

Below is the broad outline of the potential policy/protocol.

The District 97 Board of Education does not have authority to make final development and zoning decisions, and acknowledges those decisions are ultimately and statutorily made by the board for the Village of Oak Park. However, some might argue that the district's board has a responsibility to provide the village's board and the community with accurate information on items that materially impact one or more schools or the entire district. In addition, certain development options (e.g. TIFs or IGAs) provide statutory or other mechanisms for which the district's board might need to take a formal position or action.

To provide future district boards with guidance on these types of issues, and to help ensure greater transparency and consistency, the current district board is charging its Finance Oversight and Review Committee, Facilities Advisory Committee and the district's policy review team to draft, in consultation with the policy arm of the Illinois Association of School Boards and the board attorney for the district, an economic development impact and input policy.

The policy, which would be shared with the community for feedback and with the board for review, discussion and possible adoption, would address/provide direction on the:

- What – i.e., specific projects, zoning and regulatory changes, and/or TIFs and other items requiring formal positions
 - Why – i.e., impact on safety, quality of instruction, school or district enrollment, and/or financial position
 - When – i.e., material based on proximity, magnitude, and/or vision, mission and goals
 - How – i.e., providing accurate numbers for transparency, suggestions to improve the cost to benefit ratio, and/or suggestions to improve the risk to reward profile
- **Website accessibility procedures** – While the changes described above to policies 2:260 and 8:70 address website accessibility in a broad sense as it relates to the Americans with Disabilities Act, our team believes there may be value in developing a set of corresponding administrative procedures that would provide more detailed information regarding this topic, including how to share concerns or submit a complaint or grievance. The district's web service provider gave the administration a sample document that we recommend sending to the board attorney for review/guidance. While the board will

not be asked to review or take action on these procedures, we will keep you updated on the status of this situation.

- **Anti-fraud policy** – FORC has developed a draft of an anti-fraud policy that includes the following information/sections:
 - The definition of fraud
 - Application of the policy
 - Reporting procedures
 - Investigation responsibilities
 - Confidentiality
 - Violation consequences
 - Employee education

Our team will be reviewing this draft in the weeks ahead, and sharing our feedback with the committee. Once a final draft has been completed, it will be presented to the board for review, discussion and possible adoption.