

School Board

Exhibit - Waiver and Modification Request Resource Guide

Waiver or Modification	Explanation, Special Considerations, and Resources
<p>Exemptions from Unfunded Mandates, 105 ILCS 5/22-60.</p>	<p>Explanation</p> <p>Applies to unfunded or under-funded: (1) mandates in the School Code enacted after 8-20-10, or (2) regulatory mandates promulgated by <u>the Ill. State Board of Education (ISBE)</u> and adopted by rule after 8-20-10, other than those promulgated with respect to 105 ILCS 5/22-60 or statutes already enacted on or before 8-20-10.</p> <p>Allows the District to petition its Regional Superintendent or a Suburban Cook County Intermediate Service Center, whichever is appropriate, to request exemption from implementing the mandate in school(s) in the next school year.</p> <p>Special Considerations</p> <ol style="list-style-type: none"> Whether the significance of the unfunded or under-funded mandate justifies the effort needed to seek an exemption, and The advisability of simultaneously seeking a waiver or modification using Section 2-3.25g (see <i>Explanation</i> section in the row below). <p>Resources</p> <p>ISBE Rules and Waivers division at: www.isbe.net/Pages/Waivers.aspx, (217) 782-5270, or waivers@isbe.net.</p> <p>Explanation</p> <p>There are two options for the District (<u>explanations are listed below each option</u>):</p> <p>Option 1: Petition a panel of the General Assembly through ISBE for a waiver of School Code mandates; ISBE forwards the petition for waiver to the Ill. General Assembly for consideration in its next-scheduled report.</p> <p>Option 2: Petition ISBE for one or more of the following:</p> <ol style="list-style-type: none"> A <i>modification</i> of the mandates in the School Code (this is different than asking for a <i>waiver</i> of mandates in the School Code). A <i>waiver</i> of ISBE administrative rules.
<p>School Code Mandates and ISBE Rules, 105 ILCS 5/2-3.25g, amended by P.A. 100-465; 23 Ill-Admin. Code §1.100.</p>	<p>Explanation</p> <p>There are two options for the District (<u>explanations are listed below each option</u>):</p> <p>Option 1: Petition a panel of the General Assembly through ISBE for a waiver of School Code mandates; ISBE forwards the petition for waiver to the Ill. General Assembly for consideration in its next-scheduled report.</p> <p>Option 2: Petition ISBE for one or more of the following:</p> <ol style="list-style-type: none"> A <i>modification</i> of the mandates in the School Code (this is different than asking for a <i>waiver</i> of mandates in the School Code). A <i>waiver</i> of ISBE administrative rules.

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	<p>3. A <i>modification</i> of ISBE administrative rules.</p> <p>For Option 1, a <i>waiver of mandates in the School Code</i>, the District must demonstrate that (a) the waiver is necessary to: (a) stimulate innovation; or (b) improve student performance; or (c) it can address the intent of the mandate in a more effective, efficient, or economical manner. <u>105 ILCS 5/Section 2-3.25g of the School Code</u>, amended by P. A. 100-465, and <u>23 Ill. Admin. Code § 1.100, lists and describe</u> mandates from which school districts may not seek a <i>waiver or modification</i>. Any previously-authorized waiver or modification concerning requirements for student performance data to be a significant factor in evaluations or for using the four prescribed evaluation categories terminated on 9-1-2014. <u>Id.</u></p> <p>For Option 2, a <i>modification of the mandates in the School Code</i> and/or a <i>waiver or modification of administrative rules</i>, the District must demonstrate that: (1) it can address the intent of the rule or mandate in a more effective, efficient, or economical manner; <u>or</u> (2) a <u>the waiver or modification of the rule or mandate is necessary to either (a) stimulate innovation; or (b) improve student performance.</u></p> <p>The District must also provide certain notices as follows:</p> <ol style="list-style-type: none"> 1. Publish a notice in a newspaper of general circulation within the District of the <u>time</u>, date, time, place, and general subject matter of a public hearing on the proposed waiver or modification request. This notice must be published at least seven days before the hearing. 2. If there is no newspaper published in the county, give notice in a secular newspaper published in an adjoining county having general circulation within the District. <u>715 ILCS 5/2</u>, amended by P.A. 100-72, eff. 1-1-18, and <u>715 ILCS 5/5</u>. 3. Post the time, date, place, and general subject matter of the public hearing on the District's website at least 14 days before the hearing. <u>105 ILCS 5/2-3.25g</u>. <p>Check the ISBE website listed below in the <i>Special Considerations</i> section for changes in notice requirements.</p> <p>Special Considerations</p> <p>The District must develop a plan supporting a waiver or modification request that meets the criteria in 105 ILCS</p>

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<p>Physical Education, 105 ILCS 5/27-6, amended by P.A. 100-465.</p> <p>Driver Education, 105 ILCS 5/24.2 and 105 ILCS 5/2-3.25g, amended by P.A. 100-465.</p>	<p>Explanation, Special Considerations, and Resources</p> <p>5/2-3.25g. See www.isbe.net/Pages/Overview-of-the-Waiver-Process.aspx. 105 ILCS 5/2-3.25g; 23 Ill. Admin. Code §1.100.</p> <p>Resources</p> <p>ISBE rules at:</p> <p>23 Ill. Admin. Code §1.100 (<i>Waiver and Modification of State Board Rules and School Code Mandates</i>)</p> <p>23 Ill. Admin. Code §1.110 (<i>Appeal Process Under Section 22-60 of the School Code</i>)</p> <p>ISBE waivers at: www.isbe.net/Pages/Waivers.aspx</p> <p>Waiver overview at: www.isbe.net/Pages/Overview-of-the-Waiver-Process.aspx</p> <p>Instructions at: www.isbe.net/Pages/Waiver-Application.aspx</p> <p>Application form at: www.isbe.net/documents/33-77_waiver_application.pdf</p> <p>Explanation</p> <p>See the <i>Explanation</i> section in the row above.</p> <p>Special Considerations</p> <p>In addition to the <i>Explanation</i> section above, waivers fee:</p> <ol style="list-style-type: none"> 1. Physical education is managed as a <i>waiver</i> of School Code mandates discussed in the <i>Explanation</i> section above. A waiver of this School Code mandate may be in effect for up to five years. Recent legislative changes removed any cap applicable to renewal of waivers related to physical education. 2. Driver education fee increases require the District to include the proposed amount of the fee increase: (a) in the public notice;⁵⁵ and (b) on the District’s website. 105 ILCS 5/2-3.25g(c-5). Note: For a sample school district resolution to increase driver education fees, see 4:140-E3, <i>Resolution to Increase Driver Education Fees</i>. <p>Resources</p> <p>See the <i>Resources</i> section in the row above.</p>
<p>Holidays, 105 ILCS 5/24-2(b).</p>	<p>Explanation</p> <p>Allows the District to hold school or schedule teachers’ institutes, parent-teacher conferences, or staff development on certain holidays without submitting a modification request to and obtaining approval from ISBE.</p>

Waiver or Modification	Explanation, Special Considerations, and Resources
<p>Parent-Teacher Conferences, 105 ILCS 5/18-8.05(F)(2)(d), <u>repealed by P.A. 100-582. Prior to the repeal of 105 ILCS 5/18-8.05(F),</u> Section 5/18-8.05(F)(2)(d)(1.5) specifically addresses Parent-Teacher Conferences.</p>	<p>After a public hearing, the District may hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on:</p> <ol style="list-style-type: none"> 1. The third Monday in January (Dr. Martin Luther King, Jr.'s Birthday); 2. February 12 (President Abraham Lincoln's Birthday); 3. The first Monday in March (Casimir Pulaski Day); 4. The second Monday in October (Columbus Day); and/or 5. November 11 (Veterans Day). <p>Special Considerations</p> <p>The Board must provide notice before the public hearing to both educators and parents/guardians with: (1) the time, date, and place of the hearing;⁵ (2) a description of the proposal⁵; and (3) information that testimony from educators and parents/guardians will be taken about the proposal during the hearing.</p> <p>The District must prepare a proposal for recognizing the person(s) honored by the holiday through instructional activities conducted on that day or, if the day is not used for student attendance, on the first school day preceding or following that day. The District may also consider aligning the proposal with Board policies 5:200, <i>Terms and Conditions of Employment and Dismissal</i>; 5:330, <i>Sick Days, Vacation, Holidays, and Leaves</i>; and 6:20, <i>School Year Calendar and Day</i>.</p> <p>Resources</p> <p>See the tab labeled <i>Waivers and modifications no longer needed for legal school holiday requests, most parent-teacher conference schedules</i> on ISBE's website at: www.isbe.net/Pages/Modifications-of-the-School-Codes-and-Rules-of-the-State-Board.aspx.</p> <p>Explanation</p> <p>Despite the repeal of 105 ILCS 5/18 8.05(F), the ISBE rules implementing it are still in effect at 23 Ill. Admin. Code §1.420(D). See f/n 5 in policy 6:20, <i>School Year Calendar and Day</i>, for more information about ISBE's response to this law's repeal.</p> <p>Prior to its repeal, the law allowed flexible scheduling options for parent-teacher conferences without the need to submit a formal waiver request through ISBE to the Ill. General Assembly. The District was allowed to may count a parent-teacher conference as a full-day under any of the</p>

