

School Board

Powers and Duties of the School Board; Indemnification

The major powers and duties of the School Board include, but are not limited to:

1. Organizing the Board after each consolidated election by electing officers and establishing its regular meeting schedule and, thereafter, taking action during lawfully called meetings to faithfully fulfill the Board's responsibilities in accordance with State and federal law. ¹
2. Formulating, adopting, and modifying Board policies, at its sole discretion, subject only to mandatory collective bargaining agreements and State and federal law. ²
3. Employing a Superintendent and other personnel, making employment decisions, dismissing personnel, and establishing an equal employment opportunity policy that prohibits unlawful discrimination. ³
4. Directing, through policy, the Superintendent, in his or her charge of the District's administration. ⁴
5. Approving the annual budget, tax levies, major expenditures, payment of obligations, annual audit, and other aspects of the District's financial operation; and making available a statement of financial affairs as provided in State law. ⁵
6. Entering contracts using the public bidding procedure when required. ⁶
7. Providing, constructing, controlling, and maintaining adequate physical facilities; making school buildings available for use as civil defense shelters; and establishing a resource conservation policy. 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. School board powers listed in the School Code are not exclusive, meaning that a board may exercise "all other powers not inconsistent with this Act 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). This policy's intent is to list the *major* statutory powers and duties – not all of them. See also 105 ILCS 5/10-20.5 and 5/10-21.

For power/duty #1, see 105 ILCS 5/10-16 and 5/10-16.5; and policies 2:80, *Board Member Oath and Conduct*, and 2:210, *Organizational School Board Meeting*. Boards that elect officers for ~~one~~-year terms and/or hold organizational meetings yearly, ~~should use the following~~ **replace the default text in number 1 with the following** rather than the default text:

Annually organizing the Board by electing officers and establishing its regular meeting schedule and, thereafter, taking action during lawfully called meetings to faithfully fulfill the Board's responsibilities in accordance with Board policy and State and federal law.

² 105 ILCS 5/10-20.5 and policy 2:240, *Board Policy Development*; ~~105 ILCS 5/10-21; and 115 ILCS 5/4-~~et seq.~~~~ (Ill. ~~inois~~ Educational Labor Relations Act).

³ 105 ILCS 5/10-21.4 (employing superintendent); 5/10-20.7 and 5/10-21.1 (teachers); 5/10-21.9 (criminal history records checks); 5/10-22.34 (non-certificated personnel ~~(this statute still uses certificated rather than licensed)~~); 5/10-22.4 (dismissing teachers for cause); and 5/10-23.5 and 5/24-12 (reduction in force). See the policies in the **PRESS** Policy Reference Manual Sections 3, General School Administration, and 5, Personnel.

⁴ 105 ILCS 5/10-16.7.

⁵ 105 ILCS 5/10-20.19 and 5/17-1 ~~et seq.~~ See policies in the **PRESS** Policy Reference Manual Section 4, Operational Services.

⁶ 105 ILCS 5/10-20.21. See policy 4:60, *Purchases and Contracts*.

⁷ For the first clause, see 105 ILCS 5/10-20.6, 5/10-20.12, 5/10-22.10, 5/10-22.35A, and 5/10-22.36; and policy 4:150, *Facility Management and Building Programs*. For the second clause, see 105 ILCS 5/10-22.35. For the third clause, see 105 ILCS 5/10-20.19c; and policy 4:70, *Resource Conservation*.

8. Establishing an equal educational opportunities policy that prohibits unlawful discrimination. ⁸
9. Approving the curriculum, textbooks, and educational services. ⁹
10. Evaluating the educational program and approving School Improvement and District Improvement Plans. ¹⁰
11. Presenting the District report card and School report card(s) to parent(s)/guardian(s) and the community; these documents report District, School, and student performance. ¹¹
12. Establishing and supporting student [behaviordiscipline](#) policies designed to maintain an environment conducive to learning, including deciding individual student suspension or expulsion cases brought before it. ¹²
13. Establishing attendance units within the District and assigning students to the schools.¹³
14. Establishing the school year. ¹⁴
15. Requiring a moment of silence to recognize veterans during any type of school event held at a District school on November 11. ¹⁵
16. Providing student transportation services pursuant to State law. ¹⁶
17. Entering into joint agreements with other boards to establish cooperative educational programs or provide educational facilities. ¹⁷
18. Complying with requirements in the Abused and Neglected Child Reporting Act. Specifically, each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in the Act, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse. ¹⁸
19. Communicating the schools' activities and operations to the community and representing the needs and desires of the community in educational matters. ¹⁹

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⁸ Many civil rights laws guarantee equal educational opportunities; see policy 7:10, *Equal Educational Opportunities*.

⁹ 105 ILCS 5/10-20.8. See policies in [the PRESS Policy Reference Manual](#) Section 6, Instruction.

¹⁰ 105 ILCS 5/2-3.25d, [which addressed school and district improvement plans, was repealed by P.A. 100-1046, 105 ILCS 5/2-3.25f, and 105 ILCS 5/27-1. For more specific information about school and district improvement plans, see](#) policies 6:10, *Educational Philosophy and Objectives*; and [f/n 6 in policy 6:15, School Accountability](#).

