

Board of Education Issue 122 Policy Review

[Issue 122 Newsletter](#)

POLICY #	PERSON	OVERVIEW OF POLICY/CHANGES
<u>2:230 Public Participation at Board of Education Meetings and Petitions to the Board</u>	Brian	This policy addresses the guidelines for public comment during board meetings. There are no substantive changes. The policy, legal references, cross references, and footnotes are updated in response to a five-year review.
<u>5:40 Communicable and Chronic Infectious Disease</u>	Chris	This policy requires the development and implementation of procedures for managing known or suspected cases of communicable and chronic infectious diseases involving District employees that are consistent with State and federal law, Illinois Department of Public Health rules, and Board of Education policies. There is no substantive change to the policy. The policy was updated in response to a PRESS five-year review.
<u>5:70 Religious Holidays</u>	Chris	This policy grants employee requests for time off to observe a religious holiday provided the employee gives at least 5 days prior notice, and the absence does not cause undue hardship. This policy was updated to allow a board that wishes to require fewer days' notice to modify the number of days.
<u>5:240 Suspension</u>	Brian	This policy describes the conditions under which employees may be suspended without and with pay. There are no substantive changes. The policy and footnotes are updated in response to a five-year review. The policy is updated with minor style changes.
<u>6:70 Teaching About Religions</u>	Chris	This policy allows a school district's curriculum to include the study of religion as it relates to geography, history, culture, and the development of various ethnic groups, but requires it neither give preferential nor derogatory treatment to any single religion. The legal references have been updated by adding <u>Mahmoud v. Taylor</u>, 606 U.S. 522 (2025), and include consulting the board attorney on questions related to religious opt-outs from curriculum and seeing policy 6:260, <i>Complaints About Curriculum, Instructional Materials, and Programs</i>.
<u>6:80 Teaching About Controversial Issues</u>	Chris	This policy ensures that all school-sponsored presentations and discussions of controversial or sensitive topics are: age-appropriate, consistent with the curriculum and serve an educational purpose, informative and balanced,

		respectful of the rights and opinions of everyone, and not tolerate profanity or slander. The legal references have been updated by adding <u>Mahmoud v. Taylor</u>, 606 U.S. 522 (2025), and include consulting the board attorney regarding curriculum objections and seeing policy 6:260, <i>Complaints About Curriculum, Instructional Materials, and Programs</i>.
6:190 Extracurricular and Co-Curricular Activities	Chris	This policy defines extracurricular and co-curricular activities, the difference between the two, and the academic criteria for participation. There is no substantive change to the policy. The policy was updated for continuous improvement.
7:130 Student Rights and Responsibilities	Brian	This policy confirms the general rights of students as articulated in the US and Illinois Constitutions. The policy specifically references the right to engage in prayer or religious-based meetings during noninstructional time. There are no changes to the policy except updated footnotes and legal references.
8:70 Accommodating Individuals with Disabilities	Brian	This policy confirms nondiscrimination for individuals with disabilities. The policy, legal references, and footnotes are updated in response to a five-year review. There are no substantive changes besides the removal of references to non-applicable self-evaluation document.

SECTION 2 - BOARD OF EDUCATION

2:230 Public Participation at Board of Education Meetings and Petitions to the Board

For a maximum of 60 minutes during each regular and special open meeting of the Board of Education or Board Committee, any person may comment to or ask questions of the Board (*public participation*), subject to the reasonable constraints established and recorded in this policy's guidelines below.^{C1} The time limit for public participation at a meeting may be extended upon the majority vote of the Board members at the regular or special meeting. The Board listens to comments or questions during public participation; responses to comments to or questions of the Board are most often managed through policy 3:30, *Chain of Command*.

To preserve sufficient time for the Board to conduct its business, any person appearing before the Board is expected to follow these guidelines:

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board President. This includes following the directives of the Board President to maintain order and decorum for all.
2. Use a sign-in sheet, if requested.
3. Identify oneself and be brief. Ordinarily, the time for any one person to address the Board during public participation shall be limited to three minutes. In unusual extenuating circumstances, e.g., to accommodate a person's disability or language interpreter, and when an individual has made a request to speak for a longer period of time, the Board President may allow a person to speak for more than three minutes. If multiple individuals wish to address the Board on the same subject, the group is encouraged to appoint a spokesperson.
4. Observe, when necessary and appropriate, the Board President's authority to:
 - a. Shorten the time for each person to address the Board during public participation to conserve time and give the maximum number of people an opportunity to speak; and/or
 - b. Determine procedural matters regarding public participation not otherwise covered in Board policy.
5. Conduct oneself with respect and civility toward others and otherwise abide by Board policy 8:30, *Visitors to and Conduct on School Property*.