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	<p>following configurations:</p> <ol style="list-style-type: none"> 1. A minimum of five clock-hours of parent-teacher conferences; 2. Both a minimum of two clock-hours of parent-teacher conferences held in the evening following a full day of student attendance, and a minimum of three clock-hours of parent-teacher conferences held on the day immediately following evening parent-teacher conferences; or 3. Multiple parent-teacher conferences held in the evenings following full days of student attendance, in which the time used for the parent-teacher conferences is equivalent to a minimum of five clock-hours. <p>Special Considerations</p> <p>Any other options not covered by the language above will require a waiver request to the General Assembly for its consideration.</p> <p><u>Consult the Board Attorney about Parent-Teacher Conferences and flexible scheduling options in the context of P.A. 100-582.</u></p> <p>Resources</p> <p><u>See the tab labeled <i>Waivers and modifications no longer needed for legal school holiday requests, most parent-teacher conference schedules</i> on ISBE's website at: www.isbe.net/Pages/Modifications-of-the-School-Codes-and-Rules-of-the-State-Board.aspx.</u></p>

School Board

Vacancies on the School Board - Filling Vacancies ¹

Vacancy

Elective office of a School Board member becomes vacant before the term's expiration when any of the following occurs: ²

1. Death of the incumbent,
2. Resignation in writing filed with the Secretary of the Board,
3. Legal disability, ³
4. Conviction of a felony, bribery, perjury, or other infamous crime or of any offense involving a violation of official oath or of a violent crime against a child, ⁴
5. Removal from office,
6. The decision of a competent tribunal declaring his or her election void, ⁵
7. Ceasing to be an inhabitant of the District or a particular area from which he or she was elected, if the residential requirements contained in the School Code are violated,
8. An illegal conflict of interest, ⁶ or
9. Acceptance of a second public office that is incompatible with Board membership. ⁷

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

¹ State law controls this policy's content. A helpful publication is on the IASB website, *Vacancies on the Board of Education*, published by the Ill. Council of School Attorneys (ICSA), available at: www.iasb.com/law/vacancies.cfm.

² 105 ILCS 5/10-11. See also 10 ILCS 5/25-2.

³ *Id.* *Legal disability* is not defined, but must be interpreted consistently with other laws, e.g., laws prohibiting discrimination on the basis of a disability. A similar statute regarding the occurrence of vacancies on the State Board of Education provides guidance. It states that a vacancy occurs when: "a member is adjudicated to be a person under legal disability under the Probate Act of 1975, as amended, or a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code."

⁴ *Id.* at *fn* 2. See also Ill. Constitution, Art. XIII, and 5 ILCS 280/1. *Depending on the authority, infamous crime has different meanings. Pursuant to 10 ILCS 25-2, felony, bribery, and perjury fall are infamous crimes. An infamous crime is one that is inconsistent with commonly accepted principles of honesty and decency. People ex rel. City of Kankakee v. Morris, 467 N.E.2d 589, 126 Ill.App.3d 722 (Ill.App.3,3rd Dist. 1984). An admission of guilt, pursuant to a plea agreement, to an otherwise office-disqualifying offense, constitutes a resignation. (10 ILCS 5/25-2). An Ill. Appellate court twice found that a felony forgery conviction in another state constituted an infamous crime rendering the individual ineligible to hold the office of school board member. Alvarez v. Williams, 23 N.E.3d 544 (Ill.App.1 2014); Williams v. Cook Co. Officers Electoral Board, 35 N.E.3d 82 (Ill.App.1 2015).*

A board member commits official misconduct if he/she intentionally or recklessly fails to perform any mandatory duty required by law, knowingly performs an act forbidden by law, ~~performs an act in excess of his or her lawful authority~~ ~~intends in order to obtain personal advantage for oneself or another, or solicits or knowingly accepts for doing any act a fee or reward which he or she knows is not authorized by law~~ ~~or bribe. (720 ILCS 5/33-3).~~

⁵ See *Miceli v. Lavelle, 448 N.E.2d 989, 114 Ill.App.3d 311 (Ill.App.3, 1983) 1st Dist. 1983).*

⁶ *Id.* at *fn* 2 and 50 ILCS 105/34. 105 ILCS 5/10-9 contains limited exceptions to the laws prohibiting board member interest in contracts (explained in footnotes to 2-100, *Board Member Conflict of Interest*). Virtually the same exceptions are stated in 50 ILCS 105/3. For more information, see *Conflict of Interest and Incompatible Offices FAQ* (ICSA), available at: www.iasb.com/law/COI_FAQ.pdf.

⁷ An individual may not hold simultaneously two offices that are incompatible; acceptance of the second office is a constructive resignation of the first office (Ill. Constitution, Art. IV, *Sec.¶* 2(c), and Art. VI, *Sec.¶* 13(b)). The offices of alderman, school board member, and park district commissioner are incompatible. *People ex. Rel. Alvarez v. Price, 948 N.E.2d 174408 Ill.App.3d 457 (Ill.App.1 Dist. 1st Dist. 2011)*. The court found that offices can be incompatible absent an actual conflict; the eventuality of a conflict is enough. See *People v. Wilson, 828 N.E.2d 1214357 Ill.App.3d 204 (Ill.App.3,3rd Dist. -2005)*(simultaneously holding offices as a county board member and a school board member violates the Public Officer Prohibited Activities Act; this legislation prohibits a county board member from holding a second office).

Filling Vacancies 8

Whenever a vacancy occurs, the remaining members shall notify the Regional Superintendent of Schools of that vacancy within five days after its occurrence and shall fill the vacancy until the next regular board election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term or less than 88 days before the next regularly scheduled election, the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. Members appointed by the remaining members of the Board to fill vacancies shall meet any residential requirements as specified in the School Code. The Board shall fill the vacancy within 45 days after it occurred by a public vote at a meeting of the Board.

Immediately following a vacancy on the Board, the Board will publicize it and accept résumés from District residents who are interested in filling the vacancy.⁹ After reviewing the applications, the Board may invite the prospective candidates for personal interviews to be conducted during duly scheduled closed meetings.¹⁰

LEGAL REF.: 105 ILCS 5/10-10 and 5/10-11.

CROSS REF.: 2:40 (Board Member Qualifications), 2:60 (Board Member Removal from Office), 2:120 (Board Member Development)

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A board member may participate in a group health insurance program provided to an employee of the district that the board member serves if the board member is a dependent of that employee. (105 ILCS 5/10-22.3a).

8 This paragraph restates the requirements in 105 ILCS 5/10-10. If the board fails to act within 45 days after the vacancy occurs, the regional superintendent, under whose supervision and control the district is operating, must fill the vacancy within 30 days. (~~1d~~).

105 ILCS 5/9-11.2 provides that in any school district that elects its board member according to area of residence and that has one or more unexpired term(s) to be filled at an election, the winner(s) of the unexpired term(s) shall be determined first and independently of those running for full terms.

If a vacancy for an area of residence remains unfilled, a board must submit a proposition at the next general election for the election of a board member at large. 105 ILCS 5/10-10.5, amended by P.A. 100-800, eff. 1-1-19.

Use this alternative for districts in suburban Cook County: replace “Regional Superintendent” with “appropriate Intermediate Service Center.”

⁹ The process for filling a vacancy is at the board’s discretion. See 2:70-E, *Checklist for Filling Board Vacancies by Appointment*.

¹⁰ The Open Meetings Act allows a board to consider in closed session the appointment of someone to fill a vacancy. (5 ILCS 120/2(c)(3)).

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School Board

Board Member Oath and Conduct

Each School Board member, before taking his or her seat on the Board, shall take the following oath of office: 1

I, *(name)*, do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Education ~~2 (or Board of School Directors; as the case may be)~~ of *(name of School District)*, in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

I further swear (or affirm) that:

I shall respect taxpayer interests by serving as a faithful protector of the School District's assets.

I shall encourage and respect the free expression of opinion by my fellow Board members and others who seek a hearing before the Board, while respecting the privacy of students and employees;

I shall recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public Board meeting; ~~and~~

I shall abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels;

As part of the Board of Education, I shall accept the responsibility for my role in the equitable and quality education of every student in the School District;

I shall foster with the Board extensive participation of the community, formulate goals, define outcomes, and set the course for *(name of School District)*;

I shall assist in establishing a structure and an environment designed to ensure all students have the opportunity to attain their maximum potential through a sound organizational framework;

I shall strive to ensure a continuous assessment of student achievement and all conditions affecting the education of our children, in compliance with State law;

I shall serve as education's key advocate on behalf of students and our community's school (or schools) to advance the vision for *(name of School District)*; and

Commented [BZ1]: "School District" is stated here as it is earlier in order to match the statute.