¹¹ 105 ILCS 5/10-17a, [amended by P.A.s 100-364, 100-465, 100-807, and 100-863](#). This statute details the requirements for *presenting* the district report card and school report card(s), including presenting them at a regular school board meeting and posting them on the district's website.

¹² 105 ILCS 5/10-22.6, [amended by P.A.s 100-105, 100-810, and 100-1035](#). See policies 7:190, *Student BehaviorDiscipline*; 7:200, *Suspension Procedures*; and 7:210, *Expulsion Procedures*.

¹³ 105 ILCS 5/10-21.3 and 5/10-22.5. See policy 7:30, *Student Assignment and Intra-District Transfer*.

¹⁴ 105 ILCS 5/10-19, [amended by P.A. 100-465](#), and 23 Ill.Admin.Code §1.420, [amended at 42 Ill. Reg. 11512](#). See policy 6:20, *School Year Calendar and Day*.

¹⁵ Recognizing veterans on Nov. 11 is required by 105 ILCS 5/10-20.46.

¹⁶ 105 ILCS 5/10-22.22. See policy 4:110, *Transportation*.

¹⁷ 105 ILCS 5/10-22.31a. See policy 1:20, *District Organization, Operations, and Cooperative Agreements*.

¹⁸ 325 ILCS 5/4. *Abuse and neglect* are defined in 325 ILCS 5/3; for a *disabled adult student* see 20 ILCS 1305/1-17(b).

¹⁹ See policy 8:10, *Connection with the Community*.

Indemnification 20

To the extent allowed by law, the Board shall defend, indemnify, and hold harmless School Board members, employees, volunteer personnel (pursuant to 105 ILCS 5/10-22.34, 10-22.34a and 10-22.34b), mentors of certified staff (pursuant to 105 ILCS 5/2-3.53a, 2-3.53b, and 105 ILCS 5/21A-5 et. seq.), and student teachers who, in the course of discharging their official duties imposed or authorized by law, are sued as parties in a legal proceeding. Nothing herein, however, shall be construed as obligating the Board to defend, indemnify, or hold harmless any person who engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

LEGAL REF.: 105 ILCS ~~5/2-3.25d~~, 5/10, 5/17-1, and 5/27-1.
115 ILCS 5/, ~~Illinois~~, [Educational Labor Relations Act](#).
325 ILCS 5/4, [Abused and Neglected Child Reporting Act](#).

CROSS REF.: 1:10 (School District Legal Status), 1:20 (District Organization, Operations, and Cooperative Agreements), 2:10 (School District Governance), 2:80 (Board Member Oath and Conduct), 2:140 (Communications To and From the Board), 2:210 (Organizational School Board Meeting), 2:240 (Board Policy Development), 4:60 (Purchases and Contracts), 4:70 (Resource Conservation), 4:100 (Insurance Management), 4:110 (Transportation), 4:150 (Facility Management and Building Programs), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 6:10 (Educational Philosophy and Objectives), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment and Intra-District Transfer), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

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20 105 ILCS 5/10-20.20 (duty to indemnify) and 5/10-22.3 (duty to insure against loss or liability). These statutes identify the same individuals for protection except that the indemnification statute includes mentors of certified staff members. See [fn 3 in](#) policy 4:100, *Insurance Management*.

Public officials or employees who are sued or incur loss because of the performance of their duties imposed or authorized by law on behalf of the public entity are entitled to indemnification. [McQuillan on Municipal Corporations](#) §12.137 (3rd ed. 1973). Public employees who must defend themselves in actions based upon the performance of official duties are entitled to indemnification. [Wayne Twp. Bd. of Auditors v. Ludwig](#), [154 Ill.App.3d 899507 N.E.2d 199 \(2nd Dist. Ill. App. 2d, 1987\)](#). The public's interest is served by indemnifying public officials and employees in the performance of their official duties in order to recruit and retain qualified public employees and officials.

School Board

Board Member Qualifications ¹

A School Board member must be, on the date of election or appointment, a United States citizen, at least 18 years of age, a resident of Illinois and the District for at least one year immediately preceding the election, and a registered voter.

Reasons making an individual ineligible for Board membership include holding an incompatible office and certain types of State or federal employment.² A child sex offender, as defined in State law, is ineligible for School Board membership.³

LEGAL REF.: Ill. Constitution, Art. II, §1; Art. IV, §2(e); Art. VI, §13(b).
105 ILCS 5/10-3 and 5/10-10.

