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# Update Memo

# PRESS

## Policy Reference Education Subscription Service

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### Instructions

You are encouraged to share this **PRESS** Update Memo with all board members and appropriate staff. It may be viewed and downloaded from **PRESS Online**: [iasb.com/policy/login.cfm](http://iasb.com/policy/login.cfm). Subscribers are mailed the current password with each **PRESS** issue.

Two other important components of **PRESS** may be viewed and downloaded from **PRESS Online** – the committee worksheets and the updated Policy Reference Manual pages. The committee worksheets show suggested changes to **PRESS** material (including administrative procedures and exhibits) by striking out deleted words and underscoring new words. The updated Policy Reference Manual pages contain all of the material in this **PRESS** issue; you can use them to update your district manuals.

This publication is designed to provide information only and is not a substitute for legal advice from the school board's legal counsel. If you have any questions, please contact Melinda Selbee, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1231, or Kimberly Small, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1226.

### Safety Material Reorganized and Updated

Most of this **PRESS** issue concerns our material on **safety**. Over the past 10 years, the material on **safety** has grown quickly due to many new statutes plus lessons learned from tragic events. Our primary goal with this **PRESS** issue is to increase the ease of locating specific **safety** topics. We grouped similar topics together, added subheadings, and divided some pieces into smaller units. The bonus is that we also reduced redundancy. You can review this reorganization in the committee worksheet version of the table of contents for section 4, **Operational Services**. To quickly find a specific topic, you can use the manual's index, **PRESS Online** word search feature, table of contents, or contact any policy consultant or member of the office of general counsel – we always appreciate hearing from you!

### Operational Services

#### ►4:60-AP3, Administrative Procedure - Criminal History Records Check of Contractor Employees.

**NEW.** This procedure uses an actor-action format to identify responsibilities for obtaining a fingerprint-based criminal history records check on each contractor's employee who will have direct, daily contact with one or more students. The procedure, among other things:

1. Requires the contractor to make its employees cooperate during the district's fingerprint-based criminal history records check and to reimburse the district for the cost.
2. Contains a sample paragraph (not legally mandated) for inclusion in a contract with any firm whose employee(s) will have direct, daily contact with one or more students. We moved this paragraph from policy 4:170, *Safety*, thinking that it was more appropriate in a procedure that implements policy 4:60,



*Purchases and Contracts.* We made a few minor edits to the paragraph.

- Addresses when to ask the regional superintendent to be responsible for obtaining a fingerprint-based criminal history records check and check of the Statewide Sex Offender Database.
- Addresses when to ask another Ill. school district for a copy of a contractor's employee's fingerprint-based criminal history records check.
- Addresses when to provide a copy of the fingerprint-based criminal history records check of a contractor employee to another school, school district, community college district, or private school.

► **4:100, Insurance Management.** The only change to this policy is the addition of an *optional* section on **Student Insurance**. It states:

The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company.

We removed this section from policy 4:170, *Safety*, to keep insurance matters together.

► **4:110-AP3 (~~4:170-AP3~~), Administrative Procedure - School Bus Safety Rules.** We grouped administrative material concerning school bus safety with the transportation material to make it easier to find. Rather than accompanying policy 4:170, *Safety*, this material now accompanies policy 4:110, *Transportation*. We updated the school bus safety rules to include:

5. Talk quietly on the bus. No shouting or creating loud noises that may distract the driver. Tablets, iPods®, iPads®, smart phones, and other electronic devices must be silenced on the bus unless a student uses headphones.

We also added links to additional school bus safety information for parents.

► **4:110-E, (~~4:170-AP1, E3~~) Exhibit - Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses.** See the explanation in 4:110-AP3, above, for the reason we moved and renumbered this exhibit. No other changes are made.