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

~~1 Although the policy is not required by State or federal law, each board member, before taking his or her seat on the board, must take an oath in substantially the form given in the statute as reprinted in this sample policy, (105 ILCS 5/10-16.5, amended by P.A. 100-1055, eff. 1-1-19). Districts often ask whether this applies only to newly elected board members or to all members elected and/or re-elected. To assure compliance, those members that are newly elected or appointed and returning by re-appointment and/or re-election should take the oath as the board determines it should be administered, i.e., examining the board's policy or its current practice for administering the oath of office.~~

~~This policy contains the verbatim oath because many of its provisions have policy implications. However, if a board prefers to remove the oath from the policy, it should replace the first sentence with this alternative:~~

~~Each Board member, before taking his or her seat on the Board, shall take the oath of office as prescribed in Section 10-16.5 of the School Code.~~

~~2 Replace "Board of Education" with "Board of School Directors" throughout, when applicable.~~

I shall strive to work together with the District Superintendent to lead the School District toward fulfilling the vision the Board has created, fostering excellence for every student in the areas of academic skills, knowledge, citizenship, and personal development.

The Board President will administer the oath in an open Board meeting; in the absence of the President, the Vice President will administer the oath. -If neither is available, the Board member with the longest service on the Board will administer the oath. ³

The Board adopts the Illinois Association of School Boards' *Code of Conduct for Members of School Boards*.⁴ A copy of the *Code* shall be displayed in the regular Board meeting room.

LEGAL REF.: 105 ILCS 5/10-16.5.

CROSS REF.: 1:30 (School District Philosophy), 2:20 (Powers and Duties of the School Board; Indemnification), 2:50 (Board Member Term of Office), 2:100 (Board Member Conflict of Interest), 2:105 (Ethics and Gift Ban), 2:210 (Organizational School Board Meeting)

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3 Optional - State law allows the board to determine how the oath is administered, (105 ILCS 5/10-16.5, amended by P.A. 100-1055, cff. 1-1-19). Use the following alternative if a board does not want anyone to administer the oath:

Each Board member who is taking office shall read the oath during an open meeting and swear or affirm to follow it as indicated in the oath.

4 Although national and state associations have developed codes of conduct, each board may find it helpful, as part of its self-evaluation process, to consider what behavior members expect from each other. The resulting ethics statement may serve as an important step in new member orientation. For IASB resources, see:

www.iasb.com/training/schl_bd_resources.dfm and www.iasb.com/training/schoolboardgovernancebooklet.pdf.

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School Board

Exhibit - Board Member Code of Conduct

As a member of my local School Board, I will do my utmost to represent the public interest in education by adhering to the following standards and principles:

1. I will represent all School District constituents honestly and equally and refuse to surrender my responsibilities to special interest or partisan political groups.
2. I will avoid any conflict of interest or the appearance of impropriety which could result from my position, and will not use my Board membership for personal gain or publicity.
3. I will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a Board meeting.
4. I will take no private action that might compromise the Board or administration and will respect the confidentiality of privileged information.
5. I will abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.
6. I will encourage and respect the free expression of opinion by my fellow Board members and will participate in Board discussions in an open, honest and respectful manner, honoring differences of opinion or perspective.
7. I will prepare for, attend and actively participate in School Board meetings.
8. I will be sufficiently informed about and prepared to act on the specific issues before the Board, and remain reasonably knowledgeable about local, State, national, and global education issues.
9. I will respectfully listen to those who communicate with the Board, seeking to understand their views, while recognizing my responsibility to represent the interests of the entire community.
10. I will strive for a positive working relationship with the Superintendent, respecting the Superintendent's authority to advise the Board, implement Board policy, and administer the District.
11. I will model continuous learning and work to ensure good governance by taking advantage of Board member development opportunities, such as those sponsored by my State and national school board associations, and encourage my fellow Board members to do the same.
12. I will strive to keep my Board focused on its primary work of clarifying the District purpose, direction and goals, and monitoring District performance.

School Board

Board Member Development ¹

The School Board desires that its individual members learn, understand, and practice effective governance principles.² The Board is responsible for Board member orientation and development. Board members have an equal opportunity to attend State and national meetings designed to familiarize members with public school issues, governance, and legislation.

The Board President and/or Superintendent shall provide all Board members with information regarding pertinent education materials, publications, and notices of training or development.

Mandatory Board Member Training ³

Each Board member is responsible for his or her own compliance with the mandatory training laws that are described below:

1. Each Board member elected or appointed to fill a vacancy of at least one year's duration must complete at least four hours of professional development leadership training in education and labor law, financial oversight and accountability, and fiduciary responsibilities within the first year of his or her first term. ⁴
2. Each Board member must complete training on the Open Meetings Act no later than 90 days after taking the oath of office for the first time. After completing the training, each Board member must file a copy of the certificate of completion with the Board. Training on the Open Meetings Act is only required once. ⁵
3. Each Board member must complete a training program on evaluations under the Performance Evaluation Reform Act (PERA) before participating in a vote on a tenured teacher's dismissal using the optional alternative evaluation dismissal process. This dismissal process is available after the District's PERA implementation date. ⁶

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¹ State law governs the mandatory board member training provisions in this sample policy.

² The IASB *Foundational Principles of Effective Governance* is available online at: www.iasb.com/principles.cfm.

³ A board may omit the description of mandatory training requirements by deleting "that are described below" and deleting the numbered list.

⁴ 105 ILCS 5/10-16a.

⁵ 5 ILCS 120/1.05(b) and (c); IASB is an authorized provider of this training.

⁶ 105 ILCS 5/24-16.5. This mandatory training requirement was phased-in as districts implemented evaluations that incorporate student growth as a significant factor, otherwise known as Performance Evaluation Reform Act (PERA) evaluations. The implementation timeline for PERA evaluations varied from district to district but all districts must now implement PERA evaluations. After the implementation of PERA evaluations, a district may use an optional alternative evaluative dismissal process using the PERA evaluation. Before voting on a dismissal based upon an optional alternative evaluative dismissal process, a board member must complete a training program on PERA evaluations. IASB is an authorized provider of this training. For more information about PERA, see *PERA Overview for School Board Members*, iasb.com/law/pera.cfm.

The Superintendent or designee shall maintain on the District website a log identifying the complete training and development activities of each Board member, including both mandatory and non-mandatory training. ⁷

Professional Development; Adverse Consequences of School Exclusion; Student Behavior ⁸

The Board President or Superintendent, or their designees, will make reasonable efforts to provide ongoing professional development to Board members about the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

Board Self-Evaluation

The Board will conduct periodic self-evaluations with the goal of continuous improvement. ⁹

New Board Member Orientation ¹⁰

The orientation process for newly elected or appointed Board members includes:

1. The Board President or Superintendent, or their designees, shall give each new Board member a copy of or online access to the Board Policy Manual, the Board's regular meeting minutes for the past year, and other helpful information including material describing the District and explaining the Board's roles and responsibilities.
2. The Board President or designee shall schedule one or more special Board meetings, or schedule time during regular meetings, for Board members to become acquainted and to review Board processes and procedures.
3. The Board President may request a veteran Board member to mentor a new member. ¹¹
4. All new members are encouraged to attend workshops for new members conducted by the Illinois Association of School Boards.

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⁷ 105 ILCS 5/10-16a requires each school district to post on its website, if any, the names of all board members who have completed the minimum of four hours of training described in #1. Recognizing that a board may want to highlight all training and development achievements, the sample policy extends this reporting requirement to all training and development activities. For a website reporting template, see 2:120-E2, *Website Listing of Development and Training Completed by Board Members*.

A board may choose to strictly follow the statute by using the following alternative: "The Superintendent or designee shall post on the District website the names of all Board members who have completed the professional development leadership training described in number 1, above."

⁸ Optional. 105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810, eff. 1-1-19. Information about professional development opportunities is available through IASB's Online Learning Center (OLC). Inquire at: onlinelearning@iasb.com.

⁹ Boards are not required to conduct self-evaluations, but may hold a closed meeting with representatives of a State association authorized under Article 23 of the School Code for the purpose of discussing self-evaluation practices and procedures, or professional ethics. (5 ILCS 120/2(B)(6)).

¹⁰ New board member orientation is a critical step in helping new board members become effective and in promoting a smooth functioning *new team*. The first paragraph should be customized to add references to the IASB policy services that the district receives (e.g., **PRESS, PRESS Online**, School Board Policies Online, and **PRESS Plus**).

¹¹ See 2:120-E1, *Guidelines for Serving as a Mentor to a New School Board Member*.