CROSS REF.: 2:30 (School Board Elections), 2:70 (Vacancies on the School Board - Filling Vacancies)

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. Election qualifications are found in 105 ILCS 5/10-3 and 5/10-10. Except for possible residency requirements, there are no general eligibility qualifications for appointment to a board; this sample policy, however, applies the election qualifications to appointments. This is possible because the board controls the appointment process. See policy 2:70, *Vacancies on the School Board - Filling Vacancies*. Boards may describe additional residency requirements, if any, in the following optional sentence:

“On the date of election or appointment, Board members must also meet the following residential requirement: *[insert]*.”²

105 ILCS 5/10-10 allows a board to appoint a student to the board to serve in an advisory capacity for a term the board determines. The student may not vote or attend any closed board meeting. A board that desires to appoint a student member may include this paragraph at the end of this policy, adding the manner the student member is selected as appropriate:

The Board will annually appoint a student member to serve in an advisory capacity. The student member will not have any voting privileges and may not attend executive sessions of the Board.

² Prohibitions on simultaneously holding more than one public office, known as the doctrine of incompatibility of offices, arise from the constitutional concept of separation of offices. Appellate decisions have held that incompatibility arises if the duties of one office would necessarily prevent the office holder from faithfully performing all the duties of the other office. -Express statutory prohibitions involving a school board member and another office are rare but do exist. For example, a school trustee may not also be a board member. (105 ILCS 5/10-3 and 5/10-10). Dual office holding is discussed in the Ill. Council of School Attorneys' publications, *Answers to FAQs, Conflict of Interest and Incompatible Offices*, www.iasb.com/law/conflict-efm, www.iasb.com/law/COI_FAQ.pdf, and *Answers to FAQs, Vacancies on the Board of Education*, www.iasb.com/law/vacancies.cfm.

³ 105 ILCS 5/10-3 and 5/10-10. The definition of child sex offender is found in 720 ILCS 5/11-9.3 and is contained in administrative procedure 8:30-AP, *Definition of Child Sex Offender*. [But see *People v. Kochevar*, 2018 WL 3968383 \(3rd Dist. 2018\) \(finding that Ill. statutory sex offender scheme, as applied to Kochevar, violated his rights under the \[E\]ighth \[A\]mendment to the United States Constitution and the proportionate penalties clause of the Ill. Constitution \(he was convicted of criminal sexual abuse with a 16-year-old with whom he, at 18, had a relationship\) when nothing in the record suggested that he had targeted children, targeted underage girls, or even targeted the victim\).](#)

School Board

Board Member Term of Office ¹

The term of office for a School Board member begins immediately after both of the following occur:

1. The election authority canvasses the votes and declares the winner(s); this occurs within 21 days after the consolidated election held on the first Tuesday in April in odd-numbered years.
2. The successful candidate takes the oath of office as provided in Board policy 2:80, *Board Member Oath and Conduct*. ²

The term ends 4 years later when the successor assumes office. ³

LEGAL REF.: 10 ILCS 5/2A-1.1, 5/22-17, and 5/22-18.
105 ILCS 5/10-10, 5/10-16, and 5/10-16.5.

CROSS REF.: 2:30 (School District Elections), 2:80 (Board Member Oath and Conduct), 2:210 (Organizational School Board Meeting)

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.

² The oath requirement is mandated by 105 ILCS 5/10-16.5, amended by P.A. 100-1055.

³ All local canvassing boards were abolished in 2006. The appropriate *election authority* (county clerk or election commission, if one was established under Article 6A of the Election Code) canvasses the vote for school district elections, ~~(10 ILCS 5/1-8)~~. The election authority is responsible for school board member elections, ~~(10 ILCS 5/1-3(8))~~. Any provision in the School Code to the contrary is superseded and ineffective.

The election authority must canvass the vote within 21 days after the election, ~~(See 10 ILCS 5/22-17 and 5/22-18)~~. Within 28 days after the consolidated election, boards must hold an organizational meeting to elect electing officers and fix a time and place for the regular meetings, ~~(105 ILCS 5/10-16)~~.

The board, by resolution, may submit to the district's voters the question of increasing the term from four to six years ~~to the district's voters, (105 ILCS 5/9-5)~~. If the board has increased the term, edit the text of the policy to reflect it.

School Board

Board Member Removal from Office ¹

If a majority of the School Board determines that a Board member has willfully failed to perform his or her official duties, it may request the Regional Superintendent to remove such member from office. ²

LEGAL REF.: 105 ILCS 5/3-15.5.

CROSS REF.: 2:70 (Vacancies on the School Board - Filling Vacancies)

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¹ State or federal law controls this policy's content.

² Neither the voters nor the board has the authority to recall or remove a board member from office. The Regional Superintendent has the power to remove any board member from office for willful failure to perform official duties. (105 ILCS 5/3-15.5). The "majority of the board" requirement in this policy has no legal significance other than being standard operating procedure. The Regional Superintendent may act on his or her initiative.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." ~~The Ill. Gen. Assembly abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.~~