► **4:160, Environmental Quality of Buildings and Grounds.** The policy is unchanged. The Legal References and footnotes are significantly updated to, among other things, recognize that the Toxic Substances Disclosure to Employees Act (820 ILCS 255/) is inoperative and its implementing rules (56 Ill.Admin.Code

Part 205) were repealed. The Act adopts the federal Occupational Safety and Health Administration *Hazard Communication Standards* at 29 C.F.R. §1910.1200 (820 ILCS 255/1.5). Thus, school districts must follow the federal disclosure and training requirements. The Federal *Hazard Communication Standard* was amended in 2013 to align with the globally harmonized system of classification and labeling of chemicals. For information about this reclassification, see [www.osha.gov/dsg/haz-com/index.html](http://www.osha.gov/dsg/haz-com/index.html).

► **4:160-AP, Administrative Procedure - Environmental Quality of Buildings and Grounds.** The procedure's first section is significantly updated to reflect the changes in the law described in 4:160, above. The examples of hazardous materials are deleted, and a link to OHSA's material is inserted.

► **4:170, Safety.** This policy is significantly streamlined by the following edits:

- The requirements for a comprehensive safety and security plan are now contained in a vertical list, 1-5. This listing is intended to stress and clarify the plan's overarching requirements.
- The following topics are contained in separate sections:
  - **Safety and Security**
  - **School Safety Drill Plan**
  - **Automated External Defibrillator (AED)**
  - **Soccer Goal Safety**
  - **Unsafe School Choice Option**
  - **Emergency Closing**
  - **Annual Review** (describes the statutory requirement for each school board or its designee to conduct one annual review of each building's emergency and crisis response plan and comply with the safety drill program)
- The section on "Convicted Child Sex Offender and Notification Laws" is deleted and the topic is moved to a new policy 4:175, *Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications*. We moved this material to its own policy to make it easier to find.
- The sample paragraph for any contract with a firm whose employee(s) will have direct, daily contact with one or more students is removed and put into a new administrative procedure, 4:60-AP3, *Criminal History Records Check of Contractor Employees*. We moved this sample paragraph believing it was more administrative in nature and more closely associated with contract management than safety.
- The section on "Student Insurance" is deleted and moved to 4:100, *Insurance Management*. We moved this section believing it was more closely associated

with insurance management than safety.

6. The list of material that was “Incorporated by Reference” is deleted because we believe that action is unnecessary.
7. Legal References and Cross References are updated.

► **4:170-AP1, Administrative Procedure - Comprehensive Safety and Crisis Security Program Plan.** Rewritten.

This procedure describes the manner in which the district and its school(s) organize and implement their safety and security efforts. It follows the recommendations in the *Guide for Developing High-Quality School Emergency Operations Plans* (2013), produced by a collaboration of federal agencies. Its sections are organized A-K, and are described below:

- A. Safety- and Security-Related Administrative Procedures and Forms.** This section contains a nonexclusive list of 29 pieces of administrative material on school safety and security that may be implemented under this plan.
- B. Definitions.** Some of the frequently used acronyms and other terms are defined in this section.
- C. District Safety Coordinator and Safety Team; Responsibilities.** The district’s safety and security efforts are managed by a District Safety Coordinator, appointed by the superintendent. The superintendent also appoints members of the Safety Team for each school or facility. The District Safety Coordinator and Safety Team develop, implement, and maintain an Emergency Operations Plan (EOP) for each school. This section contains the objectives for the EOP(s).
- D. Safety Team Meetings.** This section suggests agenda items for Safety Team meetings. It requires the Safety Team to annually request first responders and the board attorney to review and provide input to the EOP(s).
- E. Annual Safety Review.** The District Safety Coordinator facilitates the annual safety review meeting conducted by the school board or its designee. If the school board uses a designee, it should preferably be someone other than the District Safety Coordinator to assure an unbiased audit.
- F. School Safety Drill Plan.** This section describes the legal requirements in the School Safety Drill Act.
- G. School Emergency Operations Plan (School EOP).** This section describes the process for the Safety Team’s development and maintenance of the school EOP.
- H. Material to Be Included in Each School EOP.** The Safety Team must annually gather or renew the material described in this section (1-16) for inclusion

in the school EOP.