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Candidates

The Superintendent or designee shall invite all current candidates for the office of Board member to attend: (1) Board meetings, except that this invitation shall not extend to any closed meetings, and (2) pre-election workshops for candidates.

LEGAL REF.: 5 ILCS 120/1.05 and 120/2.
 105 ILCS 5/10-16a and 5/24-16.5.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:125 (Board Member Compensation;
Expenses), 2:200 (Types of School Board Meetings)

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School Board

Committees 1

The School Board may establish committees to assist with the Board's governance function and, in some situations, to comply with State law requirements. These committees are known as Board committees and report directly to the Board. Committee members may include both Board members and non-Board members depending on the committee's purpose. The Board President makes all Board committee appointments unless specifically stated otherwise.² Board committee meetings shall comply with the Open Meetings Act.³ A Board committee may not take final action on behalf of the Board – it may only make recommendations to the Board.⁴

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

~~1 State or federal law controls this policy's content in that some committees are required by State law, such as, Parent-Teacher Advisory Committee and Behavioral Interventions Committee. Board committees are public bodies for purposes of the Open Meetings Act (OMA) (5 ILCS 120/1.02) and the Freedom of Information Act (FOIA) (5 ILCS 140/2).~~

~~Consult the board attorney concerning the status of two mandatory committees—the PERA (Performance-Educational Reform-Act) joint committee and the RIF (reduction in force) joint committee (105 ILCS 5/21A-4(b) and 5/24-12(e), respectively). These committees perform administrative staff work and do not need to report directly to the board. Thus, most attorneys think they can be superintendent committees that do not trigger OMA (see fn. 10). OMA compliance will be needed for any joint committee: (1) that is treated as a board committee, (2) when three or more board members are present, or (3) when the board attorney advises that OMA applies, e.g., interprets either joint committee to be a distinct public body created by the legislature.~~

A board must appoint or approve a Concussion Oversight Team and charge it with establishing protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury. (Youth Sports Concussion Safety Act, 105 ILCS 5/22-80(d), added by P.A. 99-245 and amended by P.A. 99-486. As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an *administrative* committee, but consult the board attorney for guidance. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. See 7-305, *Student Athlete Concussions and Head Injuries*.

2 Alternatively, strike the “unless” clause and substitute: “subject to Board approval.” Be sure this treatment is consistent with policy 2:110, *Qualifications, Term, and Duties of Board Officers*.

3 ~~The Open Meetings Act (OMA) includes committees and subcommittees in its definition of public body. (5 ILCS 120/1.02). According to a binding opinion from the Public Access Counselor, a “committee of a public body is considered to be a separate public body for purposes of compliance with the requirements of OMA.” (PAO 13-002). This means that board committees must independently fulfill the Open Meetings Act (OMA)’s requirements. For example, a board committee must comply with notice and agenda requirements. Since board committees seldom meet regularly, compliance steps need careful planning. Board committees should plan for an efficient way to “approve the minutes of its open meeting within 30 days after that meeting or at [its] second subsequent regular meeting, whichever is later.” (5 ILCS 120/2.06(b)). The only exceptions ~~isare~~ for: (1) the Performance Educational Review Act (PERA) joint committee (105 ILCS 5/24A-4(b), amended by P.A. 100-768, *eff.* 1-1-19); (2) the Reduction In Force (RIF) joint committee (105 ILCS 5/24-12(c), amended by P.A. 100-768, *eff.* 1-1-19); and (3) when a committee is engaged in collective bargaining negotiations or grievance arbitrations (115 ILCS 5/18, amended by P.A. 100-760, *eff.* 1-1-19).~~

Sample policy 2:200, *Types of School Board Meetings*, designates the superintendent, on behalf of each board committee, to receive the mandatory training on OMA compliance required by 105 ILCS 120/1.05(a) and administered by the Ill. Attorney General’s Public Access Counselor. See policies 2:200, *Types of School Board Meetings*, and 2:220, *School Board Meeting Procedure*, for meeting requirements and protocol. Every board member must also complete OMA training on the Open Meetings Act as required by 105 ILCS 120/1.05(b) and (c).

4 Additional committee guidelines may be added, such as:

- Committees shall operate under the following guidelines:
- The Board President shall appoint no more than ~~two~~ Board members to serve on a committee.
- The President and the committee members shall establish the committee’s meeting dates, time, and place.

Special Board Committees

A special committee may be created for specific purposes or to investigate special issues. A special committee is automatically dissolved after presenting its final report to the Board or at the Board's discretion. ⁵

Standing Board Committees ⁶

A standing committee is created for an indefinite term although its members will fluctuate. Standing committees are:

1. Board Policy Committee. ⁷ This committee researches policy issues, and provides information and recommendations to the Board.
2. Parent-Teacher Advisory Committee. ⁸ This committee assists in the development of student behavior policy and procedure, and provides information and recommendations to the Board. Its members are parents/guardians and teachers, and may include persons whose expertise or experience is needed. The committee reviews such issues as administering medication in the schools, reciprocal reporting between the School District and local law enforcement agencies regarding criminal offenses committed by students, student discipline, disruptive classroom behavior, school bus safety procedures, and the dissemination of student conduct information.
3. Behavioral Interventions Committee. ⁹ This committee develops and monitors procedures for using behavioral interventions in accordance with Board policy 7.230, *Misconduct by Students with Disabilities*, and provides information and recommendations to the Board. At the Board President's discretion, the Parent-Teacher Advisory Committee shall perform the duties assigned to the Behavioral Interventions Committee.

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5 A board may list examples as in the following option:

- The Superintendent may attend all committee meetings.

Examples of special committees include the following: (1) Committee to Evaluate Procurement of Architectural, Engineering, and Land Surveying Services (see 2.170-AP, *Administrative Procedure – Qualification Based Selection*), and (2) Facility Naming Committee (see policy 4:150, *Facility Management and Building Programs*).

6 The board may create and list other standing committees, e.g., an audit committee as authorized by 105 ILCS 5/10-22.45. Be sure that the creation of a committee in this policy aligns with the policy concerning the applicable topic. If an audit committee is included here, a board may want to reference it in policy 4:80, *Accounting and Audits*, and vice-versa.

7 A board policy committee is optional; its creation is consistent with policy 2:240, *Board Policy Development*.

8 105 ILCS 5/10-20.14 requires all districts to establish and maintain a parent-teacher advisory committee to develop, with the board, policy guidelines on student discipline. The parents on this committee, as well as other non-staff members, may not have access to student records unless the student cannot be identified or prior consent is obtained. (105 ILCS 10/6). The district's parent-teacher advisory committee must also: (1) in cooperation with local law enforcement agencies, develop guidelines for reciprocal reporting of criminal offenses committed by students ~~(105 ILCS 5/10-20.14)~~; and (2) in cooperation with school bus personnel, develop school bus safety procedures. (105 ILCS 5/10-20.14). Completion of the statutory requirements imposed on the Parent-Teacher Advisory Committee, as well as the Behavioral Interventions Committee, should be documented.

9 Boards must establish and maintain a behavioral interventions committee to develop procedures that reflect consideration of ISBE's guidelines on the use of behavioral interventions with students with disabilities. (105 ILCS 5/14-8.05(c)). An alternative follows:

The Behavioral Interventions Committee, coordinated by the Executive Director of the Special Education Cooperative, develops and monitors procedures for using behavioral interventions in accordance with Board policy 7.230, *Misconduct by Students with Disabilities*. Committee reports and recommendations are made to the Board upon its request.

Nothing in this policy limits the authority of the Superintendent or designee to create and use committees that report to him or her or to other staff members. 10

LEGAL REF.: 5 ILCS 120.
105 ILCS 5/10-20.14 and 5/14-8.05.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of School Board Meetings), 2:240 (Board Policy Development), 7:190 (Student Behavior), 7:230 (Misconduct by Students with Disabilities)

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¹⁰ OMA generally does not apply to *superintendent* a/k/a administrative committees. See *University Professionals v. Stukel*, ~~801 N.E.2d 1054~~ 344 Ill. App.3d 856 (4th App.1st Dist. 2003)(staff committees are not subject to OMA). The Act will be applicable, however, in some circumstances. For example, a staff committee containing three or more board members will be subject to ~~the Open Meetings Act (OMA~~. 5 ILCS 120/1.02). Consult the board attorney for advice. The following are examples of superintendent committees: Communicable and Chronic Infectious Disease Program Task Force, Communicable and Chronic Infectious Disease Review Team, Employee Drug Abuse Committee, Title I Advisory Committee, Student Support Committee, Food Allergy Management Committee, and Sex Equity Committee.