A *quo warranto* action is a rarely used method to remove a board member from office. This type of lawsuit is generally used to remove someone who holds office unlawfully, among other things. (735 ILCS 5/18-101). These actions are generally brought by the Ill. Atty. Gen. (AG) or the appropriate State's Attorney. If neither of them brings the suit, it may be brought by a plaintiff after (1) he or she requests the AG and State's Attorney to bring a *quo warranto* lawsuit, (2) they fail to do it, and (3) the circuit court with jurisdiction grants permission for the plaintiff to file the lawsuit (see the Niekamp case below). After receiving a court's permission to bring the suit, a plaintiff must post a bond when filing the proceeding. If the lawsuit is unsuccessful, the plaintiff must pay the defendant's attorney fees and costs. Depending upon the violation, the law allows the court to impose a \$25,000 fine or remove the board member from office. Notable cases involving *quo warranto* actions against school board members in Illinois include:

1. Ballard v. Niekamp, 961 N.E.2d 288 (Ill. App. 4, 2011) (affirming the ousting of a school board member for holding an incompatible office; the fellow school board members brought a *quo warranto* action asking the court to remove him from the school board).
2. Parker v. Lyons, et al., 2012 WL 7005827 (Ill.App.3, 2012)-~~IL App (3d) 110140-U~~ (potential school board candidate had two felony convictions; the trial court allowed the State's *quo warranto* action barring him from running for the school board); People ex rel. Lyons v. Parker, 940 F.Supp.2d 832 (Ill. 2012) (petition for leave to appeal denied); Parker v. Illinois, 569 U.S. 933-133 S.Ct. 1828 (2013) (petition for writ of certiorari to the U.S. Supreme Appellate Court of Illinois, Third District, denied).

School Board

Administrative Procedure - Qualification Based Selection

These procedures describe how the District will procure architectural, engineering, and land surveying services; the Local Government Professional Services Selection Act will control in the event of a conflict. 50 ILCS 510/. The Superintendent will modify these procedures whenever the School Board determines by resolution that an emergency exists and a firm must be selected in an expeditious manner, or the cost of architectural, engineering, and land surveying services for the project is expected to be less than ~~\$25,000~~40,000. 50 ILCS 510/8, amended by P.A. 100-968. Effective January 1, 2019, this amount will increase annually by a percentage equal to the annual unadjusted percentage increase, if any, as determined by the consumer price index published by the U.S. Department of Labor Bureau of Labor Statistics for all urban consumers (CPI-U), available at: www.bls.gov/regions/new-england/data/consumerpriceindex_us_table.htm.

Commented [DJ1]: Updated to reflect increase in cost threshold made by P.A. 100-968. Effective date is indicated as a reference for future calculations of the lodestar amount.

Actor	Action
Architectural, engineering, or land surveying firms	May annually file a statement of qualifications and performance data with the District. 50 ILCS 510/4.
Superintendent and/or Designee	<p>Store statements of qualifications and performance data received from firms engaged in architectural, engineering, or land surveying services.</p> <p>Unless the District has a satisfactory relationship for services with one or more firms, request a statement of interest in the specific project utilizing <i>one or more</i> of the following methods:</p> <ol style="list-style-type: none"> 1. Mail or email notices of the proposed project to those firms that have current statements of qualifications and performance data on file. 2. Advertise in a daily newspaper of general circulation in the District. The advertisement must request a statement of qualifications and performance data from those firms which do not have a statement on file with the District, and must state the day, hour, and location that the statements of interest and qualifications and performance data are due. 3. Advertise on the District's website. The <u>advertisement</u> must include a description of the project and state the time and place for interested firms to submit their letters of interest and statements of qualifications and performance data, as required, <u>50 ILCS 510/4</u>50 ILCS 510/4. <p>Unless the District has a satisfactory relationship for services with one or more firms, evaluate the firms that submitted interest letters, according to criteria for ranking described in the last section of this procedure. The Superintendent and/or designee may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the</p>

Actor	Action
	<p>required services. 50 ILCS 510/5.</p> <p>Do not, prior to selecting a firm for contract negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation. 50 ILCS 510/5.</p> <p>Select no less than three firms, who would be most qualified to provide services, and rank them in order of their qualifications. If fewer than three firms submit interest letters and the Board determines that one or both of those firms are so qualified, negotiate a contract as provided herein. 50 ILCS 510/6.</p> <p>Attempt to negotiate a contract at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. 50 ILCS 510/5.</p> <p>If unable to reach agreement on a satisfactory contract, terminate negotiations and proceed to negotiate with the firm ranked next in qualifications. 50 ILCS 510/5.</p> <p>If unable to negotiate a satisfactory contract with any of the three originally-selected firms, inform the Board. The District will re-evaluate the services requested, and compile a second list of not less than three qualified firms, and continue the process. 50 ILCS 510/5.</p>

Criteria for Ranking Firms

Unless the District has a satisfactory relationship for services with one or more firms, the criteria for evaluating the firms submitting letters of interest may include, but are not limited to:

Required Criteria for Consideration (50 ILCS 510/5)

- Qualifications and ability of professional personnel
- Past record and experience
- Performance data
- Acceptance of District's time and budget requirements
- Location of firm's administrative offices
- Workload

Permissive Criteria for Consideration

- Firm's credit rating
- Firm's financial stability
- Reputation
- Technological resources

LEGAL REF.: 40 U.S.C. §541.
50 ILCS 510/, Local Government Professional Services Selection Act.
105 ILCS 5/10-20.21.

