

**IASB POLICY REFERENCE MANUAL  
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## General Personnel

### Compliance with the Fair Labor Standards Act <sup>1</sup>

#### Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non-exempt.”<sup>2</sup> “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

#### Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday.<sup>3</sup> Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours.<sup>4</sup> “Overtime” is time worked in excess of 40 hours in a single workweek.

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<sup>1</sup> State or federal law controls this policy’s content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, or 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.

The Illinois Minimum Wage Law, 820 ILCS 105/4a, covers all school employees, although many are exempt from overtime requirements. The federal Fair Labor Standards Act (FLSA) (29 U.S.C. §201 *et seq.*) also covers school employees. The law offering the greatest benefits to employees will control specific issues. However, under both State and federal law, non-exempt employees who work over 40 hours in a single workweek are entitled to overtime pay of a rate not less than one and one-half times the employees’ regular rate of pay. 29 U.S.C. §207; 820 ILCS 105/4a.

School districts in several states are experiencing widespread action by non-exempt employees to recoup unpaid overtime wages. Many of these actions have been successful because the school district did not strictly comply with overtime requirements or recordkeeper’s requirements. See 29 C.F.R. Part 785 (Hours Worked) and 29 C.F.R. Part 516, (Records to Be Kept by Employers). The U.S. Dept. of Labor (DOL) frequently finds employees misclassified as independent contractors or exempt employees. School officials are strongly encouraged to seek assistance from their attorney when making decisions involving wage and hour issues.

<sup>2</sup> “Exempt” employees are exempt from overtime requirements. An exempt employee, according to Illinois law, is “any employee employed in a bona fide executive, administrative or professional capacity, ... , as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [in the current rules].” 820 ILCS 105/4a. By referring to the definitions in the former federal rules, the Illinois legislature rejected the DOL’s effort to expand the number of employees who are exempt from overtime requirements. To qualify for exemption in Illinois, employees generally must meet certain tests regarding their job duties and be paid on a “salary basis” at not less than \$684~~455~~ per week. 29 C.F.R. Part 541. To check compliance, districts should review their list of exempt employees with their attorneys.

<sup>3</sup> Employers must identify the workweek, but may designate any seven-day period. **Boards should ascertain what is currently used as a workweek to avoid inadvertently adopting a policy containing a different designation.** The workweek in this sample policy allows supervisors to adjust employee schedules at the end of the week if an employee was required to work the weekend.

<sup>4</sup> Setting the workweek at 40 hours avoids having to pay an employee additional “straight time” compensation for the extra hours up to 40.

### Overtime

A non-exempt employee shall not work overtime without his or her supervisor's express approval.<sup>5</sup> All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.<sup>6</sup>

### Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status.<sup>7</sup> Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel—Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Educational Support Personnel—Employment Termination and Suspensions*.

### Implementation <sup>8</sup>

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

LEGAL REF.: 820 ILCS 105/4a.  
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

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<sup>5</sup> This policy requires a supervisor's express approval as a best practice. However, employers will also be liable for work time when the employer knows or has reason to know work is continuing on or offsite. See 29 C.F.R. §785.11 and 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*. Employees must be compensated for all time worked, even if it is unauthorized overtime. However, employees who intentionally work unauthorized overtime may be subject to disciplinary action.

<sup>6</sup> Optional. The FLSA regulates the use of *comp-time*. 29 C.F.R. §§553.22-553.28. Before offering comp-time, a board must have a compensatory time-off policy or the topic must be covered in an applicable collective bargaining agreement. See 5:310, *Compensatory Time-Off* and 5:310-E, *Agreement to Receive Compensatory Time-Off*.

<sup>7</sup> Docking an exempt employee's salary (e.g., for a disciplinary suspension) may result in the loss of the exemption unless the deduction was specifically authorized. Teachers, however, are not covered by this restriction.

<sup>8</sup> The FLSA is administered by the Wage and Hour Division of the DOL. Its website contains compliance guidance, posters, and e-tools ([www.dol.gov/WHD/flsa/index.htm](http://www.dol.gov/WHD/flsa/index.htm)).



## General Personnel

### Administrative Procedure - Fair Labor Standards Act Exemptions <sup>1</sup>

**Important** - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

#### **Overview**

- An exempt employee in Illinois is “any employee employed in a bona fide executive, administrative or professional capacity, ... as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [current federal rules].” 820 ILCS 105/4a.
- According to the U.S. Dept. of Labor’s (DOL’s) rules, “[t]o qualify as exempt executive, administrative or professional employee,... an employee must be compensated on a salary basis at a rate of not less than \$684455 per week.” 29 C.F.R. §541.600.
- Guidance on the DOL’s website includes:

*Exemptions from overtime pay provisions:* [www.dol.gov/elaws/esa/flsa/screen75.asp](http://www.dol.gov/elaws/esa/flsa/screen75.asp)

*Exempt vs. non-exempt status of a particular job:* [www.dol.gov/elaws/esa/flsa/overtime/jobs.htm](http://www.dol.gov/elaws/esa/flsa/overtime/jobs.htm)

FLSA Exemption Category	Staff Positions
Non-covered persons	Independent contractors: <a href="http://www.dol.gov/elaws/esa/flsa/docs/contractors.asp">www.dol.gov/elaws/esa/flsa/docs/contractors.asp</a>  Volunteers: <a href="http://www.dol.gov/elaws/esa/flsa/docs/volunteers.asp">www.dol.gov/elaws/esa/flsa/docs/volunteers.asp</a>  Student teachers who: (1) receive academic credit for their work experience, (2) do not displace regular employees, (3) work under close supervision, and (4) are not entitled to a job at the end of their training ( <a href="http://www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.htm">www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.htm</a> )
Executive employees	Superintendent Associate/Assistant Superintendents Directors Supervisors Other department managers
Administrative employees	Building Principals Assistant Principals Data systems analysts or computer programmers involved in obtaining

**The footnotes should be removed before the material is used.**

<sup>1</sup> This sample procedure must be customized to reflect the positions in the District and the actual duties performed. The list should be reviewed by the board attorney. Problematic employment positions requiring careful analysis include: (1) cafeteria, transportation, maintenance, and janitorial supervisors who primarily perform manual or non-office work, and (2) executive assistants “e.g., the superintendent’s secretary” who primarily spend their time doing secretarial work, not managerial work.

FLSA Exemption Category	Staff Positions
	<p>solutions to complex business problems:  <a href="http://www.dol.gov/agencies/whd/fact-sheets/17e-overtime-computer">www.dol.gov/agencies/whd/fact-sheets/17e-overtime-computer</a>            Other certificated administrative staff</p>
Professional employees	<p>Teachers            Counselors            Registered nurses            Media coordinators            Other non-supervising certificated staff</p>
Non-exempt employees	<p>Secretaries (<a href="#">includes administrative assistants</a>)            Receptionists            Bookkeepers            Cafeteria workers            Crossing guards            Before/after school program workers            Bus drivers/transportation workers            Computer lab managers            Custodians            Maintenance workers            Pre-school workers (whose primary duty is to care for physical needs of children rather than teaching; does <i>not</i> include licensed special education early childhood teachers)            Teacher aides, paraprofessionals, and assistants</p>



## General Personnel

### Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition <sup>1</sup>

All District workplaces are drug- and alcohol-free workplaces. <sup>2</sup>

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<sup>1</sup> State or federal law 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. The Right to Privacy in the Workplace Act (RPWA) allows employers to regulate employees' use of lawful products that impair an employee's ability to perform his or her assigned duties. 820 ILCS 55/5(b), amended by P.A. 101-27. The Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/10-35(a)(8), amended by P.A. 101-593, allows penalties issued by employers of law enforcement officers for consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances while on or off-duty to be collectively bargained; districts that employ school resource officers should consult their board attorneys about this provision of the CRTA.

The federal Drug-Free Workplace Act applies only to the specific programs receiving federal funds. 41 U.S.C. §8101 et seq. For ease of administration, this policy makes its requirements applicable to all employees to avoid confusion during implementation and to avoid complications when obtaining and maintaining federal funds. ~~The Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/, added by P.A. 101-27 and amended by P.A. 101-593,~~ legalized cannabis, but it remains a Schedule I (c)(17) controlled substance under federal law, meaning that it has no currently accepted medical use in addition to a high potential for abuse. 21 U.S.C.A. §812 (exempting hemp as defined at 7 U.S.C.A. §1639o). 41 U.S.C. §§8101, 8102 and 8103. While not law, in June 2019, the U.S. House of Representatives, in a voice vote, voted in favor of an amendment to H.R. 3055, which was introduced by Reps. Earl Blumenauer (D-OR), Tom McClintock (R-CA), and Eleanor Holmes Norton (D-D.C.), prohibiting the U.S. Dept. of Justice (DOJ) from interfering with a state's decision to implement laws governing the legalization of cannabis (recreational and medicinal). This marked the first time that either branch of the U.S. Congress has voted to protect state recreational cannabis laws from federal enforcement actions. If the amendment becomes law, it would block the DOJ from using funds to intervene in state and territory cannabis legalization laws. This policy continues to prohibit employees from using cannabis as allowed by the CRTA. See f/n 9, below.

The federal Safe and Drug-Free Schools and Communities Act provides funds, upon application, for drug and violence prevention programs; it does not contain policy mandates. Illinois also has a Drug Free Workplace Act (30 ILCS 580/) that applies to districts with 25 or more employees working under a state contract or a grant of \$5,000 or more.

<sup>2</sup> Replace this sentence with the district's drug- and alcohol- free policy goal(s), if any.

