



**TO: The Board of Education**

**FROM: The Policy Committee (Member Kearney, Member Liebl, Dr. Kelley and Sheryl Marinier)**

**SUBJECT: Policy Update – PRESS Update 104**

**DATE: September 8, 2020**

## **PRESS Updates – Issue 104**

The Policy Committee reviews the PRESS recommended policy changes and support the changes as follows;

### **Policy 2:220 (School Board Meeting Procedure)**

The policy, Legal References, Cross References, and footnotes are updated in response to amendments to the Open Meetings Act (OMA), 5 ILCS 1207(e)(1)-(10), amended by P.A. 101-640. The amendments address board meetings in open or closed sessions by audio or video conference without the physical presence of a quorum as long as the board meets certain statutory conditions.

### **Policy 4:180 (Pandemic Preparedness; Management; and Recovery)**

This policy has been renamed. The policy, Legal References, Cross References, and footnotes are updated in response to the General Assembly, the Ill. State Board of Education (ISBE), Ill. Attorney General, and the U.S. Dept. of Education taking a number of actions and/or issuing guidance documents to address the ongoing COVID-19 pandemic as it affects public school operations and student learning. In addition to these general updates throughout the policy and footnotes, some specific new additions to the policy include:

- 1) The OMA amendments of 5 ILCS 1207(e)(1)-(10), amended by P.A. 101-640 that are discussed above in 2:220, School Board Meeting Procedure;
- 2) The requirements of the board related to 105 ILCS 5/10-30(3), added by P.A. 101-643 are added and are discussed further in 6:20-AP, Remote and/or Blended Remote Learning Day Plan(s).
- 3) The reasons explained directly in 4:180-AP3, Grant Flexibility; Payment of Employee Salaries During a Pandemic.

In order to update this policy, PRESS is asking that the Board respond to the following questions.

#### Question 1.

Is your district served by an Intermediate Service Center rather than an ROE (suburban Cook County)? No. (default) Yes. (IASB will replace "Regional Office of Education" with "Intermediate Service Center") District 97 is served by an Intermediate Service Center.

#### Question 2.

This sample policy uses the board president and superintendent as the default text because during a pandemic, it may be difficult for a board policy committee to meet pursuant emergency executive orders that are issued, etc. See policies 2:150, Committees, and 2:240, Board Policy Development.

Does the board prefer its policy committee to engage in this work? No. (default) Yes. (IASB will replace "Board President and the Superintendent" with "Board Policy Committee"). The committee recommends that the board respond to this question using the default response.

### Question 3.

Remote Learning Days (RLDs) and Blended Remote Learning Days (BRLDs) are different from e-learning days/e-learning programs. RLD/BRLDs are for use when the governor declares a disaster under 20 ILCS 3305/ and the state superintendent has declared a requirement for the district to use them to provide remote instruction to pre-kindergarten through grade 12 that count as pupil attendance days under 105 ILCS 5/10-19.05(j-5), amended by P.A. 101-643. 105 ILCS 5/10-30(1), added by P.A. 101-643. BRLDs allow districts to utilize “hybrid models of in-person and remote instruction. E-learning days are part of an e-learning program that require a board to, among other things, hold a public hearing and obtain approval by the Regional Office of Education (or Intermediate Service Center) to allow the district to provide instruction to students electronically while they are not physically present due to inclement weather and other unexpected events. 105 ILCS 5/10-20.56(b), amended by P.As. 101-12 and 101-643. School districts with e-learning programs may adapt them for use during RLDs and BLRDs (105 ILCS 5/10-20.56(a), amended by P.As. 101-12 and 101-643, and 5/10-30(2), added by P.A. 101-643.

Has the board adopted an e-learning program pursuant to 105 ILCS 5/10-20.56, added by P.A. 101-12? No. (default) Yes. (IASB will add the following text to number two after 105 ILCS 5/10-30: "by adapting into a Plan the District’s e-learning program implemented pursuant to 105 ILCS 5/10-20.56"). The policy committee recommends responding to this question using the default response.

### **Policy 7:40 (Nonpublic School Students, Including Parochial and Home-Schooled Students)**

The procedure is unchanged. The footnotes and Cross References are updated in response to a five-year review.