School Board

Access to District Public Records ¹

Full access to the District's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures. The Superintendent or designee shall: (1) provide the Board with sufficient information and data to permit the Board to monitor the District's compliance with FOIA and this policy, and (2) report any FOIA requests during the Board's regular meetings along with the status of the District's response. ²

Freedom of Information Officer ³

The Superintendent shall serve as the District's Freedom of Information Officer and assumes all the duties and powers of that office as provided in FOIA and this policy. The Superintendent may delegate these duties and powers to one or more designees, but the delegation shall not relieve the Superintendent of the responsibility for the action that was delegated.

Definition ⁴

The District's *public records* are defined as records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary material pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of the School District.

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

¹ The Illinois Freedom of Information Act (FOIA) governs the subject matter in this policy. (5 ILCS 140/). School districts are required to make public records available to any person for inspection or copying, unless they fall within an exception. (5 ILCS 140/3(a)). The f/ns only discuss sections of FOIA that are relevant to school districts. State law does not explicitly require boards to adopt a policy on access to their records. However, a board policy is the logical instrument to memorialize the actions that are required to implement FOIA. The laws limiting the disclosure of employee evaluations are discussed in f/n 7.

Any person denied access to a public record may request a review by the Ill. Public Access Counselor (PAC) established in the office of the Ill. Attorney General. (5 ILCS 140/9.5). As a result of the review, the PAC may issue an opinion binding on the requester and public body. IASB reports on the opinions relevant to school districts on its website at: www.iasb.com/law/decisions.cfm?SubjectArea=Freedom%20of%20Information%20Act%20-%20FOIA.

² This sentence allows a board to monitor the district's compliance with FOIA. This is an important duty as illustrated by FOIA's provision stating: "It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible." The School Code requires the FOIA report described in #2 (105 ILCS 5/10-16); it is optional, however, for districts governed by a board of school directors.

³ Each board must designate one or more official(s) or employee(s) to act as its freedom of information officer(s). (5 ILCS 140/3.5)(referred to in the f/ns as *FOIA Officer*). A board may replace *Superintendent* in this paragraph with another job title, or may replace the paragraph with one of the alternatives below:

Alternative 1: The Board will appoint an employee to serve as the District's Freedom of Information Officer. That appointee assumes all the duties and powers of that office as provided in FOIA and this policy.

Alternative 2: The Superintendent shall appoint an employee, who may be himself or herself, to [continue as with alternative 1].

⁴ The definition is quoted from 5 ILCS 140/2(c). Substitute the following alternative for this paragraph if desired: ⁵

The definition of *public records*, for purposes of this policy, is the definition contained in Section 2(c) of FOIA without amendment.²²

Requesting Records 5

A request for inspection and/or copies of public records must be made in writing and may be submitted by personal delivery, mail, telefax, or email directed to the District's Freedom of Information Officer. Individuals making a request are not required to state a reason for the request other than to identify when the request is for a commercial purpose or when requesting a fee waiver. The Superintendent or designee shall instruct District employees to immediately forward any request for inspection and copying of a public record to the District's Freedom of Information Officer or designee.

Responding to Requests

The Freedom of Information Officer shall approve all requests for public records unless:

1. The requested material does not exist; 6
2. The requested material is exempt from inspection and copying by the Freedom of Information Act; 7 or
3. Complying with the request would be unduly burdensome. 8

Within five business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA.⁹ The Freedom of Information Officer may extend the time for a

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⁵ This section restates 5 ILCS 140/3(c). Districts may, but are not required to, accept oral requests. Compliance with an oral request may stave off the formal written request and permit more flexibility in the response. ~~Add this option. If the district wants to accept oral requests, delete must be made in writing and from the first sentence and add the following:~~

~~"Oral requests may be accepted provided personnel are available to handle them, but otherwise must be made in writing."~~

The response to an oral request should be documented. Districts may provide a request form for convenience but may not require its use. See 2:250-E1, *Written Request for District Public Records*.

⁶ FOIA does not require a public body to create a record. (5 ILCS 140/1). However, compiling information already in the public body's possession into a different format in order to respond to a FOIA request does not constitute the creation of a new record (PAO 15-10). See also *Hites v. Waubensee Community College*, 56 N.E.3d 1049 (Ill App. 2, 2016)-2016-WL-450836 (Ill.App.Ct. June 6, 2016) (holding that databases which that house aggregations of data and do not merely store documents are subject to FOIA).

⁷ 5 ILCS 140/7 and 140/7.5 describe numerous explicit exceptions to the presumption that all public records are available for public inspection. Each record is "presumed to be open to inspection or copying" and the district will have "the burden of proving by clear and convincing evidence that it is exempt." (5 ILCS 140/1.2 and 140/11(f)). A person who prevails in a court proceeding to enforce FOIA will be awarded attorney's fees; the public body may incur a civil penalty of between \$2,500 and \$5,000 for each occurrence of a willful or intentional violation of FOIA or other action in bad faith; and courts may impose additional penalties of up to \$1,000 for each day the violation continues if (1) the board fails to comply with the court's order after 30 days, (2) the court's order is not on appeal or stayed, and (3) the court does not grant the public body additional time to comply with the court's order to disclose public records. (5 ILCS 140/11(i) and (j)), amended by P.A. 99-586, eff. 1-1-17. School officials should seek the board attorney's advice concerning the denial of a record request.