With the passage of the CRTA, 410 ILCS 705/, added by P.A. 101-27 and amended by P.A. 101-593, each board and superintendent may wish to engage in a risk-management conversation about the district's drug- and alcohol- free policy enforcement and discipline goals. Enforcement and discipline goals depend upon a board's risk-level tolerance and community expectations. Risk-level-tolerance decisions will depend upon many factors, including, but not limited to: (1) the board attorney's recommendations, (2) the district's budget parameters, if any, for reasonable suspicion training on identification of symptoms of impairment and/or being under the influence, (3) drug testing, and (4) the community's expectations. Answers to the following questions might structure this risk-management conversation:

1. Does the board want to implement a reasonable suspicion program (or any other type of *just cause* provisions in an applicable collective bargaining agreement) to identify employees suspected of being impaired and/or under the influence to enhance its ability to discipline?

2. Does the board want the superintendent to secure training for designated district employees to educate them to identify symptoms of impairment or being under the influence of the substances prohibited in this policy?

3. How does the board want to address employees in positions of leadership, e.g., the superintendent and/or building principal(s), who are perpetually on call due to the nature of their positions and responsibilities (see f/n 3, below)?

4. How will the district manage its duty to educate students about the dangers of drugs and alcohol against the reality that employees are allowed to use lawful products off-duty and off the district's premises (820 ILCS 55/5(b), amended by P.A. 101-27)?

5. Will licensed educators be held to a higher standard than non-licensed employees due to their professional code of conduct expectations?

6. Will employees working directly with students be held to a higher standard than employees not working directly with students?



All employees are prohibited from engaging in any of the following activities while on District premises or while performing work or being *on call*<sup>3</sup> for the District: <sup>4</sup>

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.<sup>5</sup>
2. Distribution, consumption, use, possession, or being impaired by or under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectable, regardless of when and/or where the use occurred.<sup>6</sup>
3. Distribution, consumption, possession, use, or being impaired by or under the influence of cannabis; being present on District premises or while performing work for the District when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to *Ashley's Law*, 105 ILCS 5/22-33.<sup>7</sup> The District considers

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<sup>3</sup> An employee is *on call* when the employer schedules him or her with at least 24 hours' notice to be on standby or otherwise responsible for performing employment-related tasks either at the employer's location or another previously-designated location. 820 ILCS 55/5, amended by P.A. 101-27. Consult the board attorney regarding how the board wants to treat employees who may be considered on call, e.g., superintendents, principals, coaches, and/or maintenance workers, etc.

For boards that do not want this text, delete ~~or being on-call~~.

<sup>4</sup> To align with best practices for identifying and subsequently initiating discipline of employees for violating this policy (especially with the passage of the CRTA) and any possible collective bargaining agreement provisions, the superintendent may want to convene the **Employee Substance Abuse Prevention Committee** (see 2:150-AP, *Superintendent Committees*).

<sup>5</sup> These actions are prohibited by both federal (41 U.S.C.A. §§8101, 8102 and 8103) and State Workplace Acts. See f/n 12, below. These laws do not address *under the influence* but a board may add: “, or being impaired by or under the influence of any illegal substance or any detectable use of any illegal substance regardless of when or where the use occurred.” This option is limited to *illegal* substances to avoid prohibiting employees from using lawfully prescribed controlled substances. See f/n 12. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. This policy's -third paragraph addresses prescribed medications other than cannabis.

<sup>6</sup> Optional; alcohol is not addressed in either the federal or State Drug-Free Workplace Acts. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. The Ill. Court of Appeals held that when the policy defines *under the influence* as any “mental, emotional, sensory or physical **impairment** due to the use of drugs or alcohol,” the school district must prove that the teacher showed signs of impairment even though she registered 0.056 blood-alcohol level on a Breathalyzer. *Kinsella v. Bd. of Ed. of the City of Chicago*, 27 N.E.3d 226 (Ill.App.1st, 2015).

<sup>7</sup> “[R]egardless of when and/or where the use occurred” is intended to mean that an employer may reach an employee's conduct on or off-duty depending upon the facts of the disciplinary situation; however, the CRTA contains a specific requirement that law enforcement employers adopt a policy outlining penalties for discipline of law enforcement employees for their on or off-duty conduct involving consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances. Id. at 10-35(a)(8), amended by P.A. 101-593. See also f/ns 1, above, and 9, below. Consult the board attorney if the district employs a school resource officer(s) (SRO(s)) as opposed to contracting with a local law enforcement agency for SRO services.

410 ILCS 130/25(b) prohibits discipline or arrest of school nurses and/or administrators for acting in accordance with *Ashley's Law*, 105 ILCS 5/22-33, amended by P.A. 101-370, ~~eff. 1-1-20~~. Employers may enforce drug-free workplace policies when they are applied in a nondiscriminatory manner. 410 ILCS 705/10-50(a), added by P.A. 101-27, includes disciplining employees – even those who are ~~a~~-registered qualifying patients – for violating ~~a~~-drug-free workplace policies (410 ILCS 130/50 and 705/10-35(a)(1), added by P.A. 101-27). Contact the board attorney for advice concerning the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)).



employees impaired by or under the influence of cannabis when there is a good faith belief that an employee manifests the specific articulable symptoms<sup>8</sup> listed in the Cannabis Regulation and Tax Act (CRTA).<sup>9</sup>

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

For purposes of this policy, *District premises*<sup>10</sup> means workplace as defined in the CRTA in addition to District and school buildings, grounds, and parking areas; vehicles used for school purposes; and

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<sup>8</sup> Specific articulable symptoms listed in 410 ILCS 705/10-50(d), added by P.A. 101-27, include: the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. In contrast to the CRTA, the MCPA, while listing the same specific, articulable, symptoms, does not require an employer to have a *good faith belief* that a *registered qualifying patient* is under the influence of cannabis. 410 ILCS 130/50(f), and scheduled to be repealed on 7-1-20.

<sup>9</sup> 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 allows reasonable, nondiscriminatory, zero-tolerance policies. If the district seeks to discipline an employee on the basis that he or she is under the influence of or impaired by cannabis, it must afford the employee a reasonable opportunity to contest the basis of the determination. *Id.* at 10-50(d), added by P.A. 101-27. See also f/n 7, above. Contact the board attorney for advice concerning this provision and whenever the district seeks disciplinary action or dismissal of an employee on the basis of the cannabis prohibitions in the policy.

See also the III. Vehicle Code 625 ILCS 5/11-501.2(b-5) number one: when an individual's tetrahydrocannabinol concentration (THC) is five nanograms or more in whole blood or 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), a presumption under Illinois law exists that the individual is under the influence of cannabis. Under 625 ILCS 5/11-501.2(b-5) number two: when an individual's [THC] is less than five nanograms in whole blood or less than 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), the individual may still be considered impaired.

In addition to a zero-tolerance policy, the CRTA also allows civil, criminal, or other penalties for:

1. Engaging in tasks under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct (410 ILCS 705/10-35(a)(1));
2. Possessing cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(2)(A)-(B) unless permitted under the MCPA);
3. Using cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(3)(A)-(B) unless permitted under the MCPA);
4. [Using cannabis] in a public place [while impaired or under the influence of cannabis] (*Id.* at 10-35(a)(3)(F));
5. Knowingly being [impaired by or under the influences of cannabis] in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the MCPA (*Id.* at 10-35(a)(3)(G));
6. Smoking [and/or *vaping* (see f/n 18, below for a definition of vaping)] it in any place where smoking is prohibited under the Smoke Free Illinois Act (*Id.* at 10-35(a)(4));
7. Using [cannabis] as an on-duty law enforcement officer, corrections officer, probation officer, or firefighter (*Id.* at 10-35(a)(8)), or consuming, possessing, selling, purchasing, or delivering cannabis or a cannabis-infused substance(s) while on or off-duty [only if a policy has been adopted] *Id.* at 10-35(a)(8), amended by P.A. 101-593;  
or
8. [Using cannabis while [b]]eing on duty as an individual holding a school bus permit or Commercial Driver's License (*Id.* at 10-35(a)(9)).

any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. *School grounds* means the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. "Vehicles used for school purposes" means school buses or other school vehicles.

As a condition of employment, each employee shall: <sup>11</sup>

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than five calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired. <sup>12</sup>

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following: <sup>13</sup>

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted. <sup>14</sup>
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations. <sup>15</sup>
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.

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

<sup>10</sup> 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 and amended by P.A. 101-593, allows employers to prohibit cannabis in the *workplace*. Many attorneys agree it is a best practice for employers to define workplace in policies that prohibit cannabis. 410 ILCS 705/10-50(h), added by P.A. 101-27, defines *workplace* as the employer's premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in performance of the employee's job duties, and vehicles, whether leased, rented, or owned – and may be further defined by the employer's written policy when it is consistent with this definition.

This policy's definition of workplace expands the above CRTA definition to areas that board policy and/or the School Code impose duties upon districts to keep students safe, including:

1. The *school property* definition from policy 8:30, *Visitors to and Conduct on School Property*;
2. The *school grounds* definition at 105 ILCS 5/10-27.1A(d); and
3. Places that school districts must prevent and respond to bullying, including vehicles used for school purposes. 105 ILCS 5/27-23.7(a).

<sup>11</sup> Required by the State and federal Drug-Free Workplace Acts.

<sup>12</sup> This optional paragraph is not addressed in State or federal drug-free workplace acts. An employer should generally not ask an employee about his or her use of medication. See rules implementing the Americans with Disabilities Act, 29 C.F.R. §1630.14. Consult the board attorney if an employee is suspected of working while impaired or under the influence.

<sup>13</sup> Numbers one through five in this paragraph are required by the State and federal Drug-Free Workplace Acts. 30 ILCS 580/3.

<sup>14</sup> As an alternative, replace the phrase "in a place where other information for employees is posted" with the district's local method, e.g., staff intranet, Internet, etc.

<sup>15</sup> Grants may be available from the Ill. State Board of Education for developing a drug-free awareness program. 105 ILCS 5/2-3.93. The drug-free awareness program requirement can be met by developing a brochure on drug abuse or by contacting local, State, or national anti-drug abuse organizations for materials. The materials should be distributed to employees along with a list of places employees may call for assistance.