6. Speakers may offer such objective criticisms of school operations and programs as concern them. But in public session, the Board will not hear personal complaints of school personnel nor complaints against any employee or agent of the school system. Other channels, (through administrative personnel) provide for Board consideration and disposition of legitimate complaints involving individuals and any such concerns should be initiated with the building principal or a Central Office administrator.

The Board vests in its president, or other presiding officer, authority to terminate or limit the remarks of any individual when they do not in his/her judgement adhere to the rules established above, are repetitive in nature, or do not properly further the business at hand.

Petitions or written correspondence to the Board shall be presented to the Board in the next regular Board packet.

LEGAL REF.:

[105 ILCS 5/10-6](#) and [5/10-16](#).

[5 ILCS 120/2.06](#), Open Meetings Act.

I.A. Rana Enterprises, Inc. v. City of Aurora, 630 F.Supp.2d 912 (N.D.Ill. 2009).

CROSS REF.: 2:220 (Board of Education Meeting Procedure), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

ADOPTED: September 19, 2022

School District 45 - DuPage County

PRESSPlus Comments

C1. Updated in response to a five-year review. **Issue 122, June 2026**

5:40 Communicable and Chronic Infectious Disease

The Superintendent or designee shall develop and implement procedures for managing known or suspected cases of a communicable and chronic infectious disease involving District employees that are consistent with State and federal law, Illinois Department of Public Health rules, and Board of Education policies.

An employee with a communicable or chronic infectious disease is encouraged to **self-report** **to inform**^{C1} the Superintendent immediately and grant consent to being monitored by the District's Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Superintendent concerning the employee's conditions of employment and necessary accommodations. The Review Team shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed **to be disclosed** by law.

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

LEGAL REF.:

[42 U.S.C. §12101](#) *et seq.*, Americans With Disabilities Act, amended by the Americans with Disabilities Act Amendments Act (ADAAA), [Pub. L. 110-325](#); [29 C.F.R. §1630.1](#) *et seq.*

[29 U.S.C. §791](#), Rehabilitation Act of 1973; [34 C.F.R. §104.1](#) *et seq.*

[105 ILCS 5/24-5](#).

[20 ILCS 2305/6](#), Department of Public Health Act.

[820 ILCS 40/](#), Personnel Record Review Act.

[77 Ill.Admin.Code Part 690](#), Control of Communicable Diseases.

CROSS REF.: 2:150 (Committees), 4:180 (Pandemic Preparedness; Management; and Recovery), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary

Incapacity)

ADOPTED: June 17, 2024

School District 45 - DuPage County

PRESSPlus Comments

C1. Updated in response to a five-year review. **Issue 122, June 2026**

Document Status: Draft Update

General Personnel

5:70 Religious Holidays

The Superintendent shall grant an employee's request for time off to observe a religious holiday if the employee gives at least 5 days prior notice and the absence does not cause an undue hardship.

Employees may use earned vacation time, or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee.

LEGAL REF.:

775 ILCS 5/2-101 and 5/2-102, Ill. Human Rights Act.

775 ILCS 35/155,^{C1} Religious Freedom Restoration Act.

ADOPTED: July 18, 2022

School District 45 - DuPage County

PRESSPlus Comments

- C1. Updated in response to a five-year review. School employers may require employees to provide notice of their intention to be absent, but may not require more than five days' notice before being absent for a religious holiday. 775 ILCS 5/2-102(E). A board that wishes to require fewer days' notice may modify the number of days.
Issue 122, June 2026

Document Status: Draft Update

Professional Personnel

5:240 Suspension

Suspension Without Pay

The Board of Education may suspend a professional employee^{C1} without pay: (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for misconduct that is detrimental to the School District. A professional employee means a non-administrator employee who holds a professional educator license.

Misconduct that is detrimental to the School District includes:

- Insubordination, including any failure to follow an oral or written directive from a supervisor;
- Violation of Board policy or Administrative Procedure;
- Conduct that disrupts or may disrupt the educational program or process;
- Conduct that violates any State or federal law that relates to the employee's duties; and
- Other sufficient causes.

The Superintendent or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Board or Board-appointed hearing examiner before it is imposed. At the request of the professional employee made within five calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next regularly scheduled meeting.

Suspension With Pay

The Board or Superintendent or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the School District's

best interests, (2) as a disciplinary measure for misconduct that is detrimental to the School District as defined above, or (3) pending a Board hearing to suspend a professional employee~~teacher~~ without pay.