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School Board

Administrative Procedure - Superintendent Committees

The Superintendent or designee creates Superintendent or administrative committees as deemed necessary, makes all appointments, and directs all activities. A Superintendent or administrative committees reports to the Superintendent or administrator who directs its activities. The Superintendent or designee should consult the Board Attorney (a) concerning whether any of these committees must comply with the Open Meetings Act (OMA), and/or (b) to receive guidance for ensuring that the meetings either comply with OMA requirements or do not trigger OMA.¹ Unless otherwise indicated, the listed Superintendent or administrative committees are optional:

Communicable and Chronic Infectious Disease Program Task Force

This task force assists in the development and review of a chronic and infectious disease program consistent with the District's policies and State and federal laws and regulations, and reports directly to the Superintendent or designee. Appointments are made to the task force only if the Superintendent or designee determines that its input is desirable. See policies 5:40, *General Personnel - Communicable and Chronic Infectious Disease*; and 7:280, *Students - Communicable and Chronic Infectious Disease*.

Task force members include the Superintendent or designee, school medical advisor, a school nurse, and representatives from the School Board, local health department, PTA, the professional staff, and other employee groups.

Communicable and Chronic Infectious Disease Review Team

This review team monitors those employees and students who have a communicable and chronic infectious disease, and:

1. Reviews individual medical case histories.
2. Recommends the most appropriate educational setting for a student, which may include temporary removal from and return to the regular educational setting.
3. Recommends the most appropriate work setting for an employee; this may include retention in his/her present position, transfer to another position, or temporarily excused from or returned to his/her work assignment.

Team members include the District's medical advisor, a school nurse, the Building Principal, and the Superintendent or designee.

The footnotes should be removed before the material is used.

¹ Superintendent and administrative committees are generally not governed by the Open Meetings Act (OMA), but the operation and function of specific committees may make the Act applicable. For example, any committee, whether superintendent or board, having as members at least a majority of the quorum (three out of seven) of the board, will be subject to OMA. 5 ILCS 120/1.02. Other factors that determine whether a committee is governed by OMA include "who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's bylaws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes." University Professionals v. Stakel, 344 Ill.App.3d 856, 865 (1st Dist. 2003).

The review team is guided by the Board's policies, Illinois Dept. of Public Health (IDPH) rules and regulations, and all other applicable State and federal laws. It reports directly to the Superintendent or designee. See also policies 5:40, *General Personnel - Communicable and Chronic Infectious Disease*, and 7:280, *Students - Communicable and Chronic Infectious Disease*. The review team consults the employee's or the student's personal physician and local health department officials before making any recommendations.

The Communicable and Chronic Infectious Disease Review Team respects the privacy rights of each employee and student and takes such precautions as may be necessary to secure confidentiality.

Food Allergy Management Committee

This committee develops and implements the District's Food Allergy Management Program and reports directly to the Superintendent or designee. It monitors the program for effectiveness and establishes a schedule for the Superintendent to report this information to the Board. See policy 7:285, *Food Allergy Management Program*, that is based upon the *ISBE/IDPH Guidelines at: www.isbe.net/Documents/food_allergy_guidelines.pdf*. See also the modifiable Microsoft® Word version of the *ISBE/IDPH Guidelines at: www.isbe.net/Pages/Food-Allergy-Guidelines.aspx*.

Committee members include District-level administrators, Building Principals, the District Safety Coordinator (see 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), District 504 Coordinator (see policy 6:120, *Education of Children with Disabilities*), staff members, parents/guardians, community members, and students.

Employee Drug Abuse Committee

This committee makes recommendations directly to the Superintendent or designee regarding employee drug abuse, and:

1. Cooperates with community and State agencies on drug abuse programs.
2. Gathers information about drug abuse and suggests methods to disseminate it to staff.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration the Board's obligation to provide a safe environment and to ensure high quality performance.
5. Recommends a method to explicitly inform employees of District policy and the consequences of drug abuse.

Committee members include the Superintendent or designee, the District's medical advisor, and employee representatives from both professional and educational support personnel. The committee is guided by Board policies, administrative procedures, and relevant State and federal statutes. See policy 5:50, *Drug- and Alcohol-Free Workplace; Tobacco Prohibition*.

Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and community. See policy 4:180, *Pandemic Preparedness*, and procedure 4:180-AP1, *School Action Steps for Pandemic Influenza*.

Team members may include one or two Board members, administrators, and staff members. It reports directly to the Superintendent or designee.

Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent or designee on prevention, intervention, and education. Committee members may include community representatives, District administrators, teachers, and students. See policies 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 7:10, *Equal Educational Opportunities*; and 7:20, *Harassment of Students Prohibited*.

School Violence Prevention Team

This team builds awareness about and supports the development and implementation of the District's:

1. Targeted School Violence Prevention Program. See policy 4:170, *Safety*; and procedure 4:170-AP7, *Targeted School Violence Prevention Program*.
2. Anti-bullying program, when and as appropriate. See policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and procedure 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying*.

All Building Principals or their designees must be on this team. Other team members may include the District Safety Coordinator (see procedure 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), law enforcement representatives, Board Attorney, District psychologist(s), mental health workers and/or social service agencies, faith leaders, community members, and students. It reports directly to the Superintendent or designee.

Title I Parent Advisory Committee

This committee is required if the District receives or desires to receive Title I funds. See policy 6:170, *Title I Programs*; procedure 6:170-AP1, *EI, District-Level Parent and Family Engagement Compact*; 20 U.S.C. §§6312(a)(1)(A), 6318(a)(2)(F)-34 G.F.R. §§200-41, 200-50, ~~and 200-52(a)(1); and 105 H.C.S. 5/2-3-25d (for Illinois requirements)~~. The committee supports the development and implementation of the District's Title I plan. Its activities may include, at the Superintendent or designee's directive:

1. Facilitating the active involvement of parents/guardians in their children's academic success by such activities as coordinating Title I parent-teacher conferences, providing information to help parents/guardians assist their children, coordinating volunteer or paid participation by parents/guardians in school activities, and establishing a process to respond to parents/guardians' inquiries and recommendations.
2. Distributing Title I informational materials.
3. ~~Preparing and monitoring revised School Improvement Consulting regarding the District's Title I Plan(s).~~
4. Supporting the implementation of Board policy 6:170, *Title I Programs*.

Committee members include parents/guardians and ~~teachers~~family members of Title I children. It reports directly to the Superintendent or designee.

PERA (Performance Educational Reform Act) Joint Committee and the RIF (Reduction in Force) Joint Committee 2

Each committee listed below is required until its function has been fulfilled; each reports directly to the Superintendent or designee.

1. PERA joint committee. This mandatory committee develops a plan for incorporating data and indicators of student growth into the evaluation plan. The joint committee is “composed of equal representation selected by the district and its teachers, or where applicable, the exclusive bargaining representative of its teachers.” 105 ILCS 5/24A-4(b). If, within 180 calendar days of the committee’s first meeting, the committee does not reach agreement on the plan, the District must implement ISBE’s model evaluation plan with respect to the use of data and indicators on student growth. The amendment of an evaluation plan continues to be a mandatory subject of bargaining.

2. RIF joint committee. This mandatory committee convenes annually to consider issues identified in the statute concerning the selection of teachers for layoff. 105 ILCS 5/24-12(c). On or before December 1 each year, the RIF joint committee must be established and must hold its first meeting. It is composed of individuals appointed by the Board and the teachers (or the exclusive bargaining representative of its teachers).

Concussion Oversight Team

The Concussion Oversight Team is required until its function has been fulfilled; it reports directly to the Superintendent or designee. State law requires the team to establish protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury during interscholastic athletic activities. See policy 7:305, *Student Athlete Concussions and Head Injuries*. 105 ILCS 5/22-80(d), added by P.A. 99-245, and amended by P.A.s 99-486 and 100-309. The Board must appoint or approve a Concussion Oversight Team. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. If it is not practicable for a physician, athletic trainer and/or nurse to be on the Team and other licensed health care professionals are not appointed to serve on the Team, the Team may be composed of only one person who need not be a licensed healthcare professional; however, that individual may not be a coach.

Wellness Committee 3

The Wellness Committee includes at least one representative from each of the following groups: parents, students, representatives of the school food authority, teachers of physical education,

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2 These committees are not subject to OMA. 105 ILCS 5/24A-4(b) and 105 ILCS 5/24-12(c), respectively, amended by P.A. 100-768, eff. 1-1-19.

3 Establishing a wellness committee is optional. The preamble to 7 C.F.R. §210.31(d)(1) suggests one method to comply with the rules is by: “identifying individuals” to serve on a “local school wellness policy committee.” However, the final text of 7 C.F.R. §210.31(d)(1) does not specifically require districts to establish a local school wellness policy committee – only that they “permit [groups listed in the procedure above] to participate” See also fn 23 in policy 6:50, *School Wellness*. If a district establishes a wellness committee, it should be listed here.

school health professionals, a member of the Board,⁴ school administrators,⁵ and members of the community. It reports directly to the Superintendent or designee. Individuals of this committee will participate in the development, implementation, periodic reviews, and updates of policy 6:50, School Wellness. 7 C.F.R. §210.31(d)(1).