5. Establish a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace,
  - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
  - c. The penalties that the District may impose upon employees for violations of this policy.
6. Remind employees that policy 6:60, *Curriculum Content*, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence. 16

#### E-Cigarette, Tobacco, and Cannabis Prohibition 17

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of e-cigarettes,<sup>18</sup> tobacco, and cannabis products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location.

*Tobacco* shall have the meaning provided in 105 ILCS 5/10-20.5b.

*Cannabis* shall have the meaning provided in the CRTA, 410 ILCS 705/1-10.

*E-Cigarette* is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah,

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<sup>16</sup> Optional. This statement serves as a display of good judgement and a reminder to employees that 105 ILCS 5/27-13.2 and 23.4 (provided it can be funded by private grants or the federal government) require districts to educate students about the dangers of substance abuse.

<sup>17</sup> 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act, 410 ILCS 82/, and the CRTA, 410 ILCS 705/10-35(a)(4)(smoking anywhere where smoking is prohibited under the Smoke Free Illinois Act). Federal law prohibits smoking inside schools. 20 U.S.C. §6083(a).

The prohibition in 8:30, *Visitors to and Conduct on School Property*, referred to here, applies "on school property or at a school event." Here, "at a school event" is clarified with the phrase "while ... performing work for the District" in order to align with this policy's other prohibitions.

<sup>18</sup> While 720 ILCS 675, amended by P.A. 101-2, excludes e-cigarettes from its definition of tobacco, it does not address vaporization. Prohibiting *e-cigarettes* aligns with the district's obligation to maintain a safe, smoke-free environment and is logical extension of 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act (410 ILCS 82/), and The Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675, amended by P.A. 101-2 (raising the legal age to buy tobacco and e-cigarette products to 21 years of age). In addition, the U.S. Food and Drug Administration now regulates e-cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143, amended by 81 Fed.Reg. 28973.

E-Cigarettes may resemble cigarettes but contain a battery-operated heating element that turns a liquid into an aerosol (or vapor) that sometimes includes nicotine, flavorings, and other chemicals. The act of inhaling and exhaling the aerosol is known as *vaping*. See [www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping](http://www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping). For ease of administration, this policy treats *vaping*, whether tobacco products or not, and smoking tobacco the same due to the outbreaks of lung disease associated with the use of e-cigarettes and vaping. Some e-cigarettes do not look like tobacco products; they are designed to resemble other objects, such as USB flash drives, to be more easily concealed. Like smoking tobacco, vaporization products may include nicotine, which is derived from and is the addictive drug in tobacco, and other potentially harmful chemicals. See *Tobacco/Nicotine and E-Cigs* at: [www.drugabuse.gov/drugs-abuse/tobacco-nicotine-e-cigs](http://www.drugabuse.gov/drugs-abuse/tobacco-nicotine-e-cigs). Unlike smoking tobacco, vaping does not produce smoke, but rather the aerosol, often mistaken for water vapor and consisting of fine particles. Many of these particles contain varying amounts of toxic chemicals, which have been linked to cancer and respiratory and heart disease. An outbreak of lung disease has been associated with e-cigarette use and vaping. See articles at:

[www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease.html](http://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html); and  
[www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease/health-departments/index.html](http://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease/health-departments/index.html).

vape pen, or similar product or device, and any components or parts that can be used to build the product or device. <sup>19</sup>

#### District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. <sup>20</sup> In addition or alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction. <sup>21</sup>

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction. <sup>22</sup>

#### Disclaimer <sup>23</sup>

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies** subhead in policy 2:240, *Board Policy Development*.

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

<sup>19</sup> Optional. If a district does not want to include the statutory example that includes the term *vape pen*, which provides notice that vaping products are also prohibited through the term e-cigarette, replace ~~includes but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device with "shall have the meaning provided in the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675/1(a-9)."~~

<sup>20</sup> An employee who currently uses *illegal* drugs is not protected under the Americans With Disabilities Act (ADA) when the district acts on the basis of such use. 42 U.S.C. §12114. Legal drug abusers and alcoholics may still be protected as *handicapped* under the Rehabilitation Act of 1973 (29 U.S.C. §706 et seq.) or the Ill. Human Rights Act (IHRA). 775 ILCS 5/1-101 et seq. and 56 Ill.Admin.Code §2500.20. The Rehabilitation Act, however, excludes from protection "an alcohol or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment ...would constitute a direct threat to the property or the safety of others." 29 U.S.C. §706-(7)(B).

The ADA neither authorizes nor prohibits drug testing; it allows the results of such tests to be used as the basis for disciplinary action. (42 U.S.C. §12114; 29 C.F.R. §1630.16 (c)). Drug tests may still violate other laws, e.g., Title VI and the Rehabilitation Act. (42 U.S.C. §2000e et seq.; and 29 U.S.C. §706 et seq.). Drug tests may also be a subject of collective bargaining. See paragraph one of f/n 1, above. Consult the board attorney before implementing a drug testing program to enforce this policy.

<sup>21</sup> Required by both the federal and State Drug-Free Workplace Acts.

<sup>22</sup> Id.

<sup>23</sup> Optional best practice text.



LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12114.  
 Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.  
 Drug-Free Workplace Act of 1988, 41 U.S.C. §8101 et seq.  
 Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.  
 30 ILCS 580/, Drug-Free Workplace Act.  
 105 ILCS 5/10-20.5b.  
 410 ILCS 82/, Smoke Free Illinois Act.  
 410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.  
 410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.  
 720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and  
 Sale and Distribution of Tobacco Products Act.  
 820 ILCS 55/, Right to Privacy in the Workplace Act.  
 21 C.F.R. Parts 1100, 1140, and 1143.  
 23 Ill.Admin.Code §22.20.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:120  
 (Employee Ethics; Conduct; and Conflict of Interest), 6:60 (Curriculum Content),  
 8:30 (Visitors to and Conduct on School Property)

## General Personnel

### Expenses <sup>1</sup>

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution.<sup>2</sup> Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee,<sup>3</sup> (2) anyone's personal expenses,<sup>4</sup> or (3) entertainment expenses.<sup>5</sup> Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event.<sup>6</sup> The District is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District's negligence.<sup>7</sup> Employees must submit the appropriate itemized, signed, standardized form(s) to support any requests for expense advancements, reimbursements, or purchase orders that show the following: <sup>8</sup>

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

<sup>1</sup> State law controls this policy's content. 105 ILCS 5/10-9, 5/10-10, and 5/22-1 (no compensation allowed, conflicts of interest prohibited); 105 ILCS 5/10-22.32 (expense advancements); 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~ (regulation of employee expenditures under the Ill. Wage Payment and Collection Act)(WPCA); ~~and the Local Government Travel Expense Control Act (ECA) 50 ILCS 150/10, added by P.A. 99-604 (regulation of travel expenses); and the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/130 (regulation of travel expenses under grants).~~ See ~~the third paragraph in f/n 13 of policy 2:125, Board Member Compensation; Expenses.~~

105 ILCS 5/10-22.32 states that "[t]he school board may advance to teachers and other certified employees the anticipated actual and necessary expenses incurred in attending meetings that are related to that employee's duties and will contribute to the professional development of that employee." This policy expands beyond those two categories (105 ILCS 5/10-20) of employees, and the limited purpose of attending meetings, to reimburse all employees for approved expenses necessary for the employee to perform his or her duties.

The WPCA, 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~, defines *necessary expenditures* as all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of the employer.

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. If a local collective bargaining agreement contains a provision on expenses, consult the board attorney about how this policy may impact it.

<sup>2</sup> 50 ILCS 150/10, ~~added by P.A. 99-604~~. See f/ns 4 through 8 in policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

For a sample resolution, see 2:125-E3, *Resolution to Regulate Expense Reimbursements*.

<sup>3</sup> 105 ILCS 5/10-22.32. The final paragraph of this law prohibits money for expenses to be advanced or reimbursed to any person other than a board member or employee of the district.

<sup>4</sup> Optional. *Personal expenses* are not defined in 50 ILCS 150/25, ~~added by P.A. 99-604~~ or 105 ILCS 5/10-22.32. Consult the board attorney about this term and delete it only at the direction of the board attorney. Excluding personal expenses from advancements, reimbursements, and purchase orders is a generally-accepted best practice. The practice also aligns well with the State's widely-accepted transparency movement. Reimbursing personal expenses is also a magnet for the media.

<sup>5</sup> 50 ILCS 150/25, ~~added by P.A. 99-604~~.

<sup>6</sup> *Id.*

<sup>7</sup> Optional. 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~. The purpose of this sentence is to provide information to employees and the community about WPCA exclusions from reimbursable expenses.

<sup>8</sup> 50 ILCS 150/20, ~~added by P.A. 99-604~~. The School Code uses the term *voucher* for expense advancements (105 ILCS 5/10-22.32); the ECA requires submission of itemized, signed, standardized forms. Both 5:60-E1, *Employee Expense Reimbursement Form*, and 5:60-E2, *Employee Estimated Expense Approval Form* incorporate *voucher* into the ECA's requirement to use standardized forms. See f/n 12 below, and see also f/n 20 of policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and title of the employee who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants. <sup>9</sup>
3. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended. <sup>10</sup>
4. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended. <sup>11</sup>

### Advancements

The Superintendent may advance expenses to teachers and other licensed employees for the anticipated actual and necessary expenses to be incurred while attending meetings that are related to their duties and will contribute to their professional development,<sup>12</sup> provided they fall below the maximum allowed in the Board's expense regulations. <sup>13</sup>

Expense advancement requests must be submitted to the Superintendent or designee on the District's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the District's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts.<sup>14</sup> Any portion of an expense advancement not used must be returned to the District.<sup>15</sup> Expense advancements and vouchers shall be presented to the Board in its regular bill process.