Two State laws limit the disclosure of employee personnel evaluations:

1. The Personnel Record Review Act prohibits the disclosure of performance evaluations. (820 ILCS 40/11).
2. The School Code prohibits the disclosure of public school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws. (105 ILCS 5/24A-7.1).

⁸ 5 ILCS 140/3(g).

⁹ 5 ILCS 140/3(d). Reasons for extensions are addressed at 5 ILCS 140/3(e). Public bodies must respond to FOIA requests. (PAOs 16-05, 16-04, 16-04, and 16-03, and 16-01). Public bodies must also conduct a reasonable search for public records responsive to a FOIA request, which includes searching public employees' communications on personal devices or accounts for records pertaining to the transaction of public business. (PAO 16-06).

response for up to five business days from the original due date.¹⁰ If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the extension, and (2) either inform the person of the date on which a response will be made, or agree with the person in writing on a compliance period. ¹¹

The time periods are extended for responding to requests for records made for a *commercial purpose*, requests by a *recurrent requester*, or *voluminous requests*, as those terms are defined in Section 2 of FOIA. The time periods for responding to those requests are governed by Sections 3.1, 3.2, and 3.6 of FOIA. ¹²

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request. ¹³

Fees ¹⁴

Persons making a request for copies of public records must pay any and all applicable fees. The Freedom of Information Officer shall establish a fee schedule that complies with FOIA and this policy and is subject to the Board's review. The fee schedule shall include copying fees and all other fees to the maximum extent they are permitted by FOIA, including without limitation, search and review fees for responding to a request for a *commercial purpose* and fees, costs, and personnel hours in connection with responding to a *voluminous request*.

Copying fees, except when fixed by statute, shall be reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. In no case shall the copying fees exceed the maximum fees permitted by FOIA. If the District's actual copying costs are equal to or greater than the maximum fees permitted by FOIA, the Freedom of Information Officer is authorized to use FOIA's maximum fees as the District's fees. No copying fees shall be charged for: (1) the first 50 pages of black and white, letter or

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¹⁰ 5 ILCS 140/3(e).

¹¹ 5 ILCS 140/3(f). A board may replace the default paragraph with the following alternative: ¹⁵

The Freedom of Information Officer shall respond to record requests according to the time periods described in Section 3 of FOIA.²¹

¹² The timelines are extended to respond to a: (1) *recurrent requester* (defined in ~~See~~ 5 ILCS 140/-2(g)); (2) request with a *commercial purpose* (defined in ~~See~~ 5 ILCS 140/2(c-10)); and (3) *voluminous request* (defined in ~~See~~ 5 ILCS 140/2(h)). To use the extended timelines, a district must follow the requirements in ~~See~~ 5 ILCS 140/-3.2 for responding to a *recurrent requester*; ~~See~~ 5 ILCS 140/-3.1 for responding to a request with a *commercial purpose*; and ~~See~~ 5 ILCS 140/3.6 (added by P.A. 98-1129) for responding to a *voluminous request*. See the administrative procedure, 2:250-API, *Access to and Copying of District Public Records*, for additional information.

¹³ 5 ILCS 140/7. Redacting exempt portions is permitted, but not required, except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted before disclosure. (5 ILCS 140/2.10). Reviewing past responses to FOIA requests will promote uniform treatment of requests for similar records.

¹⁴ 5 ILCS 140/6, amended by P.A. 98-1129. The first paragraph's intent is to be efficient and avoid paraphrasing a complex law. ~~The procedure~~ See 2:250-API, *Access to and Copying of District Public Records*, contains for a fee schedule identifying the maximum fees permitted.

~~Section 5 ILCS 140/6(a)~~ states: "If a request is *not* a request for a *commercial purpose* or a *voluminous request*, a public body *may not* charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records." (Emphasis added.) This implies that a search and review fee may be charged when responding to a request for a *commercial purpose* or a *voluminous request*. However, 5 ILCS 140/~~See~~ 6(b) states that the search and review fee described in 5 ILCS 140/~~See~~ 6(f) may be charged *only to* someone making a *commercial request*. 5 ILCS 140/~~See~~ 6(f) contains the maximum amounts that may be charged for search and review but does not explain when they may be charged. The FOIA Officer will need to consult the board attorney concerning fees.

legal sized copies, or (2) electronic copies other than the actual cost of the recording medium, except if the response is to a *voluminous request*, as defined in FOIA.