The footnotes should be removed before the material is used.

⁴ See fn 1 above. As much of the work of developing a plan to involve local stakeholders is administrative/staff work rather than governance work, the best practice is to have a wellness committee be an administrative committee, but consult the board attorney for guidance about the application of the OMA when three or more board members serve on this committee.

⁵ If a board wants to comply with the U.S. Dept. of Agriculture's encouragement to include Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators or educators in the group to provide input about the wellness policy, insert: "Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators, educators," immediately before: ", and members of the community."

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School Board

Exhibit - Immediately Available District Public Records and Web-Posted Reports and Records ¹

[*For use by only those Districts that have websites.*]

The District's Freedom of Information Officer designates the public records that are listed in this table as being immediately available to the public. The records that are asterisked are posted on the District's website and may be immediately inspected, downloaded, printed, and/or copied. Any asterisked public record is also immediately available for inspection or copying upon request at the District's administrative office during its regular business hours, provided any applicable fees are paid. Records without an asterisk will be provided within five business days as allowed by the Freedom of Information Act, provided any applicable fees are paid.

Web-posted records and information <i>(use of an * is explained in the paragraph above this table)</i>	Web-posting statutory reference and special instructions
<p>* Annual schedule of regular meetings for the current school year that are posted at the beginning of each calendar or fiscal year</p> <p>* Public notice of each Board meeting that is posted at least 48 hours before the meeting and remains posted until the meeting is concluded</p> <p>* Agenda of each regular meeting that is posted at least 48 hours before a meeting and remains posted until the meeting is concluded</p> <p>Note: For school districts that do not post board meeting notices and/or agendas on a website (because they do not have a website maintained by a fulltime staff member), the notice and agenda must be continuously available for public review during the</p>	<p>5 ILCS 120/2.02.</p>

The footnotes should be removed before the material is used.

1 This exhibit has two purposes: (1) to identify the data and documents that must be posted on a district's website, if the district has a website;² and (2) to fulfill the requirement in the Freedom of Information Act (FOIA) for the district's FOIA officer to designate the public records that are immediately available to the public. 5 ILCS 140/3.5(a). Many attorneys agree that using the required items for web-posting is an easy and practical way for the FOIA Officer to develop a list of public records that are *immediately available*. Some attorneys prefer that the district also retain copies of its web-posted public records for immediate inspection and/or copying upon request at the administrative office. The introductory paragraph manages this issue by indicating that copies of certain identified public records will also be immediately available in the district's administrative office. This exhibit suggests identifying public records for immediate availability that are easily reproduced and stored, i.e., not voluminous. The FOIA Officer should customize this list as appropriate to the district's circumstances.

Note, however, that simply referring a FOIA requester to a responsive document that is available on the district's website is not a sufficient response and that a copy must be provided on request. See reference in Public Access Counselor binding opinion 10-001. Consult the board attorney for ideas to manage the district's specific FOIA compliance issues.

The "Intermediate Service Center" is given as an alternative to "Regional Superintendent" herein because 105 ILCS 5/2-3.62 abolished the Regional Office of Education for Suburban Cook County and transferred its powers and duties to Intermediate Service Centers.

Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
<p>entire 48-hour period preceding the meeting</p> <p>*Official open meeting minutes that are posted within ten days of the Board's approval and remain posted for at least 60 days</p>	<p>5 ILCS 120/2.06(b).</p>
<p>*Description of the District and its records including: Summary of the District's purpose Functional subdivisions Total amount of operating budget Number and location of all of its separate offices Approximate number of full and part-time employees (see also, salary and benefits information report for the Superintendent, administrators, and teachers, District's Statement of Affairs) Identification and membership of the Board Brief description of the methods whereby the public may request information and public records Directory information for the Freedom of Information Officer Address where requests for public records should be directed Fees</p>	<p>5 ILCS 140/4. The District must prominently post the list at each administrative office and make it available for inspection and copying.</p>
<p>* A hyperlink to an email address(es) for members of the public to communicate with members of the Board</p>	<p>50 ILCS 205/20. The hyperlink must be easily accessible from the District's home page.</p>
<p>Annual budget for current fiscal year, itemized by receipts and expenditures</p>	<p>105 ILCS 5/17-1.2. This may be accomplished using <u>Ill. State Board of Education (ISBE's-ISBE) School District Budget Form (50-36)</u> or the summary pages from it. ² The District must notify its students' parents/guardians when the budget is web-posted along with its website address.</p>
<p>*District Report Card and a Report Card for each School (the Report Cards will be provided by ISBE by Oct. 31 of each year)</p>	<p>105 ILCS 5/10-17a, amended by P.A.s 100-364 and 100-448. Annually, no more than 30 calendar days</p>

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² For school officials who are concerned that some of their district's constituents may not have the proper software to access these documents, ISBE provides links to free *viewer* or *reader* products that support the ISBE School District Budget Form (50-36). These products can be downloaded and used to access the budget as posted on the district's website. See www.isbe.net/Pages/School-District-Joint-Agreement.aspxDownload-Plugins.aspx.

Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
	<p>after receiving the Report Cards from the State Superintendent, the District must:</p> <p>(1) present them at a regular Board meeting, (2) post them on the District's website, (3) make them available to a newspaper of general circulation serving the District, and (4) upon request, send them home to parents/guardians. 105 ILCS 5/10-17a(5).</p> <p>The District also must send a written notice home to parents/guardians stating: (1) that the Report Cards are available on the website, (2) the website's address, (3) that a printed copy will be sent upon request, and (4) the telephone number to request a printed copy. <u>Id.</u></p>
<p>* A list of all contracts in excess of \$25,000 and any contracts with an exclusive bargaining representative</p>	<p>105 ILCS 5/10-20.44.</p> <p>There is no statutory timeline for web-posting.</p> <p>Each year, in conjunction with the submission of the Statement of Affairs to ISBE, before Dec. 1, the District must submit to ISBE an annual report on all contracts over \$25,000 awarded during the previous fiscal year.</p>
<p>*Contract(s) with any commercial driver training school(s) for driver education</p>	<p>105 ILCS 5/27-24.2, amended by P.A. 100-465.</p> <p>The District is required to web-post this document if it has a website. If the District has no website, it must make the contract available upon request.</p>
<p>Annual Statement of Affairs</p>	<p>105 ILCS 5/10-17.</p> <p>The District is not required to web-post this document. It must, annually by Dec. 1, submit the Statement to ISBE for posting on ISBE's website, have copies of the Statement available in the main administrative office, and publish a summary of the Statement in a newspaper of general circulation published in the District.</p>
<p>*Board policy, 7-180, <i>Prevention of and Response to</i></p>	<p>105 ILCS 5/27-23.7(b)(10) & (11).</p>

<p>Web-posted records and information (use of an * is explained in the paragraph above this table)</p> <p><i>Bullying, Intimidation, and Harassment</i></p> <p>*Information developed as a result of the evaluation and assessment of the bullying policy's outcomes and effectiveness</p>	<p>Web-posting statutory reference and special instructions</p>
<p>*Board policy, 7:290, <i>Suicide and Depression Awareness and Prevention</i></p>	<p>105 ILCS 5/2-3.166, added by P.A. 99-443.</p>
<p>* Administrator and Teacher Salary and Benefits Report (itemized salary report for the Superintendent and all administrators and teachers); <i>benefits</i> includes without limitation vacation days, sick days, bonuses, annuities, and retirement enhancements</p>	<p>105 ILCS 5/10-20.47. Annually on or before Oct. 1: (1) the information must be presented at a regular Board meeting and posted on the District's website, and (2) after the Board meeting at which the information was presented, the Report must be provided to ISBE.</p>
<p>*Information regarding a Severance Agreement entered into because an employee or contractor was found to have engaged in <u>sexual harassment or sexual discrimination</u></p>	<p><u>50 ILCS 205/3c, amended by P.A. 100-1040.</u> <u>Within 72 hours of Board approval, the District must post: (1) the name/title of person receiving payment under the severance agreement, (2) the amount of payment, (3) that the employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as applicable, and (4) the date, time, and location of the meeting at which the agreement was approved.</u> Note: <u>The Government Severance Pay Act (GSPA), 5 ILCS 415/10(a)(2), added by P.A. 100-895, eff. 1-1-19, prohibits an employee of a school district with contract provisions from receiving any severance if he or she is fired for <i>misconduct</i> by the board, which includes sexual harassment and/or discrimination.</u> <u>Id.</u> at 415/5. For more discussion about the reconciling these laws, see <i>fn 6</i> in <u>policy 2:260, <i>Uniform Grievance Procedure</i>.</u></p>
<p>*As an employer that participates in the Illinois Municipal Retirement Fund (IMRF), a compensation report for employees who have a total compensation package that exceeds \$75,000 per year; <i>total</i></p>	<p>5 ILCS 120/7.3. The report must be posted within six business days after the District approves a budget. The District may choose to post</p>