The Superintendent shall meet with the employee to present the allegations and give the employee an opportunity to refute the charges. The employee will be told the dates and times the suspension will begin and end.

Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation ~~that relates to his or her employment with the District,~~^{C2} the Board or Superintendent or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
 - a. A suspension with pay; or
 - b. A suspension without pay.

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, ~~then~~ the employee must repay to the District all compensation and the value of all benefits received by him or her during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.:

105 ILCS 5/24-12.

5 ILCS 430/5-60(b), State Officials and Employee Ethics Act.

325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

Barszcz v. Cmty College Dist. No. 504, 400 F.Supp. 675 (N.D. Ill. 1975).

Massie v. East St. Louis Sch. Dist. No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Employment Termination and Suspensions)

ADOPTED: July 18, 2022

School District 45 - DuPage County

PRESSPlus Comments

C1. Updated in response to a five-year review. **Issue 122, June 2026**

C2. Updated in response to a five-year review. **Issue 122, June 2026**

Document Status: Draft Update

SECTION 6 - INSTRUCTION

6:70 Teaching About Religions

The School District's curriculum may include the study of religions as they relate to geography, history, culture, and the development of various ethnic groups. The study of religions shall give neither preferential nor derogatory treatment to any single religion, religious belief, or to religion in general. The study of religions shall be treated as an academic subject with no emphasis on the advancement or practice of religion.

LEGAL REF.:

Mahmoud v. Taylor, 606 U.S. 522 (2025).^{C1}

Allegheny County v. ACLU Pittsburgh Chapter, 492 U.S. 573 (1989).

School Dist. of Abington Twp v. Schempp, 374 U.S. 203 (1963).

Allegheny County v. ACLU Pittsburgh Chapter, 492 U.S. 573 (1989).

CROSS REF.: 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:255 (Assemblies and Ceremonies)

ADOPTED: July 18, 2022

School District 45 - DuPage County

PRESSPlus Comments

- C1. In Mahmoud v. Taylor, 606 U.S. 522 (2025), the U.S. Supreme Court held that a public school “burdens the religious exercise of parents when it requires them to submit their children to instruction that poses ‘a very real threat of undermining’ the religious beliefs and practices that the parents wish to instill.” Consult the board attorney on questions related to religious opt-outs from curriculum, and see policy 6:260, *Complaints About Curriculum, Instructional Materials, and Programs*. **Issue 122, June 2026**

SECTION 6 - INSTRUCTION

6:80 Teaching About Controversial Issues

Please refer to the following current agreement(s):

Collective Bargaining Agreement Memoranda of Understanding and Letters of Agreement Between the Board of Education School District 45, DuPage County, Villa Park, Illinois and the Villa Park Education Association.

For employees not covered by this agreement:

The Superintendent shall ensure that all school-sponsored presentations and discussions of controversial or sensitive topics in the instructional program, including those made by guest speakers, are:

- Age-appropriate. Proper decorum, considering the students' ages, should be followed.
- Consistent with the curriculum and serve an educational purpose.
- Informative and present a balanced view.
- Respectful of the rights and opinions of everyone. Emotional criticisms and hurtful sarcasm should be avoided.
- Not tolerant of profanity or slander.

The District specifically reserves its right to stop any school-sponsored activity that it determines violates this policy, is harmful to the District or the students, or violates State or federal law.

LEGAL REF.:

Mahmoud v. Taylor, 606 U.S. 522 (2025).^{C1}

Garcetti v. Ceballos, 547 U.S. 410 (2006).

Mayer v. Monroe Cnty. Cmty. Sch. Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 6:40 (Curriculum Development), 6:255 (Assemblies and Ceremonies), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs)

ADOPTED: July 18, 2022

School District 45 - DuPage County

PRESSPlus Comments

- C1. In Mahmoud v. Taylor, 606 U.S. 522 (2025), the U.S. Supreme Court ruled that a district likely violated parents' free exercise rights when it refused to give notice and allow them to opt their elementary-age children out of literacy instruction that involved the use of LGBTQ+-inclusive storybooks. See sample policy 6:260, *Complaints About Curriculum, Instructional Materials, and Programs* at footnote 3, available at PRESS Online by logging in at www.iasb.com. Consult the board attorney regarding curriculum objections. **Issue 122, June 2026**

SECTION 6 - INSTRUCTION

6:190 Extracurricular and Co-Curricular Activities

Extracurricular or co-curricular activities are school-sponsored programs for which some or all of the activities are outside the instructional day. They do not include field trips, homework, or occasional work required outside the school day for a scheduled class. *Co-curricular activity* refers to an activity associated with the curriculum in a regular classroom and is generally required for class credit. *Extracurricular activity* refers to an activity that is not part of the curriculum, is not graded, does not offer credit, and does not take place during classroom time; it includes competitive interscholastic activities and clubs.