A fee reduction is available if the request qualifies under Section 6 of FOIA. The Freedom of Information Officer shall set the amount of the reduction taking into consideration the amount of material requested and the cost of copying it. ¹⁵

Provision of Copies and Access to Records

A public record that is the subject of an approved access request will be available for inspection or copying at the District's administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer. ¹⁶

Many public records are immediately available from the District's website including, but not limited to, the process for requesting a public record.¹⁷ The Freedom of Information Officer shall direct a requester to the District's website if a requested record is available there. If the requester is unable to reasonably access the record online, he or she may resubmit the request for the record, stating his or her inability to reasonably access the record online, and the District shall make the requested record available for inspection and copying as otherwise provided in this policy. ¹⁸

Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the District's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g., a litigation hold), District auditor, or other individual authorized by the School Board or State or federal law to make such a request.¹⁹ Unless its

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¹⁵ 5 ILCS 140/6(c) makes it mandatory to furnish records "without charge or at a reduced charge" if the request is in the *public interest* as defined by FOIA. If a board wants to indicate when a reduction is available by paraphrasing the statute, it may substitute the following alternative for the default paragraph:

A fee reduction is available if the person requesting the record states a specific purpose for the request and indicates that a fee reduction is in the public interest by having as its principal purpose the preservation of the general public's health, safety, welfare, or legal rights and is not for the principal purpose of personal or commercial benefit. The Freedom of Information Officer shall set the amount of the reduction, taking into consideration the amount of material requested and the cost of copying it.

¹⁶ Public bodies may adopt rules for the times and places where records will be made available. ^{(5 ILCS 140/3(h)).} A board may amend this sentence to reflect other times and/or places where records will be made available.

¹⁷ 5 ILCS 140/4. A district may reduce FOIA requests by posting records on its website. Many records are required to be web-posted, see 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. If the district does not have a website, change this paragraph as follows: ²⁰

Some public records are available for immediate access including a description of the process for requesting a public record, and a list of all types or categories of records under its control.²¹

For a list of required web-postings, see ~~exhibit~~ 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Using the district's website is also a convenient way to comply with FOIA's requirement to identify documents that are *immediately* available. ^{(5 ILCS 140/3.5(a)).} Although not required to be web-posted, a list of all types or categories of records under its control must be prepared and made available. ^{(5 ILCS 140/5);} ²² See 2:250-API, *Access to and Copying of District Public Records*.

¹⁸ 5 ILCS 140/8.5, added by P.A. 98-1129.

¹⁹ The Local Records Act, 50 ILCS 205/3, requires the preservation of records described in items #1-3. The preservation of records described in item #3 is also required by the Family Educational Rights and Privacy Act, ^{(20 U.S.C. §1232g);} and the Ill. School Student Records Act, ^{(105 ILCS 10/),} among other laws. An example of a record described in item #4 is a record subject to a *litigation hold* or a document preservation requirement pursuant to Federal Rules of Civil Procedure, Rules 16 and 26.

retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission. 20

LEGAL REF.: 5 ILCS 140/, Illinois Freedom of Information Act.
105 ILCS 5/10-16 and 5/24A-7.1.
820 ILCS 40/11.
820 ILCS 130/5.

CROSS REF.: 2:140 (Communications To and From the Board), 5:150 (Personnel Records),
7:340 (Student Records)

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

Categorizing email messages is complicated because two laws apply and the rules differ when a board member is a party. See sample policy 2:140, *Communications To and From the Board*, for a discussion of email between or among board members. When employees or agents are using email for school purposes, the email messages may be *public records*, but will not necessarily be subject to disclosure depending on the topic discussed. FOIA's list of exemptions from disclosure determines whether these emails are subject to disclosure. For exemptions, see 5 ILCS 140/7 and 140/7.5.

Not all email messages between or among employees must be preserved, even if they are *public records* for purposes of FOIA. The definition of *public record* in the Local Records Act, (50 ILCS 205/3), is narrower than its definition in FOIA. Thus, staff email, like all district records, must be retained only when it contains material described in #1-4. While this is a slippery slope without definitive parameters, employee email that is conversational or personal, or contains brainstorming may generally be deleted.

The Prevailing Wage Act (820 ILCS 130/5, amended by P.A. 100-1177, eff. 6-1-19) requires contractors, while participating in public works, to keep certified payroll records of all laborers, mechanics, and other workers employed by them on the project and to submit this record no later than the 15th of the month to the public body, until the Ill. Dept. of Labor (IDOL) activates an electronic database for certified payrolls no later than 4-1-20, at which time contractors will submit certified payrolls only to that database. Id. The public body in charge of the project must keep the records submitted before 1-1-14 for a period of not less than three years. Records submitted on or after 1-1-14 must be kept for a period of five years or until the IDOL activates the electronic database for certified payrolls, whichever is less. Id. Records may be retained in paper or electronic format. These records are considered public records, except for contractors' employees' addresses, telephone numbers, social security numbers, race, ethnicity, and gender, and they must be made available in accordance with FOIA except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted before disclosure (5 ILCS 140/2.10). Id. Note: 820 ILCS 130/5, amended by P.A. 100-1177, eff. 6-1-19, requires contractors to maintain records of the race, ethnicity, gender, and veteran status of workers on a public works project. FOIA, however, was not similarly amended to require public bodies to redact the workers' race, ethnicity, and gender from certified payroll records before disclosure. See 5 ILCS 140/2.10. The Ill. Atty. Gen. has previously issued at least one non-binding opinion finding that disclosure of a person's gender is not an unwarranted invasion of personal privacy under 5 ILCS 140/7(1)(c). Districts should consult with their board attorneys regarding what categories of information may be properly redacted in response to a FOIA request for certified payroll records.