### Reimbursements and Purchase Orders

Expense reimbursements and purchase orders may be issued by the Superintendent or designee to employees, along with other expenses necessary for the performance of their duties, provided the expenses fall below the maximum allowed in the Board's expense regulations.

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Additionally, while the WPCA (820 ILCS 115/9.5(a)) allows employees to submit a signed statement regarding any receipts when supporting documentation is nonexistent, missing, or lost, 820 ILCS 115/9.5(b) outlines that employers are not liable for expenditure amounts that exceed the specifications or guidelines the employer has established for necessary expenditures. The ECA requires districts to establish such specifications and guidelines. 50 ILCS 150/10 and 20, ~~added by P.A. 99-604~~ (regulation of travel expenses).

<sup>9</sup> 50 ILCS 150/20(2) and (3). This sentence mirrors the statute. The term *offices* is not defined. Consult the board attorney about whether inserting *job titles* would be sufficient for this requirement.

<sup>10</sup> *Id.* at (4).

<sup>11</sup> *Id.*

<sup>12</sup> 105 ILCS 5/10-22.32 authorizes advancements for the listed items. This statute addresses expense advancements for certain activities; its language pre-dates the ECA and is narrower than the ECA. This policy seeks to reconcile the differences by separating advancements into a separate subhead. See f/n 8 above, and see also f/n 20 of policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

<sup>13</sup> 50 ILCS 150/10 and 20, ~~added by P.A. 99-604~~. This phrase recognizes that while advancements are allowed in these situations, they should remain below the MARA set by the board.

<sup>14</sup> 50 ILCS 150/20, ~~added by P.A. 99-604~~.

<sup>15</sup> This paragraph's provisions are required by 105 ILCS 5/10-22.32.



Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses<sup>16</sup> by providing an estimation of expenses on the District's standardized estimated expense approval form for employees, except in situations when the expense is diminutive. When pre-approval is not sought, employees must seek reimbursement on the District's standardized expense reimbursement form for employees. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

#### Use of Credit and Procurement Cards

Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.

#### Exceeding the Maximum Allowable Expense Amount(s)<sup>17</sup>

All requests for expense advancements, reimbursements, and purchase orders exceeding the maximum allowed in the Board's expense regulations may only be approved when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.<sup>18</sup>

#### Registration<sup>19</sup>

When possible, registration fees will be paid by the District in advance.

#### Travel

The least expensive method of travel will be used, provided that no hardship will be caused to the employee. Employees will be reimbursed for:

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<sup>16</sup> Optional. Consult the board attorney to determine whether a pre-approval process is appropriate for the district. Neither 105 ILCS 5/10-22.32 (expense advancements) nor 50 ILCS 150/ (expense reimbursements and estimates) address expense *pre-approvals*. 50 ILCS 150/20 states: "an *estimate* if expenses have not been incurred ..." or "a *receipt* ... if the expenses have already been incurred," suggesting no pre-approval is necessary. However, pre-approval is a best practice, and an employee who incurs expenses without pre-approval may run the risk that his or her expenses will not be approved. On the other hand, submitting estimated expenses for approval begs a pre-approval process, and some attorneys may read the law to require pre-approval of expenses. The pre-approval process also provides school officials with better information for financial planning.

Consult the board attorney to determine whether a pre-approval process is appropriate for the district. If it is required, ensure that 2:125-E3, *Resolution to Regulate Expense Reimbursements*, reflects the district's specific pre-approval requirements. For an example of a standardized *estimated* expense form that could be used as a form of pre-approval, see 5:60-E2, *Employee Estimated Expense Approval Form*. The form provides three methods for employees to submit estimated expenses: providing estimated expenses (50 ILCS 150/), expense advancements for the specific activities (105 ILCS 5/10-22.32), or a purchase order.

<sup>17</sup> 50 ILCS 150/ does not define *maximum allowable reimbursement amount* (MARA). Consult the board attorney to assist with a conversation about how much authority the board wishes to delegate to the superintendent for purposes of setting the MARA. Topics for these conversations are listed in f/n 8 of policy 2:125, *Board Member Compensation; Expenses*.

<sup>18</sup> 50 ILCS 150/10 and 15. See f/n 13 in policy 2:125, *Board Member Compensation; Expenses* for more discussion.

<sup>19</sup> Amend the language in subheads **Registration**, **Travel**, **Meals**, **Lodging**, and **Miscellaneous Expenses** to align with the MARA defined in the board's expense regulation resolution. See 2:125-E3, *Resolution to Regulate Expense Reimbursements*, for a sample resolution.

See f/ns 4 and 8 in policy 2:125, *Board Member Compensation; Expenses*, for further discussion about the board's power to set the expense regulations by policy (105 ILCS 5/10-20) and clarify considerations and unanswered questions surrounding its statutorily-imposed duty to set a MARA (50 ILCS 150/10, ~~added by P.A. 99-604~~).

1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Fees for the first checked bag will be reimbursed.<sup>20</sup> Copies of airline tickets and baggage receipts must be attached to the expense form.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
5. Taxis, airport limousines, ride sharing services, or other local transportation costs.

#### Meals

Meals charged to the District should represent mid-fare selections for the hotel/meeting facility or general area.<sup>21</sup> Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

#### Lodging

Employees should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Employees should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.

#### Miscellaneous Expenses

Employees may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

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<sup>20</sup> Optional. This language reflects the standard for expenses permitted for federal awards. 41 C.F.R. §301-12.2. If the board does not reimburse baggage fees, delete this sentence and and baggage receipts from the next sentence.

<sup>21</sup> Alternatively, a board could set a daily limit on meal costs, such as:

Employees will be reimbursed for meal costs and tips up to \$\_ per day consistent with the maximum reimbursement amount(s) set by the Board.

But see also f/n 8 of policy 2:125, *Board Member Compensation; Expenses*, and ensure this amount is consistent with the MARA set by the board resolution.



## Additional Requirements for Travel Expenses Charged to Federal and State Grants <sup>22</sup>

All grant-related travel expenses must be pre-approved by the Superintendent or designee. <sup>23</sup>

Expenses for travel, including expenses for transportation, lodging, meals, and related items incurred by employees and charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must also meet the following requirements:

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award. <sup>24</sup>
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy. <sup>25</sup>
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official *travel status*<sup>26</sup> for more than 12 hours.<sup>27</sup> However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours. <sup>28</sup>
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip. <sup>29</sup>

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

<sup>22</sup> 30 ILCS 708/130. Boards are required to follow this subhead when they use grant money to reimburse employee travel expenses charged to federal pass-through grants and State grants covered by GATA. This policy is designed to be used in conjunction with 5:60-AP, *Federal and State Grant Travel Expense Procedures* to achieve compliance.

GATA adopts the uniform federal guidance for State grants, including for travel costs. 2 C.F.R. §200.474. Additionally, under GATA, boards may charge travel expenses to grants based on their own policy, provided the policy does not exceed federal travel regulations. 30 ILCS 708/130; 41 C.F.R. Chapters 300-304 (federal travel regulations). With regard to lodging, meals, and incidentals specifically, boards not only must keep costs at or below the federal standards, but they also cannot allow costs to exceed those normally allowed by the Governor's Travel Control Board (GTCB). 30 ILCS 708/130. The federal travel regulations and the rules of the GTCB are comprehensive. This policy addresses the most common areas of travel expenses and applies the strictest standard between the State and federal travel rules. To the extent this policy does not cover certain specific types of travel expenses, GATA provides that the GTCB Rules must be followed, provided they do not exceed federal travel regulations. The federal rules are laid out in detail in a Q&A format at: [www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-ftp](http://www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-ftp). The GTCB Rules are at: [www.ilga.gov/commission/jcar/admincode/080/08002800sections.html](http://www.ilga.gov/commission/jcar/admincode/080/08002800sections.html). Regardless of the federal and State rules, travel expenses must still comply with the MARA set by the Board, unless approved by the board in accordance with this policy.

In GATA and throughout the IASB Policy Reference Manual, the terms *award* and *grant* are used interchangeably. The federal regulations define and use the term *federal award* (2 C.F.R. §200.38), but awards are more commonly referred to as grants.

<sup>23</sup> Federal travel regulations state that requests for authorization for actual expense reimbursement should be made in advance of travel. 2 C.F.R. §301-11.302. 5:60-E2, *Employee Estimated Expense Approval Form*, can be used as a form for pre-approval.

<sup>24</sup> 2 C.F.R. §§200.474, 200.474(b)(1).

<sup>25</sup> 2 C.F.R. §200.474(b)(2).

<sup>26</sup> *Travel status* is not specifically defined in the federal travel regulations or in the GTCB rules, however, the Governor's Travel Council Regulation Rules, which apply to State employees and members of State boards, provide that an employee is on *travel status* while away on official business. Travel status begins when an employee leaves his or her work location or, if reporting directly to a destination, from the employee's residence or other location. It ends when an employee returns to his or her work location or, if reporting directly from the original destination, to the employee's residence or other location at the completion of the authorized travel. 80 Ill.Admin.Code §3000.140.

<sup>27</sup> 41 C.F.R. §301-11.1.

<sup>28</sup> 41 C.F.R. §301-10.300-10.310 are the federal regulations that address mileage reimbursement and related expenses.

<sup>29</sup> 2 C.F.R. §200.474(a).