- I. Managing Communications During and About an Emergency or Crisis.** The District Safety Coordinator is responsible for compiling information and preparing communications concerning an emergency or crisis. This section provides objectives for these communications. It also states that the spokesperson shall follow best practices for spokespersons during an emergency or crisis and receive training on public relations. It says that the board attorney serves as a resource to the spokesperson.
- J. Required Notices.** This section contains the State law requirements for notices concerning firearms, drug-related incidents, and attacks on staff members on school grounds.
- K. Resources.** This section lists resources with their web links.

**Attachment - School Emergency Operations Plan Format.** The Attachment contains the items in an EOP’s basic plan, functional annexes, and threat- or hazard-specific annexes.

► **4:170-AP2, Administrative Procedure - Routine Communications Concerning Safety and Security.**

Number reassigned; **NEW** procedure. The former content – *Criminal Offender Notification Laws* – is now 4:175-AP1. The new procedure lists the title and purpose for 31 routine communications that are an integral part of the district’s coordinated communication system. We included the legal reference for each communication that has a genesis in State law.

► **4:170-AP2, E1 (4:170-AP1, E4), Exhibit - Letter to Parents/Guardians Regarding Student Safety.** Number reassigned. Its content is edited to match 4:170-AP1, *Comprehensive Safety and Security Plan* (above).

► **4:170-AP2, E2 (4:170-AP1, E5), Exhibit - Letter to Parents/Guardians Regarding Educational Programs About the Dangers of Underage Drinking.** Number reassigned. Only minor edits are made to enhance clarity.

► **4:170-AP2, E3, Exhibit - Letter to Parents/Guardians About Disruptive Social Media Apps; Dangers.** **NEW.** School administrators may modify this exhibit with their own content. It is meant to be a *real time* partnership communication from school administrators to parents/guardians in response to potentially disruptive or dangerous trending social media apps and issues.

A recent example of a social media app disrupting school environments occurred with an app called *YikYak* in the Eastern United States and Chicagoland. In

response to these disruptions, the creators of YikYak developed *geofences* around nearly 85% of our nation's school buildings.

**Do you want a geofence around your school?**

News that Chicago-area high school students were using the cell phone app called YikYak to cyberbully caused YikYak's creators to block the entire city of Chicago from using the app. Then they spent an entire day manually, and painstakingly, applying "geofences" (virtual geographic perimeters) around every school in Chicago by using the schools' GPS coordinates. This effectively blocked students from using YikYak when on or near a school property. You may request a geofence from the YikYak Social Media App by following directions at [http://yikyakapp.com/?page\\_id=276](http://yikyakapp.com/?page_id=276).

- ▶ **4:170-AP5, Administrative Procedure - Unsafe School Choice Option.** We reviewed this procedure as part of our commitment to review each piece of PRESS material at least once every five years. Only weblinks and dates are changed.
- ▶ **4:170-AP6, Administrative Procedure - Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED.** This procedure is updated to remove dates that have passed.
- ▶ **4:170-AP6, E2, Exhibit - Notification to Staff and Parents/Guardians of CPR and AED Video. NEW.** Pursuant to P.A. 98-305, this exhibit informs staff and parents that the Ill. High School Association has posted a hands-only cardiopulmonary resuscitation and automated external defibrillator training video on its website.
- ▶ **4:170-AP7, Administrative Procedure - Targeted School Violence Prevention Program.** The procedure is updated with minor edits that align with 4:170-AP1, *Comprehensive Safety and Security Plan* (above).
- ▶ **4:170-AP8, Administrative Procedure - Movable Soccer Goal Safety.** The procedure now references the Ill. Dept. of Public Health's assistance materials found at [www.idph.state.il.us/soccer\\_goal\\_safety/index.htm](http://www.idph.state.il.us/soccer_goal_safety/index.htm). Outdated resources are deleted.
- ▶ **4:175, Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications. NEW.** This topic was formerly covered in policy 4:170, *Safety*. We added the following section to serve as the central requirement concerning criminal background checks and screens:

Criminal Background Check and/or Screen

The Superintendent or designee shall perform the criminal background check and/or screen required by State law or Board policy for employees; student teachers; students doing field or clinical experience other than student teaching; contractors' employees who have direct, daily contact with one or more child; and resource persons and volunteers. He or she shall take appropriate action based on the result of any criminal background check and/or screen.