<p>Web-posted records and information (use of an * is explained in the paragraph above this table)</p>	<p>Web-posting statutory reference and special instructions</p>
<p><i>compensation package</i> means salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted</p> <p>As of PRESS Issue 996, IASB has not received a response from the Ill. Attorney General’s office to its request for guidance concerning whether this requirement applies to employees who do not participate in IMRF, e.g., TRS participants.</p>	<p>a physical copy of this information at its principal office in lieu of posting the information directly on the website in which case it must post directions on the website for accessing that information.</p>
<p>*As an employer that participates in the Illinois Municipal Retirement Fund, a compensation report for employees who have a total compensation package that is equal to or in excess of \$150,000 per year: <i>total compensation package</i> means payment by the employer to the employee for salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted</p> <p>As of PRESS Issue 996, IASB has not received a response from the Ill. Attorney General’s office to its request for guidance concerning whether this requirement applies to employees who do not participate in IMRF, e.g., TRS participants.</p>	<p>5 ILCS 120/7.3.</p> <p>The report must be posted at least six days before the District approves an employee’s total compensation package that is equal to or in excess of \$150,000. The District may choose to post a physical copy of this information at its principal office in lieu of posting the information directly on the website in which case it must post directions on the website for accessing that information.</p>
<p>A description of activities to address intergroup conflict (an optional program authorized by Sec. 27-23.6)</p>	<p>105 ILCS 5/27-23.6(c).</p>
<p>*Names of Board members who have completed professional development leadership training</p>	<p>105 ILCS 5/10-16a requires the District to post on its website the names of all Board members who have completed professional development leadership training (required for board members taking office after 6-13-11). The web-posting may be expanded to log all Board members’ training and development activities.</p> <p>5 ILCS 120/1.05(b) and (c) require each Board member to complete training on the Open Meetings Act. After completing the training, each Board member must file a copy of their certificate of completion with the School Board.</p> <p>105 ILCS 5/24-16.5 requires each Board member to complete a training program on performance evaluations before voting</p>

Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
Immunization data reported to ISBE by each Nov. 15	on a dismissal based on a performance evaluation pursuant to the Performance Evaluation Reform Act. 105 ILCS 5/27-8.1(6). By Dec. 1, the District must annually make the immunization <i>data</i> that it must report to ISBE each year publicly available. The data, not its format, must be identical to the data reported to ISBE. Boards have control over the method(s) used to make this data publicly available. One method is to instruct the reader to ask for the data directly from ISBE.
Information on mental health issues and local treatment resources	The Ill. House of Representatives encouraged this in HR 478 (5-3-1-15). 105 ILCS 5/22-82(b), added by P. A. 99-590. These must be made available to parents and/or guardians through the District's Internet -website or paper handouts.
All reliable assessments, scored by entities other than the District, that are administered in each of the District's schools.	

School Board

Uniform Grievance Procedure 1

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or its agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy², or have a complaint regarding any one of the following:³

1. Title II of the Americans with Disabilities Act 4
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973 5
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.

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

1 State or federal law requires this subject matter be covered by policy and controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy is in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

A grievance procedure is required by many civil rights acts and implementing regulations, including those listed. For the sake of consistency and ease of administration, this policy consolidates all board grievance procedures into one policy, except those contained in collective bargaining agreements. See the cross references for the policies referring to this uniform grievance procedure policy.

2 Including the phrase "guaranteed by the State or federal Constitution, State or federal statute, or Board policy" broadens the scope of this policy beyond the items listed. Consult the board attorney regarding whether to retain this phrase and/or to otherwise limit the scope of this policy.

3 The Individuals with Disabilities Education Act (IDEA) is not included in the list of statutes that may serve as the basis of a grievance, and attorneys disagree whether it should be. Many believe that IDEA provides the exclusive remedy; others believe that including IDEA allows parents an opportunity to get their position before the board. Unique and specific complaint resolution mechanisms are expressly provided under IDEA, Article 14 of the School Code, and their respective implementing regulations. These mechanisms follow: (1) IDEA at 20 U.S.C. §1415 (procedural safeguards-mediation and due process); (2) IDEA regulations at 34 C.F.R. §§300.151-300.153 (state complaints), 300.506 (mediation), and 300.507 et seq. (due process); (3) School Code at §§14/8.02a (mediation and due process) and 14/8.02b (expedited due process); and (4) special education regulations at 23 Ill. Admin. Code §§226.560 (State complaints), 226.570 (mediation), and Subpart G (due process). A board that would like to include IDEA should consult the board attorney.

4 The Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325, made significant changes to the Americans with Disabilities Act's definition of disability by broadening the scope of coverage. The ADAAA also overturned a series of U.S. Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that impairments were a disability. The U.S. Equal Employment Opportunity Commission's (EEOC) regulations, 29 C.F.R. Part 1630, are at: www.eeoc.gov/laws/types/disability_regulations.cfm.

Boards should consult with their attorneys regarding how the ADAAA and its implementing regulations impact their districts.

Title II of the ADA of 1990 also includes website accessibility. Addressing website accessibility is complicated. Many entities addressing website accessibility use *Web Content Accessibility Guidelines* (WCAG) 2.0, a frequently cited accessibility standard that contains guidelines developed by a private group of accessibility experts. WCAG 2.0 is the standard the U.S. Dept. of Justice referenced in its recent Title II rulemaking; however, it is not adopted as the formal legal standard for public accommodation websites. While it is not adopted as the formal legal standard for public accommodation websites, it has been used in many consent decrees and settlement agreements. See www.w3.org/TR/WCAG20/.

5 See fn 3² & 4³'s discussion of website accessibility above. To avoid allegations that a district violated Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA of 1990, many attorneys suggest that school districts' websites meet the WCAG 2.0 guidelines. But see the discussion in fn 2 of policy 8:70, *Accommodating Individuals with Disabilities*.

5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment (State Officials and Employees Ethics Act), Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972) ⁷

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6 5 ILCS 430/70-5(a), amended by P.A. 100-554, requires governmental entities (including school districts) to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment. Unlike the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *policies*. 105 ILCS 5/10-20.5. Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. 105 ILCS 5/10-20.

The policy must include, at a minimum:

- (1) a prohibition on sexual harassment;
- (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights;
- (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act (740 ILCS 174J), and the Ill. Human Rights Act (775 ILCS 5/); and
- (4) the consequences:
 - (a) of a violation of the prohibition on sexual harassment; and
 - (b) for knowingly making a false report.

Id. See policy 5.20, *Workplace Harassment Prohibited*.

A new publication law, 50 ILCS 205/3c, added by P.A. 100-1040, requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was “found to have engaged in sexual harassment or sexual discrimination, as defined by the Ill. Human Rights Act or Title VII of the Civil Rights Act of 1964.” Consult the board attorney about the word *found*. It raises many practical application questions, e.g., when does the word *found* trigger a board’s compliance responsibility pursuant to this law. Such questions include, but are not limited to:

1. Must a school board make a *finding* to trigger this requirement? If the severance agreement is entered into post-termination, a record of board *findings* rarely exists.
2. Are charges for termination *findings*? Often superintendents submit charges for termination, but these are not technically *findings*.
3. Are charges based on a complaint manager’s report and determination(s) *findings* under the law when a board still has the ability to review and reject the complaint manager’s determination(s)?

Next, contrast the above publication law with the Government Severance Pay Act (GSPA), 5 ILCS 415/10(a)(2), added by P.A. 100-895, *eff.* 1-1-19. GSPA prohibits an employee of a school district with contract provisions for severance pay from receiving any severance if he or she is fired for *misconduct* by the board. GSPA defines *misconduct* to include sexual harassment and/or discrimination. *Id.* at 415/5.

Consult the board attorney about how to reconcile whether sexual harassment and/or sexual discrimination is misconduct for which a severance would be prohibited under the GSPA, and therefore, not available to be published under 50 ILCS 205/3c, added by P.A. 100-1040. And for further discussion and other applicable transparency laws that apply to this issue, see also *fn 9* in policy 5.20, *Workplace Harassment Prohibited*.

7 Consult the board attorney to ensure the district’s nondiscrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon bullying and/or sexual violence under Title IX’s sexual harassment umbrella. In September 2017, the U.S. Dept. of Education (DOE) withdrew its sexual violence Title IX guidance issued in 2011 and 2014, which mandated procedures for processing student-on-student sexual conduct, including using a preponderance of the evidence standard for discipline. The DOE has issued interim guidance until new rulemaking is promulgated: *Q&A on Campus Sexual Misconduct* (OCR September 2017) at: www2.ed.gov/about/offices/list/ocr/docs/qe-title-ix-201709.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term. An earlier guidance document also highlights appropriate responses to sexual violence under Title IX. See *Revised Sexual Harassment Guidance: Harassment of Student by School Employees, Other Students, or Third Parties, January 2001* at: www2.ed.gov/offices/OCR/archives/pdf/shguide.pdf.