6. Commercial airfare costs in excess of the least expensive coach or economy class are prohibited except when such accommodations would: (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Qualifying circumstances must be explained on the expense form, and Board approval of the additional expense is required.<sup>30</sup>
7. Per diem rates and actual reimbursement amounts for mileage, meals, and lodging may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less.<sup>31</sup> These limits do not apply when: (1) an employee stays in the lowest-priced room available at or near a hotel where a conference or seminar is located or in accommodations arranged by the conference/seminar organization, or (2) lodging at or below the established rate is unavailable.<sup>32</sup> In those cases, the employee will be reimbursed for actual lodging expenses with prior approval, but in no case will the reimbursement exceed 300% of the applicable maximum per diem rate.<sup>33</sup> If a conference fee includes a meal, the meal or per diem allowance will be reduced by the actual value of the meal or the applicable meal allowance, whichever is less.<sup>34</sup>
8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved.<sup>35</sup> The Board does not reimburse employees for collision damage waiver or theft insurance.<sup>36</sup>
9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

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

<sup>30</sup> 2 C.F.R. §200.474(e).

<sup>31</sup> To determine the lesser applicable amount, compare the State rates, available at: [www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx](http://www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx), with the federal per diem rates, available at: [www.gsa.gov/travel/plan-book/per-diem-rates](http://www.gsa.gov/travel/plan-book/per-diem-rates).

<sup>32</sup> 80 Ill.Admin.Code §2800.400; 41 C.F.R. §301-11.30.

<sup>33</sup> 41 C.F.R. §301-11.30. 300% is the maximum reimbursement amount permitted under federal travel expense regulations and may be adjusted down by the board. The board may not reimburse over the MARA even if the expense is under the 300% threshold, unless it meets the requirements of the ECA. See l/n 17, above. See 5:60-AP, *Federal and State Award Travel Expense Procedures*, for details on lodging requirements, including excessive lodging requests.

<sup>34</sup> 80 Ill.Admin.Code §2800.500.

<sup>35</sup> See 41 C.F.R. §301-10.450 for a list of authorized exceptions.

<sup>36</sup> 41 C.F.R. §301-10.451. Federal regulations prohibit reimbursement for collision damage waiver and theft insurance in part because the government has negotiated full insurance coverage into its agreements with rental companies. Similarly, the State has negotiated the cost of damage collision waivers into its preferred vendor agreement. Districts may wish to pursue similar arrangements for additional coverage. Employees will often have coverage for rental car damage through their own personal auto policies. The federal regulations permit employees on official business to be reimbursed for their out-of-pocket deductibles. *Id.*

LEGAL REF.: [2 C.F.R. §200.474.](#)  
[30 ILCS 708/130, Grant Accountability and Transparency Act.](#)  
50 ILCS 150/, Local Government Travel Expense Control Act.  
105 ILCS 5/10-22.32.  
820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

CROSS REF.: 2:125 (Board Member Compensation; Expenses), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards)



## General Personnel

### Administrative Procedure - Federal and State Grant Travel Expense Procedures

Employees must follow these procedures, **in addition to** the requirements of the Board policy 5:60, *Expenses* subhead entitled **Additional Requirements for Travel Expenses Charged to Federal and State Grants**, when their travel expenses are charged to federal grants and State grants governed by the Grant Accountability and Transparency Act (GATA). <sup>1</sup>

#### Use of Expense Forms

Employees will submit their estimated travel expenses using 5:60-E2, *Employee Estimated Expense Approval Form*, in advance of travel and 5:60-E1, *Employee Expense Reimbursement Form*, following completion of travel. When travel expenses will be charged in part to grant funds and in part to non-grant District funds because certain expenses exceed those permitted to be charged to a grant by policy 5:60, *Expenses*, and/or these procedures, the Superintendent or designee notes that fact and the amount to be charged to each funding source in the “Comments” field on 5:60-E1, *Employee Expense Reimbursement Form*, and/or the “Comments” field on 5:60-E2, *Employee Estimated Expense Approval Form*, as applicable.

#### Lodging – General

1. Employees are not eligible for actual reimbursement of lodging expenses unless they are on official *travel status* for more than 12 hours. Travel status begins when the employee leaves his or her work location or, if reporting directly to a destination, from his or her residence or other location. It ends when the employee returns to his or her work location or, if reporting directly from the original destination, to the employee’s residence or other location at the completion of the authorized travel. See 80 Ill.Admin.Code §3000.140.
2. Employees must first contact any preferred hotel vendors of the District.
3. It is the employee’s responsibility to request the lowest available lodging rate the time of making a reservation. However, if the employee requires special lodging consideration due to a disability the employee may be reimbursed the actual cost of the least costly lodging that is substantially accessible. Employees should always inquire if a hotel offers a discounted rate for local government employees, including public school district employees. If applicable, employees should be prepared to show their school identification to prove school district employment when checking-in.
4. Employees should make hotel reservations as far in advance as possible. Employees need to be aware of hotel cancellation policies. In busier times, cancellation policies will sometimes require the traveler to cancel 72 hours in advance or be charged for the room. If an employee must cancel a reservation, the employee needs to cancel before the deadline, if at all possible. Employees making reservations for several nights in a row need to be aware of hotel early

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The footnotes should be removed before the material is used.

<sup>1</sup> 2 C.F.R. §§200.318-200.326; 30 ILCS 708/, Grant Accountability and Transparency Act (GATA). GATA adopts the federal uniform guidance for all grants, unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the Ill. State Board of Education, see [www.isbe.net/gata](http://www.isbe.net/gata).

check-out policies. Some hotels charge an early check-out fee if a guest checks out prior to their scheduled departure date.

5. Employees must carefully review the bill upon check-out to ensure that the room charge reflects the appropriate rate and that no unauthorized charges have been added. For example, some hotels will automatically add a security charge or phone usage charge to a bill. If these services are not used, the charges should be removed before checking-out. Energy surcharge and lodging resort fees will be reimbursed if not optional.
6. If direct billing, employees must ensure that all personal or incidental charges are paid when checking-out, i.e., pay movies, personal phone calls, etc.
7. Employees must obtain a copy of the hotel bill to attach to 5:60-E1, *Employee Expense Reimbursement Form*.
8. If traveling by car, an employee needs to inquire regarding self-parking options to minimize parking expenses.

#### Lodging – Excessive Lodging Requests

When lodging at or below the State or federal rate for a particular location is unavailable, employees must:

1. Document on 5:60-E2, *Employee Estimated Expense Approval Form*, that lodging at the scheduled rate for the location is unavailable.
2. Attach documentation to 5:60-E2, *Employee Estimated Expense Approval Form*, showing that a minimum of three budget to mid-fare hotels were contacted (where available). If there are less than three hotels available in a location to contact, the employee must document that fact on the form. The employee must inquire if the hotels will honor the government rate when obtaining quotes. If the District has any preferred hotels at the location, the employee must contact those hotels first.
3. Submit all excessive lodging requests to the Superintendent or designee for pre-approval. The Superintendent or designee will place a note in the “Comments” field on 5:60-E2, *Employee Estimated Expense Approval Form*, to reflect approval of an excessive lodging amount.

**Note:** An excessive lodging request is not required if an employee stays in accommodations arranged by a conference/seminar organization or in the lowest-priced room available at or near a hotel where a conference or seminar is located.

#### Meals

Per diem rates and actual reimbursement amounts for meals may not exceed the rates established by the Governor’s Travel Control Board or federal travel regulations, whichever is less. To determine the lesser amount, compare the State rates with the federal per diem rates. Historically, the State meal allowances have been lower than the federal meal allowances. State rates are available at: [www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx](http://www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx). Federal rates are available at: [www.gsa.gov/travel/plan-book/per-diem-rates](http://www.gsa.gov/travel/plan-book/per-diem-rates).

#### Airfare

When booking airfare, employees:

1. May not book airfare and lodging as a package through third party vendors. When booked as a package, third party vendors do not provide a detailed receipt which causes an issue verifying that the lodging rates are within the proper guidelines.



2. Should always know the restrictions and potential penalties applicable to the fare in case cancellation or change is necessary, regardless of how an airline ticket is booked.

#### Ride Sharing Services

When using a ride sharing service such as Uber and Lyft, employees must use the lowest cost service the ride sharing service offers such as “UberX” and “Lyft Standard.” Employees will not be reimbursed for premium services offered by ride share companies such as “Uber XL,” “UberSELECT,” “UberBLACK,” “UberSUV,” “UberLUX,” or “LyftPlus.” Employees need to be aware that ride sharing services may charge users more during times of high demand. Ride sharing services typically let riders know in advance when prime time or surge pricing is in effect. Rides obtained during these higher cost periods are not reimbursable.

## General Personnel

### Exhibit - Employee Expense Reimbursement Form

*Submit to the Superintendent. Use of this form is required by 2:125-E3, Resolution to Regulate Expense Reimbursements. Please print and attach receipts for all expenditures.*

Name: \_\_\_\_\_ Title/Office: \_\_\_\_\_

Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

Departure Date: \_\_\_\_\_ Return Date: \_\_\_\_\_

☐ Receipts attached Request Date: \_\_\_\_\_

☐ Estimated expenses attached (Completed 5:60-E2, Employee Estimated Expense Approval Form)(pre-approval is required for federal and state grants).

☐ Approved expense advancement (voucher) attached, if applicable\* (Completed 5:60-E2, Employee Estimated Expense Approval Form.)

#### Actual Expense Report

\*Employees will be reimbursed for actual and necessary expenses that exceed the amount advanced, but must refund any expense advancement that exceeds the actual and necessary expenses incurred. 105 ILCS 5/10-22.32. For federal and State grants, employees will be reimbursed for actual and necessary expenses that exceed estimated expenses as permitted by Board policy 5:60, Expenses.