The footnote to this section references procedure 4:175-AP1 (*Criminal Offender Notification Laws; Screening*); policy 5:30 (*Hiring Process and Criteria*); procedure 5:30-AP2 (*Investigations*); policy 6:250 (*Community Resource Person and Volunteers*); and procedure 6:250-AP (*Securing and Screening Resource Persons and Volunteers*).

As described in 4:170 above, the sample paragraph for a contract with a firm whose employee(s) will have direct, daily contact with one or more students is moved to a new administrative procedure, 4:60-AP3, *Criminal History Records Check of Contractor Employees*.

- ▶ **4:175-AP1 (~~4:170-AP2~~), Administrative Procedure - Criminal Offender Notification Laws; Screening.** Renumbered and renamed. The following edits are made:
  1. A section heading is added: **Laws Protecting Students on School Grounds**. Only minor edits are made to the section. The cross reference to ~~4:170, Safety~~ is changed to 4:175, Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications, or 4:60-AP3, Criminal History Records Check of Contractor Employees, depending on the topic.
  2. The second section, **Receipt of Information from Law Enforcement**, is unchanged.
  3. The third section, **Informing Staff Members and Parents/Guardians About the Law**, was formerly this procedure's final section. With the exception of minor edits and the correction of a cross reference, it is unchanged.
  4. The fourth section, **Screening Individuals Who Are Likely to Have Contact with Students at School or School Events**, is rewritten. This section requires the superintendent or building principal to perform the screening requirements described for employees and student teachers; students doing field or clinical experience other than student teaching; volunteers; contractor employees; and individuals in the proximity of a school. This section cross references 5:30-AP2, *Investigations*, for details concerning a fingerprint-based criminal history records check.

- ▶ **4:175-AP1, E1, (4:170-AP2, E1) Exhibit - Informing Parents/Guardians About Offender Community Notification Laws.** The only changes to this exhibit are its new number and name.

## Personnel

- ▶ **5:280, Educational Support Personnel - Duties and Qualifications.** The policy is updated to comply with ISBE rule changes. Except as provided in ISBE rule §1.630, all new applicants for a paraprofessional credential must hold an educator license with stipulations endorsed for a paraprofessional educator (23 Ill.Admin.Code §§1.630 and 25.510). The policy's section on paraprofessionals states: "Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE)." A footnote contains the weblink to ISBE's explanation of paraprofessional licensure requirements.

Some districts use the term *teacher aide*. A footnote explains:

A district may continue to use the term *teacher aide* to describe licensed personnel performing instructional support activities. In that situation, use the following alternative for the subhead and first paragraph:

Paraprofessionals and Licensed Teacher Aides

Paraprofessionals and licensed teacher aides provide supervised instructional support. Personnel performing instructional support activities must hold a current educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

If a district uses teacher aides to perform non-instructional support activities, *unlicensed teacher aides* may be inserted in the subhead for next section as follows: "Noncertificated and Unlicensed Personnel (Including Unlicensed Teacher Aides) Working with Students and Performing Non-Instructional Duties."

## Instruction

- ▶ **6:150, Home and Hospital Instruction.** The policy is updated to cite 23 Ill.Admin.Code §1.520. The rule addresses home and hospital instruction for students who have not been identified for special education services.