20 50 ILCS 205/. Preservation and destruction of documents is covered in 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. See also the Ill. Secretary of State's website for information on preserving and destroying records, www.cyberdriveillinois.com/departments/archives/records_management/.

School Board

Exhibit - Written Request for District Public Records

All requests to inspect and/or to obtain a copy of a District record must be made in writing. This form is provided for convenience – its use is not required. Please submit all requests to the District’s Freedom of Information Act (FOIA) Officer. Copying fees, if any, must be paid before copies will be provided. The FOIA Freedom of Information Officer can give you an estimate of the copying fees, if any.

Name of individual(s) requesting District records			Email address
Address			Telephone number
City	State	Zip	Date of request

Please check if this request of records is being made for a commercial purpose. [5 ILCS 140/2\(c-10\)Section 2 of the Freedom of Information Act](#) states: “Commercial purpose means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a commercial purpose when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.” [5 ILCS 140/3.1\(c\)Section 3.1](#) states: “It is a violation of ~~FOIA this Act~~ for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the public body.”

Please check if a fee waiver or reduction is being requested. [5 ILCS 140/6\(c\)Section 6 of the Freedom of Information Act](#) states: “Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.”

Please indicate your reason for requesting a fee waiver: _____

Check if you are requesting:

Record description (Please be specific)	Electronic Copy (Specify format)	Inspection	Copy

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 annot~~ asterisked (*) 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 (use of an * is explained in the paragraph above this table)	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 full time 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; 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 10-1. 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 (<i>use of an * is explained in the paragraph above this table</i>)	Web-posting statutory reference and special instructions
entire 48-hour period preceding the meeting	
*Official open meeting minutes that are posted within ten days of the Board's approval and remain posted for at least 60 days	5 ILCS 120/2.06(b).
<p>*Description of the District and its records including:</p> <ul style="list-style-type: none"> 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>5 ILCS 140/4.</p> <p>The District must prominently post the list at each administrative office and make it available for inspection and copying.</p>
*A hyperlink to an email address(es) for members of the public to communicate with members of the Board	<p>50 ILCS 205/20.</p> <p>The hyperlink must be easily accessible from the District's home page.</p>
Annual budget for current fiscal year, itemized by receipts and expenditures	<p>105 ILCS 5/17-1.2.</p> <p>This may be accomplished using Ill. State Board of Education (ISBE) <i>School District Budget Form</i> (50-36) or the summary pages from it. ²</p> <p>The District must notify its students' parents/guardians when the budget is web-posted along with its website address.</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>105 ILCS 5/10-17a, amended by P.A.s 100-364 and, 100-448, <u>100-807, and 100-1121</u>.</p>

The footnotes should be removed before the material is used.

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.aspx.

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>Annually, no more than 30 calendar days after receiving the Report Cards from the State Superintendent, the District must: (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. <i>Id.</i></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>

Web-posted records and information (use of an * is explained in the paragraph above this table)	Web-posting statutory reference and special instructions
<p>*Board policy 7:180, <i>Prevention of and Response to 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>	105 ILCS 5/27-23.7(b)(10) and (11).
<p>*Board policy 7:290, <i>Suicide and Depression Awareness and Prevention</i></p>	105 ILCS 5/2-3.166, added by P.A. 99-443.
<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.</p> <p>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 sexual harassment or sexual discrimination</p>	<p>50 ILCS 205/3c, amended<u>added</u> by P.A. 100-1040.</p> <p>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.</p> <p>Note: 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 <u>for severance pay</u> from receiving any severance if he or she is fired for <i>misconduct</i> by the board, which includes sexual harassment and/or discrimination. <i>Id.</i> at 415/5. For more discussion about the reconciling these laws, see f/n 6 in policy 2:260, <i>Uniform Grievance Procedure</i>.</p>
<p>*As an employer that participates in the Illinois Municipal Retirement Fund (IMRF), a compensation report for employees who have a total compensation</p>	<p>5 ILCS 120/7.3.</p> <p>The report must be posted within six</p>

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>package that exceeds \$75,000 per year; <i>total 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 10099, 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>business days after the District approves a budget. 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>*As an employer that participates in the Illinois Municipal Retirement Fund IMRF, 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 10099, 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</p>

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
	on performance evaluations before voting on a dismissal based on a performance evaluation pursuant to the Performance Evaluation Reform Act.
Immunization data reported to ISBE by each Nov. 15	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 (5-31-15).
All reliable assessments, scored by entities other than the District that are administered in each of the District's schools.	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 website or paper handouts.