Auto Travel Allowance: \_\_\_\_\_ per mile

Date	Auto Mileage		Transp. Expenses	Lodging	Meals or Per Diem			Other		Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner	Item	Cost	
<b>Subtotal</b>										
<b>Advances</b>									—	
<b>TOTAL</b> (A negative amount indicates refund due from employee.)									\$	



**Superintendent or Designee:**  
(below maximum allowable amount)

☐ Approved ☐ Denied  
☐ Approved in Part  
☐ Grant Funding Source (if applicable): \_\_\_\_\_

\_\_\_\_\_  
Superintendent or Designee Signature

\_\_\_\_\_  
Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**School Board Action (exceeds maximum allowable amount):**

☐ Approved ☐ Denied  
☐ Approved in Part  
☐ Grant Funding Source (if applicable): \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## General Personnel

### Exhibit - Employee Estimated Expense Approval Form

*Submit to the Superintendent. Use of this form is required (1) by 2:125-E3, Resolution to Regulate Expense Reimbursements and (2) for pre-approval of expenses to be charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act. Please print.*

Name: \_\_\_\_\_ Title/Office: \_\_\_\_\_

Travel Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

☐ **Estimated Expenses Approval Requested** (50 ILCS 150/20 or grant expenditure)

☐ **Travel is grant-related\*** (specify grant): \_\_\_\_\_

☐ **Purchase Order Requested** Purchase Order #: \_\_\_\_\_

☐ **Expense Advancement Voucher Requested** (105 ILCS 5/10-22.32)

Voucher Amount: \_\_\_\_\_

<b>Estimated Expense Report</b>										
Departure date: _____					Return date: _____					
Auto Travel Allowance: _____ per mile										
<i>*Grant-related travel only: Except for mileage and other transportation expenses, expense reimbursement/per diem is only allowed if on official travel status for 12 hours or more. If lodging at or below the applicable rate cannot be identified, please indicate below and attach at least three quotes for review.</i>										
Date	Auto Mileage Miles   Cost		Transp. Expenses	Lodging	Meals or Per Diem Bkfst   Lunch   Dinner			Other Item   Cost		Daily Total
<b>Total</b>										\$



**Superintendent or Designee**  
(below maximum allowable amount):

☐ Approved ☐ Denied  
☐ Approved in Part  
☐ Grant Funding Source (if applicable): \_\_\_\_\_

\_\_\_\_\_  
Superintendent or Designee Signature

\_\_\_\_\_  
Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**School Board Action** (*exceeds maximum allowable amount*):

☐ Approved ☐ Denied  
☐ Approved in Part  
☐ Grant Funding Source (if applicable): \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## General Personnel

### Administrative Procedure - Coordination with Children's Advocacy Center <sup>1</sup>

Children's Advocacy Centers (CACs) are child-focused, trauma-informed, facility-based programs that provide a multi-disciplinary, comprehensive response to child abuse. Illinois CACs are organized and operate under the Children's Advocacy Center Act. 55 ILCS 80/. CACs are accredited based on standards set by the National Children's Alliance. 55 ILCS 80/2.5. See [www.nationalchildrensalliance.org/](http://www.nationalchildrensalliance.org/).

If the District is located within a county that is served by an accredited CAC, it must coordinate with the CAC to implement the **Alleged Incidents of Sexual Abuse; Investigations** subhead of Board policy 5:90, *Abused and Neglected Child Reporting*. 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531. For a map of accredited CACs, and to identify a CAC that may serve the District, see [www.childrensadvocacycentersofillinois.org/about/map](http://www.childrensadvocacycentersofillinois.org/about/map). Use this procedure to coordinate with the District's local CAC.

#### Glossary of Terms

**Alleged incident of sexual abuse** - An incident of sexual abuse of a child (as defined in the Ill. Criminal Code of 2012, 720 ILCS 5/11-9.1A) that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred either: on school grounds during a school activity, outside of school grounds, or not during a school activity. 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531. <sup>2</sup>

**Alleged victim** - A student who is alleged to be the victim of an alleged incident of sexual abuse.

**Appropriate law enforcement agency** - A law enforcement agency whose employees have been involved, in some capacity, with an investigation of a particular alleged incident of sexual abuse. 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531.

**Child advocate** - May be a school social worker, a school or equally-qualified psychologist, or a person in a position the Ill. State Board of Education (ISBE) has identified as an appropriate advocate for a student during a school's investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i) (final citation pending), added by P.A. 101-531.

**Forensic interview** - An interview between a trained forensic interviewer, as defined by National Children's Alliance standards, and a child in which the interviewer obtains information from children in an unbiased and fact finding manner that is developmentally appropriate and culturally sensitive to support accurate and fair decision making by the multidisciplinary team in the criminal justice and child protection systems. 55 ILCS 80/2.5.

**School personnel** - School employees, vendors, and volunteers.

**Sexual Abuse and Sexual Assault** - See Ill. Criminal Code of 2012 definitions at:

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**The footnotes should be removed before the material is used.**

<sup>1</sup> This procedure cites the minimum requirements of State law. Modify this procedure based upon the District's specific implementation needs and any additional needs of the CAC that serves the District.

<sup>2</sup> Though 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531, defines *alleged incident of sexual abuse*, its definition is circular, using the term *sexual abuse* without defining what that means. To provide boards with clarity, this procedure uses the definition of *sexual abuse* from the Ill. Criminal Code of 2012.



- 720 ILCS 5/11-9.1A. Permitting sexual abuse of a child.
- 720 ILCS 5/11-1.20. Criminal sexual assault.
- 720 ILCS 5/11-1.30. Aggravated criminal sexual assault.
- 720 ILCS 5/11-1.40. Predatory criminal sexual assault of a child.
- 720 ILCS 5/11-1.50. Criminal sexual abuse.
- 720 ILCS 5/11-1.60. Aggravated criminal sexual abuse.

Coordination with CAC

Actor	Action
ISBE	Identifies persons in positions who may be appropriate child advocates for students during a school's investigation into an alleged incident of sexual abuse. As of March 2020, ISBE has not identified any persons.
Superintendent or designee	<p>Establishes a CAC Communication Committee (Committee) to operate as a Superintendent committee. See 2:150-AP, <i>Superintendent Committees</i>. Consider including:</p> <ul style="list-style-type: none"> <li>District Nondiscrimination Coordinator (see 2:260, <i>Uniform Grievance Procedure</i>)</li> <li>District Safety Coordinator (see 4:170-AP1, <i>Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities</i>)</li> <li>District-level administrators</li> <li>Building Principals (Building Principals are mandatory for successful implementation of the <b>Alleged Incidents of Sexual Abuse; Investigations</b> subhead of policy 5:90, <i>Abused and Neglected Child Reporting</i>)</li> <li>School personnel</li> <li>Employees from the accredited CAC that serves the District</li> </ul> <p>Chairs and convenes Committee meetings for the purpose of implementing the <b>Alleged Incidents of Sexual Abuse; Investigations</b> subhead of policy 5:90, <i>Abused and Neglected Child Reporting</i>.</p> <p><b>Note:</b> To achieve the minimum requirement of State law that the District coordinate with its local CAC, this procedure establishes an administrative committee. Establishing a committee provides a best practice for aligning with governance principles and examining implementation issues specific to each individual school district and the CACs that serve each district. While smaller school districts, e.g., one-building districts, may be able to implement a program through one meeting, larger school districts will likely require the uniform coordination this Committee provides.</p> <p>Informs the School Board of the Committee's progress and needs by adding information items to the Board's agendas as needed.</p> <p>Ensures that at least every two years, school personnel are trained to understand, provide information and referrals to, and address issues pertaining to students who are parents, expectant parents, or victims of</p>

Actor	Action
	<p>domestic or sexual violence. <b>Note:</b> 105 ILCS 5/10-22.39(d) requires this training to be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting students and must include training concerning each of the following:</p> <ol style="list-style-type: none"> <li>1. Communicating with and listening to student victims of domestic or sexual violence and expectant and parenting students.</li> <li>2. Connecting student victims of domestic or sexual violence and expectant and parenting students to appropriate in-school services and other agencies, programs, and services as needed.</li> <li>3. Implementing the school district's policies, procedures, and protocols with regard to such students, including confidentiality.</li> </ol>
School Personnel	<p>Upon suspecting or receiving knowledge of an alleged incident of sexual abuse, shall perform each of the following (105 ILCS 5/22-85(c) (final citation pending), added by P.A. 101-531):</p> <ol style="list-style-type: none"> <li>1. Immediately report to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873 (within Illinois); 1-217-524-2606 (outside Illinois); or 1-800-358-5117 (TTY).</li> <li>2. Follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. 25 ILCS 5/7, amended by P.A. 101-583. The written report shall include, if known, each of the following: <ul style="list-style-type: none"> <li>The name and address of the child, his or her parents/guardians, or other persons having custody;</li> <li>The child's age;</li> <li>The child's condition, including any evidence of previous injuries or disabilities; and</li> <li>Any other information that the reporter believes may be helpful to DCFS for its investigation.</li> </ul> </li> <li>3. Promptly notify the Superintendent or Building Principal that a report has been made.</li> </ol>
Superintendent or Building Principal	<p>Immediately coordinates any necessary notifications to the student's parents/guardians with DCFS, the applicable school resource officer (SRO), and/or local law enforcement.</p> <p>Notifies the District's Nondiscrimination Coordinator of the reported alleged incident of sexual abuse.</p>
DCFS and/or Appropriate Law Enforcement Agency	<p>Determines whether to accept a reported alleged incident of sexual abuse for investigation. If a reported alleged incident is accepted, refers the matter to the CAC serving the District. 105 ILCS 5/22-85(d) (final citation pending), added by P.A. 101-531.</p> <p><b>Note:</b> If neither DCFS nor law enforcement investigate the alleged incident of sexual abuse, the District can move forward with its own investigation without CAC involvement.</p>