## Students

- ▶ **7:190-AP7, Administrative Procedure - Student Discipline Guidelines.** NEW This procedure was prepared by **Maryam Brotine**, attorney with Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd. Maryam practices education law focusing in the areas of special education and students' rights. IASB gratefully acknowledges this excellent contribution to the **PRESS** material.

On Jan. 8, 2014, two U.S. Departments issued a joint *Dear Colleague* letter concerning nondiscriminatory administration of school discipline. Those Departments are the Civil Rights Division of the U.S. Dept. of Justice and the Office for Civil Rights of the U.S. Dept. of Education. Their letter contains guidance to "help public elementary and secondary schools administer student discipline in a manner that does not discriminate on the basis of race." It is available at [www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf).

The letter explains that students of certain racial or ethnic groups tend to be disciplined more than their peers, based on nationwide data. The letter describes how federal law prohibits school districts from discriminating in the administration of student discipline based on certain personal characteristics. The Departments' investigation and enforcement processes are described, putting school districts on notice to be vigilant on this issue.

The Departments urge school districts to establish a system for: (1) monitoring all disciplinary referrals to detect patterns that bear further investigation, and (2) training staff to administer student discipline in a nondiscriminatory manner. Our new procedure, 7:190-AP7, *Student Discipline Guidelines*, is intended to help districts establish this system. Once again, thank you Maryam Brotine!

- ▶ **7:250, Student Support Services.** The policy is updated in the spirit of continuous improvement. The term *head lice* has been deleted from the policy as a *disease* because head lice are not known to transmit any disease and therefore are not considered a health hazard (see Centers for Disease Control's website at [www.cdc.gov/parasites/lice/head/disease.html](http://www.cdc.gov/parasites/lice/head/disease.html)).

- ▶ **7:250-AP1, Administrative Procedure - Measures to Control the Spread of Head Lice at School.** The procedure now aligns with recent research findings about excluding students with head lice from school. Many studies show that students who are excluded from buildings with "no nit" rules miss too much school. The procedure provides more detailed information for schools to provide parents/guardians of students with head lice. It also lists resources to help school officials determine whether they wish to implement a "no nit" rule.

## Progress Report: The contents of this table frequently change.

Topics	Our Response
<p>Medical reviews are a component of the evaluation process used to assess students' eligibility for special education services. In 2010, ISBE adopted rules to expand the list of practitioners who were deemed qualified to conduct medical reviews. In 2012, ISBE amended that rule to, in part, limit to certified school nurses (CSNs) the authority to make recommendations concerning any educational accommodations, modifications, or interventions that a student may need. This rule had a delayed effective date of one year, to July 2013. After hearing concerns from school districts that they lack CSNs to perform these services, ISBE again proposed a rule amendment. This amendment will delay the rule's implementation until July 1, 2015 and makes other important changes to the medical review process.</p>	<p>We will amend relevant <b>PRESS</b> material to note this rule change after the rule is effective.</p>
<p>Local Debt Recovery Act</p>	<p>We will amend relevant <b>PRESS</b> material in the next issue and discuss the status of this law's implementation.</p>
<p>P.A. 97-1102 created the Enhance Physical Education Taskforce (EPETF). Its purpose is to:</p> <ol style="list-style-type: none"> <li>1. Make recommendations to the Governor and the General Assembly for the Illinois Learning Standards for Physical Development and Health based upon research in neuroscience that impacts the relationship between physical activity and learning; and</li> <li>2. Promote and recommend enhanced physical education programs that districts can integrate with a broader wellness strategy and health curriculum in elementary and secondary schools.</li> </ol> <p>In August, 2013, the Task Force submitted its recommendations to the Governor and the General Assembly on Goals 19-24 of the Illinois Learning Standards for Physical Development and Health. The Task Force focused on updating the standards based on research in neuroscience that impacts the relationship between physical activity and learning. For more information, see <a href="http://www.isbe.net/EPE/html/EPETF.htm">www.isbe.net/EPE/html/EPETF.htm</a>.</p>	<p>We will amend <b>PRESS</b> materials if the General Assembly enacts laws based upon this report's recommendations.</p>