The Superintendent must approve an activity in order for it to be considered a District-sponsored extracurricular or co-curricular activity, using the following criteria:

1. The activity will contribute to the leadership abilities, social well-being, self-realization, good citizenship, or general growth of student-participants.
2. Fees assessed for ^{C1} students are reasonable and do not exceed the actual cost of operation.
3. The District has sufficient financial resources for the activity.
4. Requests from students.
5. The activity will be supervised by a school-approved sponsor.

Academic Criteria for Participation

Students must satisfy all academic standards and must comply with the activity's rules and the Student Conduct Code.

For students in kindergarten through 8th grade, selection of members or participants is at the discretion of the teachers, sponsors, or coaches, provided that the selection criteria conform to the District's policies. ~~Students must satisfy all academic standards and must comply with the activity's rules and the student conduct code.~~

LEGAL REF.:

105 ILCS 5/10-20.30 and 5/24-24.

CROSS REF.: 4:170 (Safety), 7:10 (Equal Educational Opportunities), 7:40 (Nonpublic School Students, Including Parochial and Home-Schooled Students), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:300 (Extracurricular Athletics), 8:20 (Community Use of School Facilities)

ADOPTED: July 17, 2023

School District 45 - DuPage County

PRESSPlus Comments

C1. Updated for continuous improvement. **Issue 122, June 2026**

SECTION 7 - STUDENTS

7:130 Student Rights and Responsibilities

All students are entitled to enjoy the rights protected by the [U.S.](#) and [Illinois Constitutions](#) and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the [U.S.](#) and [Illinois Constitutions](#), are not sponsored, promoted, or endorsed in any manner by the school or any school employee. *Noninstructional time* means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends.

LEGAL REF.:

20 U.S.C. §4071 [et seq.](#), Equal Access Act. ^{C1}

20 U.S.C. §7904, Every Student Succeeds Act.

[Kennedy v. Bremerton Sch. Dist.](#), 597 U.S. 507 (2022). ^{C2}

[Tinker v. Des Moines Indep. Cmty. Sch. Dist.](#), 393 U.S. 503 (1969).

[105 ILCS 20/5](#), Silent Reflection and Student Prayer Act.

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Law Enforcement Requests), 7:160 (Student Appearance), 7:190 (Student Behavior)

ADOPTED: September 16, 2025

School District 45 - DuPage County

PRESSPlus Comments

- C1. The Equal Access Act (EAA) requires a secondary school that receives federal funding and allows a *limited open forum* to grant fair opportunity or equal access to students who wish to conduct a meeting within that limited open forum without regard to the religious, political, philosophical, or other content of the speech at such a meeting. A secondary school has a *limited open forum* whenever it “grants an offering to or opportunity for one or more noncurriculum-related student groups to meet on school premises during noninstructional time.” 20 U.S.C. §4071(a). **Issue 122, June 2026**
- C2. Kennedy v. Bremerton Sch. Dist., 597 U.S. 507, 527 (2022) (quoting Tinker at 506, “the First Amendment’s protections extend to both ‘teachers and students,’” found that students were not restricted from voluntarily joining in prayer with a high school football coach on the field after a game). **Issue 122, June 2026**

SECTION 8 - COMMUNITY RELATIONS

8:70 Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities and will not be subject to illegal discrimination. When appropriate, the District may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others.

The District will provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, website, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Superintendent or designee is designated the Title II Coordinator and shall:

1. Oversee the District's compliance efforts and, recommend necessary modifications to the Board of Education, and maintain the District's final Title II self-evaluation document, update it to the extent necessary, and keep it available for public inspection for at least three years after its completion date. ^{C1}
2. Institute plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the Superintendent or Building Principal if they have a disability that will require special assistance or services and, if so, what services are required. This notification should occur as far in advance as possible of the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Superintendent or designated Title II Coordinator, or by filing a grievance under Board policy 2:260, the Uniform Grievance Procedure.

LEGAL REF.:

Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq., Americans with Disabilities Act; 28 C.F.R. Part 35.

Rehabilitation Act of 1973 §104, 29 U.S.C. §794, Rehabilitation Act of 1973 (2006).

105 ILCS 5/10-20.51.

410 ILCS 25/, Environmental Barriers Act.

71 Ill.Admin.Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and Building Programs)

ADOPTED: June 5, 2023

School District 45 - DuPage County

PRESSPlus Comments

C1. Updated in response to a five-year review. **Issue 122, June 2026**