Actor	Action
CAC	<p>Coordinates the investigation of the alleged incident of sexual abuse in accordance with its existing multidisciplinary team protocol and National Children’s Alliance accreditation standards. 105 ILCS 5/22-85(e)(1) (final citation pending), added by P.A. 101-531.</p> <p>Facilitates communication between the DCFS/law enforcement multidisciplinary team investigating the alleged incident of sexual abuse and the District’s Nondiscrimination Coordinator.<sup>3</sup> At a minimum:</p> <ol style="list-style-type: none"> <li>1. Ensures that all applicable parties have each other’s contact information; and</li> <li>2. Shares the CAC’s protocol regarding the process of approving the viewing of a forensic interview by school personnel, and a contact person for questions regarding the protocol. 105 ILCS 5/22-85(e)(2) (final citation pending), added by P.A. 101-531.</li> </ol>
Nondiscrimination Coordinator	<p>Upon being notified of the reported alleged incident of sexual abuse by the Superintendent or Building Principal, shall:</p> <p>Open and conduct the District’s investigation into the alleged incident of sexual abuse in accordance with policy 7:20, <i>Harassment of Students Prohibited</i>.</p> <p>Schedule regular follow-up calls to the CAC to inquire whether DCFS/law enforcement has opened an investigation into the alleged incident of sexual abuse.</p> <p><b>If DCFS/law enforcement investigation is not opened, stops using this procedure and continues the District’s investigation in accordance with policy 7:20, <i>Harassment of Students Prohibited</i>.</b></p> <p><b>If DCFS/law enforcement investigation is opened, continues with the following steps.</b></p> <p>Notes the date DCFS/law enforcement opened its investigation and sets a reminder for 15 calendar days after it.</p> <p><b>Note:</b> This time period is important because the CAC has 15 calendar days to conduct a forensic interview of the alleged victim. During this time, the District is cannot interview the alleged victim regarding the alleged incident.</p> <p>While the child abuse and/or criminal investigations related to the alleged incident of sexual abuse are being conducted by DCFS/law enforcement, the Nondiscrimination Coordinator:</p> <p>Continues the District’s investigation, which may include interviewing the alleged witnesses and/or the alleged perpetrator.</p>

The footnotes should be removed before the material is used.

<sup>3</sup> Throughout this procedure “Nondiscrimination Coordinator” may be replaced with Title IX Coordinator or designee, Complaint Manager, School Resource Officer, or the title of any other school personnel leading the school’s investigation into the alleged incident of sexual abuse.

Actor	Action
	<p>May request information from the alleged victim or his or her parent/guardian to ensure his or her safety and well-being at school during the investigations. 105 ILCS 5/22-85(f) (final citation pending), added by P.A. 101-531.</p> <p>Refrains from interviewing the alleged victim until after the CAC completes its forensic interview. 105 ILCS 5/22-85(f) (final citation pending), added by P.A. 101-531. <sup>4</sup></p> <p>Upon request, must inform DCFS/law enforcement investigators of any evidence it has gathered, as permitted by federal or State law. 105 ILCS 5/22-85(f) (final citation pending), added by P.A. 101-531.</p> <p><b>Note:</b> Evidence gathered by the Nondiscrimination Coordinator during the District's investigation may be confidential under the Illinois School Student Records Act (105 ILCS 10/) and the Family Rights and Educational Privacy Act (20 U.S.C. §1232g). <b>Consult the Board Attorney regarding what disclosures, if any, are allowed in response to a request from DCFS and/or law enforcement and conditions that must be met prior to disclosure.</b></p> <p>Schedule regular follow-up calls with the CAC to inquire about the status of the forensic interview of the alleged victim.</p>
CAC	<p>Informs the Nondiscrimination Coordinator that:</p> <ol style="list-style-type: none"> <li>1. The forensic interview of the alleged victim is complete, and the electronic recording of the forensic interview may be viewed; or</li> <li>2. The CAC determined a forensic interview will not be conducted. 105 ILCS 5/22-85(g), (h) (final citation pending), added by P.A. 101-531.</li> </ol>
Nondiscrimination Coordinator	<p>If the electronic recording of the forensic interview of the alleged victim is available for viewing:</p> <ol style="list-style-type: none"> <li>1. Verifies the CAC has obtained informed consent from an alleged victim over the age of 13 or the alleged victim's parent/guardian for school personnel to view the forensic interview (105 ILCS 5/22-85(h) (final citation pending), added by P.A. 101-531); and</li> </ol> <p><b>Note:</b> Each CAC may have its own consent form. Contact your local CAC to confirm that it will obtain written consent from the alleged victim over the age of 13 or the alleged victim's parent/guardian (if under the age of 13).</p>

The footnotes should be removed before the material is used.

<sup>4</sup> The purpose of waiting to interview and coordinating with CACs is to minimize trauma of an alleged victim by preventing multiple interviews of him/her regarding the alleged incident of sexual abuse. When a DCFS/law enforcement investigation is pending, then the CAC's forensic interview serves as the interview that other entities, e.g., school districts, may use by viewing or listening to it for their investigations. If a DCFS/law enforcement investigation is pending but the CAC does not conduct a forensic interview, then the school may conduct its own interview of the alleged victim after following the procedures outlined in this procedure.



Actor	Action
	<p>2. Views the electronic recording of the forensic interview.</p> <p>If the CAC has not performed a forensic interview of the alleged victim within 15 calendar days after DCFS/law enforcement opens an investigation, notifies the CAC that the District intends to interview the alleged victim.</p>
CAC	<p>After receiving notification that the District intends to interview the alleged victim, has 10 additional calendar days to conduct a forensic interview. 105 ILCS 5/22-85(g) (final citation pending), added by P.A. 101-531.</p>
Nondiscrimination Coordinator	<p>If the CAC does not conduct a forensic interview of the alleged victim within the 10 additional calendar days, proceeds with the District's interview of the alleged victim. <u>Id.</u></p> <p>If the alleged victim is under 18 years old, makes a child advocate available to the alleged victim and allows the child advocate to be present during the interview. A child advocate may be a school social worker, a school or equally qualified psychologist, or a person in a position that ISBE has identified as an appropriate advocate for a student during a school's investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i) (final citation pending), added by P.A. 101-531.</p> <p>Schedules regular follow-up calls to DCFS/law enforcement to inquire if the investigation of an incident has been suspended and/or is complete, including the outcome of the investigation. 105 ILCS 5/22-85(j), (k) (final citation pending), added by P.A. 101-531.</p>

## General Personnel

### Administrative Procedure - Statement of Economic Interests for Employees

Date	Action
Upon initial employment	All employees who are required to file a statement of economic interests (see <del>School</del> Board policy 5:120, <i>Employee Ethics; Conduct; and Conflict of Interest</i> ) must file such a statement upon initial employment if employed by May 1. 5 ILCS 420/4A-105(c).
On or before February 1, annually <sup>4</sup>	Superintendent or designee shall certify to the appropriate county clerks a list of names and addresses of employees who are required to file a statement of economic interests (see <del>School</del> Board policy 5:120, <i>Employee Ethics; Conduct; and Conflict of Interest</i> ). The list shall set out the names in alphabetical order by county of residence. The Superintendent or designee shall send the list to county clerks of the counties in which those employees reside, or if any employee resides outside of Illinois, to the county clerk of the county in which the District's principal office is located. 5 ILCS 420/4A-106.5, added by P.A. 101-221 <u>and amended by P.A. 101-617</u> .
On or before April 1, annually	County clerk of each county shall notify employees whose names have been certified to him or her of the requirements for filing statement of economic interests. 5 ILCS 420/4A-106.5, added by P.A. 101-221.
On or before May 1, annually	All employees who are required to file a statement of economic interests (see Board policy 5:120, <i>Employee Ethics; Conduct; and Conflict of Interest</i> ) must file a statement of economic interests with the county clerk of the county in which the principal District office is located (5 ILCS 420/4A-106.5), unless he or she has already filed a statement in relation to the District within the calendar year. 5 ILCS 420/4A-105.
After January 1, 2011	Any county clerk who uses a system of Internet-based filing of economic interest statements must: (1) post the contents of statements, without filers' addresses or signatures, that were filed using the Internet on a publicly accessible website, and (2) otherwise comply with 5 ILCS 420/4A-108.  The times for the filing of statements of economic interests set forth in Section 4A-105 must be followed in any system of Internet-based filing.

The footnotes should be removed before the material is used

<sup>4</sup> Confirm the February 1st deadline with the county clerk because the deadline no longer appears in 5 ILCS 420/106.5, added by P.A. 101-221.





## General Personnel

### Personnel Records <sup>1</sup>

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. <sup>2</sup>
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*. <sup>3</sup>

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

<sup>1</sup> State or federal law 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.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the applicable collective bargaining agreement."

<sup>2</sup> An employee has the right to view his or her personnel file contents, with a few exceptions. Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/. Thus, personnel files should contain only factual and accurate job-related information. In addition, the PRRA identifies records that may not be kept: a record of an employee's associations, political activities, publications, communications, or non-employment activities (820 ILCS 40/9, amended by P.A. 101-531) and records identifying an employee as the subject of an investigation by the Ill. Dept. of Children and Family Services (DCFS) if the investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act (820 ILCS 40/13). See f/n 5.

<sup>3</sup> Unless a specific exemption is available, personnel file information is available to anyone making a FOIA request. 5 ILCS 140/. Specific exemptions protect the following:

1. *Private information* meaning "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b); 5 ILCS 140/2(c)-5.
2. *Personal information* "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7(1)(c).



The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance.<sup>4</sup> The Superintendent shall execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS.<sup>5</sup>

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

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3. Information prohibited from being disclosed under the Illinois Educational Labor Relations Act (IELRA). 5 ILCS 140/7.5(oo), added by P.A. 101-620 (final citation pending); 115 ILCS 5/3(d). The prohibitions in the IELRA overlap with some categories of private information identified in FOIA and include: (a) the employee's home address (including ZIP code and county); (b) the employee's date of birth; (c) the employee's home and personal phone number; (d) the employee's personal email address; (e) any information personally identifying employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization or a labor federation; and (f) e-mails or other communications between a labor organization and its members. Unless a specific exception in the IELRA applies, if a district receives a third party request for any of these six categories of information about an employee, the district must provide the union with a copy of the written request (or written summary of an oral request), as well as a copy of the district's response within five business days of sending the response. If the employee is not in a bargaining unit, then these notices must be given directly to the employee. 115 ILCS 5/3(d). **Note:** It is best practice to maintain union-related documents, such as grievances, separately from an employee's personnel file.