# Revisions to Policies, Administrative Procedures and Exhibits

Number and Title	Action <i>The memo describes the revisions.</i>
4:60-AP3, Administrative Procedure - Criminal History Records Check of Contractor Employees	NEW. Procedure identifies responsibilities for obtaining a fingerprint-based criminal history records check on each contractor's employee who will have direct, daily contact with one or more students.
4:100, Insurance Management	Policy is updated to include a new section on <b>Student Insurance</b> .
4:110-AP3 ( <del>4:170-AP3</del> ), Administrative Procedure - School Bus Safety Rules	Procedure is renumbered to keep it with material on transportation and otherwise edited.
4:110-E, ( <del>4:170-AP1, E3</del> ) Exhibit - Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses	Exhibit is renumbered to keep it with material on transportation.
4:160, Environmental Quality of Buildings and Grounds	Policy is unchanged. The footnotes and legal references are significantly revised.
4:160-AP, Administrative Procedure - Environmental Quality of Buildings and Grounds	Procedure is updated.
4:170, Safety	Policy, footnotes, legal references, and cross references are revised.
4:170-AP1, Administrative Procedure - Comprehensive Safety and <del>Crisis Security Program Plan</del>	Renamed and rewritten.
4:170-AP2, Administrative Procedure - Routine Communications Concerning Safety and Security	NEW. Procedure identifies and describes routine communications.
4:170-AP2, E1 ( <del>4:170-AP1, E4</del> ), Exhibit - Letter to Parents/Guardians Regarding Student Safety	Exhibit is renumbered and edited.
4:170-AP2, E2 ( <del>4:170-AP1, E5</del> ), Exhibit - Letter to Parents/Guardians Regarding Educational Programs About the Dangers of Underage Drinking	Exhibit is renumbered and edited.
4:170-AP2, E3, Exhibit - Letter to Parents/Guardians About Disruptive Social Media Apps; Dangers	NEW. Exhibit describes social media apps that have been disruptive to school settings across the country.
4:170-AP5, Administrative Procedure - Unsafe School Choice Option	Procedure's weblinks and dates are updated.
4:170-AP6, Administrative Procedure - Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED	Procedure updated to remove dates that have passed.
4:170-AP6, E2, Exhibit - Notification to Staff and Parents/Guardians of CPR and AED Video (98-305)	NEW. Exhibit informs staff and parents about a training video on the IHSA website.
4:170-AP7, Administrative Procedure - Targeted School Violence Prevention Program	Procedure nonsubstantively edited.
4:170-AP8, Administrative Procedure - Movable Soccer Goal Safety	Procedure edited to reflect new resource.
4:175, Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications	NEW. The provisions in this policy were formerly in 4:170, <i>Safety</i> .

## Revisions to Policies, Administrative Procedures and Exhibits *continued*

Number and Title	Action The memo describes the revisions.
4:175-AP1 ( <del>4:170-AP2</del> ), Administrative Procedure - Criminal Offender Notification Laws; <u>Screening</u>	Procedure is renumbered, renamed, and edited.
4:175-AP1, E1, ( <del>4:170-AP2, E1</del> ) Exhibit - Informing Parents/ <u>Guardians</u> About Offender Community Notification Laws	Exhibit is renumbered and renamed.
5:280, Educational Support Personnel - Duties and Qualifications	Policy and footnotes are updated.
6:150, Home and Hospital Instruction	Policy and footnotes are updated.
7:190-AP7, Administrative Procedure - Student Discipline Guidelines	NEW. Procedure implements guidance from the federal government.
7:250, Student Support Services	Policy is updated.
7:250-AP1, Administrative Procedure - Measures to Control the Spread of Head Lice at School	Procedure is updated.



## Acknowledgement to PRESS Advisory Board

Before each **PRESS** issue is published, a group of distinguished individuals provides input and suggestions. We appreciate their contributions and thank them sincerely.

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