Consult the board attorney regarding proper filing and storage of these investigation documents, including whether certain student-related investigation documents are *sole possession records*, a Family Policy Compliance Office (FPCO)-created an exemption to the Family Education Rights Privacy Act (FERPA). See *Letter to Ruscio*, 115 LRP 18601 (FPCO 12-17-14).

7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, 820 ILCS 180/
12. Illinois Equal Pay Act of 2003, 820 ILCS 112/
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/ 11
15. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq. 12

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

8 105 ILCS 5/10-20.60, added by P.A. 100-29, requires schools to implement the Ill. sex equity grievance procedures when processing student complaints about breastfeeding accommodations. Complainants must be informed that the board's decision may be appealed to the Regional Superintendent and, thereafter, to the State Superintendent. 23 Ill.Admin.Code §200.40. **Note:** Certain claims brought under Sec. 10-20.60 may also be covered by the anti-discrimination protections of Title IX; consult the board attorney for further advice. Guidance from U.S. Dept. of Education on Title IX requirements for pregnant and parenting students (June 2013) is available at: www2.ed.gov/about/offices/list/oeo/docs/pregnancy.pdf.

9 All districts must have a policy on bullying. 105 ILCS 5/27-23.7. See policy 7-180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. The inclusion of *bullying* in the list of topics that may serve as the basis of a grievance furthers the obligation to communicate this policy to students and their parents/guardians.

10 Parents/guardians of educationally disadvantaged children may sue a district for misuse of funds allocated by State law for the benefit of such children. *Novola v. Bd. of Educ.*, 171 Ill.2d 121 (Ill. 1997) (affirming the appellate court's conclusion in *Novola v. Bd. of Educ.*, 284 Ill.App.3d 128 (1st Dist. 1996) that parents/guardians may pursue a claim to enforce the requirements of the School Code but holding that the proper action for enforcement is by means of mandamus not an implied right of action).

11 The Ill. Whistleblower Act (740 ILCS 174) includes school districts in the definition of employer. It protects employees from employer retaliation for disclosing information to a government or law enforcement agency. Section 15 also contains language prohibiting employers from retaliating against employees who disclose information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation. The Ill. Whistleblower Reward and Protection Act (740 ILCS 175) includes school districts in its definition of *State*. A strict interpretation of this language appears to allow school boards to collect civil penalties and costs against someone making a false claim. Before disciplining any employee, boards should thoroughly investigate the ramifications of these acts in consultation with their attorney and liability insurance carriers.

12 The Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff et seq.) is a federal law. Title I addresses the use of genetic information pertaining to health insurance. Title II protects job applicants, current and former employees, labor union members, and apprentices and trainees from discrimination based on their genetic information. GINA covers employers with 15 or more employees.

GINA broadly defines genetic information to include information about an individual's genetic tests, their family members, and, among other things, the manifestation of a disease or disorder in the individual or the individual's family members. Information about an individual's or family member's age or gender is excluded from genetic information. Its remedies mirror those available under a Title VII of the Civil Rights Act claim: back pay, reinstatement, attorneys' fees and compensatory and punitive damages. Retaliation against an individual who brings a claim under GINA is also prohibited. Federal regulations are available at 29 C.F.R. Part 1635, and background information on these regulations is available at: www.eeoc.gov/policy/docs/qanda_geneticinfo.html. An FAQ titled, *FAQs on the Genetic Information Nondiscrimination Act* is available at: www.dol.gov/ebsa/faqs/faq-GINA.html.

The Ill. Genetic Information Protection Act (GIPA) (410 ILCS 513), amended by P.A. 100-396) also prohibits employers from making employment decisions on the basis of any employee's genetic testing information and from penalizing employees who do not want to disclose their genetic information as part of a workplace wellness program. GIPA includes the federal GINA's definition of genetic information and creates more stringent obligations on Ill. employers. While the federal GINA exempts small employers (those with less than 15 employees), Illinois' GIPA covers all employers, even those with one employee. GIPA also provides penalties for negligent and intentional mishandling of genetic information. Note that Title II of GINA does not preempt GIPA's greater protections to Illinois employees.

16. Employee Credit Privacy Act, 820 ILCS 70/13

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable¹⁴ resolution of a complaint filed under this policy shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

Deadlines

All deadlines under this policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender.¹⁵ The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment*

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Before using any sort of genetic information, consult the board attorney for guidance regarding GINA's and GTPA's specific applications to the district and how these laws integrate with other related federal laws, such as the Family Medical Leave Act and the ADA, and State laws governing time off for sickness and workers' compensation.

¹³ 820 ILCS 70/. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report; (2) inquire about an applicant's or employee's credit history; or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, when the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. A person who is injured by a violation of this Act may bring a civil action to obtain injunctive relief and/or damages. 820 ILCS 70/25. The court must award costs and reasonable attorneys' fees to a prevailing plaintiff.

¹⁴ The phrase "prompt and equitable resolution" comes from Title IX implementing regulation 34 C.F.R. §106.8(b) which requires schools to "adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints" of sex discrimination.

¹⁵ This is a best practice.

Prohibited, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy 2:260, *Uniform Grievance Procedure*.

Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf.¹⁶ The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time.

The Superintendent will keep the Board informed of all complaints.

If a complaint contains allegations involving the Superintendent, the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.¹⁷

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board.

Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within five school business days of the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

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¹⁶ This policy gives complaint managers the flexibility to appoint another individual to conduct an investigation, which may be appropriate in cases where the neutrality or efficacy of the complaint manager is an issue, and/or where the district wishes to have the expertise and related attorney-client and work product privileges that an in-house or outside attorney may afford an investigation. Such alternative appointments are often made in consultation with the superintendent or other district-level administrator (except in cases involving complaints about those individuals).

¹⁷ *Preponderance of evidence* is a standard of proof in civil cases. It means "evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not." See *Black's Law Dictionary, 9th ed. 2009*.

For complaints containing allegations involving the Superintendent, within 30 school business days after receiving the Complaint Manager's report, the Board shall mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager.

This policy shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.¹⁸

Appointing a Nondiscrimination Coordinator and Complaint Managers ¹⁹

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.²⁰

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.²¹

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

¹⁸ The Ill. sex equity regulations require districts to have "specific timelines for completion of each step and rendering of a written decision, and shall provide for final appeal of grievance decisions made at the system level to the system's governing board." 23 Ill.Admin.Code §200.40. To avoid arguments over these timelines, this sample policy provides that the failure to strictly follow the timelines does not prejudice any party. The grievance procedure is worthless if complaints are not thoroughly and promptly investigated.

¹⁹ Title IX regulations require districts to identify the name, address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. OCR prefers that school districts make Title IX information and coordinators visible to the community, and it has provided materials designed to remind schools of their obligation to designate a Title IX coordinator. These materials include: (1) a *Dear Colleague Letter on Title IX Coordinators*; (2) a *Letter to Title IX Coordinators* that provides them with more information about their role; and (3) a *Title IX Resource Guide* that includes an overview of Title IX's requirements with respect to several key issues. See www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html.

While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

²⁰ Best practice is that throughout the board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

²¹ The board may include the following option to address publication of such contact information:

"The Superintendent or designee shall ensure that students, parents/guardians, employees, and members of the community are informed of the contact information for the District's Nondiscrimination Coordinator and Complaint Managers on an annual basis."

Publicizing the contact information for the Nondiscrimination Coordinator and Complaint Managers through personnel handbooks, student handbooks, and/or on the district's website is a best practice. The Illinois Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

Nondiscrimination Coordinator:

Name _____
Address _____
Email _____
Telephone _____

Complaint Managers:

Name	Name
Address	Address
Email	Email
Telephone	Telephone

LEGAL REF.:

Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
Equal Pay Act, 29 U.S.C. §206(d).
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.
State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a).
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-20.60, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.
Illinois Genetic Information Privacy Act, 410 ILCS 513/.
Illinois Whistleblower Act, 740 ILCS 174/.
Illinois Human Rights Act, 775 ILCS 5/.
Victims' Economic Security and Safety Act, 820 ILCS 180/, 56 Ill.Admin.Code Part 280.
Equal Pay Act of 2003, 820 ILCS 112/.
Employee Credit Privacy Act, 820 ILCS 70/.
23 Ill.Admin.Code §§1.240 and 200.40.

CROSS REF.:

2:105 (Ethics and Gift Ban), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 6:120 (Education of Children with Disabilities), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:70 (Accommodating Individuals with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Concerns)