2.4. Information prohibited from being disclosed by the PRRA. 5 ILCS 140/7.5(q). The PRRA prohibits the disclosure of a performance evaluation under FOIA. 820 ILCS 40/11. The treatment of a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record. If the responsive record is more than four years old and is not related to an incident or attempted incident of sexual abuse or severe physical abuse, the request must be denied unless the disclosure is permitted by the Act. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A. 101-531. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse or severe physical abuse, the request cannot be denied. 820 ILCS 40/8, amended by P.A. 101-531. If the responsive record is four years old or less (regardless of its nature), the district should provide the record and must notify the employee in written form or through email, if available. 820 ILCS 40/7 and 40/8, amended by P.A. 101-531.

The School Code prohibits the disclosure of school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws. 105 ILCS 5/24A-7.1.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub.L. 104-191) created national standards to protect individuals' medical records and other personal health information. If a district is a *covered entity* (i.e., offers a self-insured group health plan or flexible spending account), it must establish clear procedures to protect the employee's health information. 45 C.F.R. §164.502. Such districts should consult their attorneys and insurance provider for assistance.

4 The Employment Record Disclosure Act (745 ILCS 46/10) provides conditional immunity to employers responding to a reference request; it states: "Any employer or authorized employee or agent acting on behalf of an employer who, upon inquiry by a prospective employer, provides truthful written or verbal information, or information that it believes in good faith is truthful, about a current or former employee's job performance is presumed to be acting in good faith and is immune from civil liability for the disclosure and the consequences of the disclosure." This immunity statute does not, however, create an exemption to the requirements in the PRRA. The PRRA requires an employer to give an employee written notice before divulging a "disciplinary report, letter of reprimand, or other disciplinary action to a third party." 820 ILCS 40/7. An employment application may contain a waiver of this notice. *Id.*

5 325 ILCS 5/4(d), amended by P.A. 101-564, ~~eff. 1-1-20~~, requires a superintendent, upon being asked for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. For more information, see 5:150-AP, *Personnel Records*.



LEGAL REF.: [325 ILCS 5/4, Abused and Neglected Child Reporting Act.](#)  
[745 ILCS 46/10, Employment Record Disclosure Act.](#)  
[820 ILCS 40/, Personal Record Review Act.](#)  
23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District's Public Records), 7:340 (Student Records)

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## Professional Personnel

### Resignations <sup>1</sup>

Tenured teachers may resign at any time with consent of the School Board or by written notice sent to the Board Secretary at least 30 days before the intended date of resignation. However, no teacher may resign during the school term in order to accept another teaching position without the consent of the Board.<sup>2</sup>

LEGAL REF.: 105 ILCS 5/24-14.  
Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006).

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<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> Districts may want to add a liquidated damages clause to individual teacher contracts in order to discourage teacher resignations in violation of this policy and law.

A teacher who resigns during the school term, without the board's permission, in order to accept another teaching assignment may be referred by the board to the State Superintendent of Education, who shall convene an informal evidentiary hearing within 90 days after receipt of a resolution by the board. 105 ILCS 5/24-14, amended by P.A. 100-531, is A teacher found guilty of resigning during the school term to accept another teaching position without board consent unprofessional conduct and liable to suspension of will have his or her license suspended for up to one calendar year. 105 ILCS 5/24-14[d]. In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent. Id. See also Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006)(regional superintendent may suspend for one year the teaching certificate of a tenured or nontenured teacher who resigns to accept another position).

For further guidance, see Ill. State Board of Education non-regulatory guidance on the Application of Section 24-14 of the Illinois School Code to Teacher Resignations (10-28-19) at [www.isbe.net/Documents/section-24-14-guidance.pdf](http://www.isbe.net/Documents/section-24-14-guidance.pdf).

## **Educational Support Personnel**

### **Duties and Qualifications** <sup>1</sup>

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time to time at the Board's sole discretion.

### **Paraprofessionals** <sup>2</sup>

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).

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals, and the requirements in this section do not apply. In addition, individuals completing their clinical experiences and/or student teaching do not need to comply with this section, provided their service otherwise complies with ISBE rules. <sup>3</sup>

### **Noncertificated and Unlicensed Personnel Working with Students and Performing Non-Instructional Duties**

Noncertificated and unlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long-distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities; <sup>4</sup>
2. As supervisors, chaperones, or sponsors for non-academic school activities; or <sup>5</sup>

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<sup>1</sup> State or federal law 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.

<sup>2</sup> Educator licensure replaced the previous system of certification on 7-1-2013. All Illinois teaching, administrative, and school service personnel certificates were converted to a corresponding license. Except as provided in ISBE rules §§1.630(b)(2) and 25.510(a), all new applicants for a paraprofessional credential must hold an educator license with stipulations endorsed for a paraprofessional educator. 105 ILCS 5/21B-20(2)(J), amended by P.A.s 101-220 and 101-594; (23 Ill.Admin.Code §§1.630 and 25.510). See ISBE's explanation at: [www.isbe.net/Pages/Educator-Licensure-Requirements.aspx](http://www.isbe.net/Pages/Educator-Licensure-Requirements.aspx).

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."

**Paraprofessionals are not required to maintain discipline under 105 ILCS 5/24-24. 23 Ill.Admin.Code §1.280.**

<sup>3</sup> 105 ILCS 5/10-22.34; 23 Ill.Admin.Code §§1.630(c)(3) (other unlicensed personnel) and 25.620 (student teaching).

This paragraph is optional and may be deleted if the board desires a streamlined policy.

<sup>4</sup> 105 ILCS 5/10-22.34(a)(2).

<sup>5</sup> 105 ILCS 5/10-22.34a; 23 Ill.Admin.Code §1.630(ac)(1).



3. For non-teaching duties not requiring instructional judgment or student evaluation.<sup>6</sup>

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.<sup>7</sup>

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership.<sup>8</sup> Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health.<sup>9</sup> Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.<sup>10</sup>

Bus Drivers

All school bus drivers must have a valid school bus driver permit.<sup>11</sup> The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver,

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<sup>6</sup> 105 ILCS 5/10-22.34(a)(1); 23 Ill.Admin.Code §1.630(a).

<sup>7</sup> 105 ILCS 5/10-22.34b, last paragraph. Noncertificated personnel may be used to provide specialized instruction in a field that an individual is particularly qualified by reason of specialized knowledge or skill. 23 Ill.Admin.Code §1.630(c)(3)(C). Districts that frequently use noncertificated individuals to provide such instruction may consider adding the following optional sentence:

When appropriate, the Superintendent may seek approval from the responsible Regional Superintendent for a noncertificated individual to provide specialized instruction, ~~that is~~ not otherwise readily available in the school environment, in the field that the individual is particularly qualified by reason of specialized knowledge or skill.

<sup>8</sup> A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Ill.~~inois~~ High School Association, the Southern Ill.~~inois~~ Junior High School Athletic Association, and the Ill.~~inois~~ Elementary School Association.

An optional sentence follows:

The coach for an extracurricular athletic activity sponsored or sanctioned by the Illinois High School Association (IHSA) at or above the ninth grade level must have completed the IHSA's educational program and competency testing on preventing abuse of performance-enhancing substances, provided the program is available.

<sup>9</sup> Optional and may be amended. The first requirement identifies a basic competency, and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code ~~Part-§§525.300 and 525.400~~).

<sup>10</sup> 225 ILCS 5/3 and 5/4.

<sup>11</sup> The regional superintendent is authorized to conduct school bus driver instruction courses and investigate whether persons hired to operate school buses have valid school bus driver permits. ~~(105 ILCS 5/3-14.23, amended by P.A. 100-863).~~

School bus driver permits are issued by the Ill. Secretary of State (~~SOS~~). ~~(625 ILCS 5/6-106.1, amended by P.A.s 100-513 and 101-458).~~ Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Ill. Dept. of State Police (~~ISP~~) for criminal background investigations. Districts must also certify in writing to the ~~Secretary of State~~~~SOS~~ that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the ~~State Police~~~~ISP~~ and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information. (~~Id.~~) The applicant presents this certification to the ~~Secretary of State~~~~SOS~~ when submitting the school bus driver permit application. (~~Id.~~)

A school bus driver operating a school bus at the time of an accident is deemed by the implied consent law to agree to submit to tests at the direction of a law enforcement officer of the driver's breath, blood, or urine to determine the presence of alcohol, or other drugs, in the person's system. (625 ILCS 5/6-516).

Anyone driving a bus chartered to transport students to or from interscholastic athletic or interscholastic or school-sponsored activities must have a valid school bus driver permit; this does not apply to any driver employed by a public

that the bus driver permit holder has been called to active duty.<sup>12</sup> New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: 34 C.F.R. §§200.58 ~~and 200.59.13~~  
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.  
625 ILCS 5/6-104 and 5/6-106.1.  
23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

~~The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.~~  
transportation provider when the bus is on a regularly scheduled route for transporting other fare-paying passengers. (625 ILCS 5/6-104(d-5)).

<sup>12</sup> This sentence is optional, but the notification is required by 625 ILCS 5/6-106.1(h). *Active duty* is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. 625 ILCS 5/6-106.1(j). Upon notification, the ~~Secretary of State~~SOS will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(h).

~~<sup>13</sup> The statute underlying these regulations (20 U.S.C. §6319) was repealed by the Every Student Succeeds Act, eff. 12-10-15.~~