### **Policy 7:190 (Student Behavior)**

The policy, Legal References, and footnotes are updated in response to new ISBE permanent rules governing the use of isolated time out, time out, and physical restraint. A new line at the end of the policy incorporates by reference 7:190-AP4, Use of Isolated Time Out, Time Out, and Physical Restraint.

In order to update this policy, PRESS is asking that the Board respond to the following questions.

### Question 1.

In late November 2019 and early 2020, in response to investigative journalism articles, ISBE issued emergency rules and subsequent amendments to those emergency rules that significantly limited the use of isolated time out and physical restraint. ISBE adopted permanent rules governing the use of isolated time out, time out, and physical restraint (permitted under limited circumstances and only until July 1, 2021), effective April 9, 2020. Isolated time out, time out, or physical restraint may be used by staff members only if their use is authorized by policy and administrative procedure. 105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill. Admin. Code §§1.280(c) and 1.285. See 7:190- AP4, Use of Isolated Time Out, Time Out, and Physical Restraint, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com). By default, this policy allows the use of isolated time out, time out, and physical restraint pursuant only to the conditions allowed in the School Code and ISBE rules. State statute and ISBE rules contain complex restrictions on the use of isolated time out, time out, and physical restraint. 105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill. Admin. Code §§1.280(c) and 1.285. According to the ISBE rule, isolated time out, time out, and physical restraints are allowed only if a board authorizes their use in a policy containing the numerous components identified in the rule. To comply with ISBE’s rule, a board must also incorporate by reference the district’s procedure, i.e., 7:190-AP4, Use of Isolated Time Out, Time Out, and Physical Restraint. By doing this, the policy includes the district’s procedure.

Does the Board allow or prohibit the use of isolated time out, time out, and physical restraint? The Board allows the use of isolated time out, time out, and physical restraint. (Default) The Board prohibits the use of isolated time out, time out, and physical restraint. (IASB will delete this subhead and its contents, amend the Legal Reference, and delete the Incorporated by Reference line.) Administration has recommended that the board respond to this questions using the default response.

**Policy 7:340 (Student Records)**

The policy, Legal References, footnotes, and Cross References are updated. The policy is updated with continuous improvement changes based on feedback from the Illinois Council of School Attorneys. The Legal References are updated to include reference to 105 ILCS 85/. New policy 7:345 Use of Educational Technologies; Student Data Privacy and Security, has been added to the Cross References. The footnotes are updated in response to:

1) 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21.

2) U.S. Dept. of Education (DOE) guidance on the Family Educational Rights and Privacy Act (FERPA) and virtual learning.

3) Updated joint guidance issued by the DOE and U.S. Dept. of Health and Human Services on the application of FERPA and the Health Insurance Portability and Accountability Act of 1996 to student health records.

**Policy 7:345 (Use of Educational Technologies; Student Data Privacy and Security)**

This is a new policy. The policy is created to facilitate implementation of 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21, which requires districts to take a number of actions to protect online student data and to share general information about how student data is used.

In order to update this policy, PRESS is asking that the Board respond to the following questions.

**Question 1.**

SOPPA permits, but does not require, districts to designate an appropriate staff person as a Privacy 7:345 7:345 1 of 3 Officer, who may also be an official records custodian under ISSRA, to carry out the duties and responsibilities assigned to schools and to ensure a district's compliance with the requirements of SOPPA. 105 ILCS 85/27(f), added by P.A. 101-516, eff. 7-1-21. Boards may designate an individual other than the Superintendent to serve in the capacity of Privacy Officer, such as a Business Manager, IT Director, or District Records Custodian.

Has the Board designated a Privacy Officer? No. (default) Yes, the Superintendent is designated to serve as Privacy Officer. (IASB will add the following sentence: "The Board designates the Superintendent to serve as Privacy Officer, who shall ensure the District complies with the duties and responsibilities required of it under the Student Online Personal Protection Act, 105 ILCS 85/, amended by P.A. 101-516, eff. 7- 1-21.") Yes, a title other than Superintendent has been designated to serve as Privacy Officer. (IASB will add the following sentence: "The Board designates the [Insert Title] to serve as Privacy Officer, who shall ensure the District complies with the duties and responsibilities required of it under the Student Online Personal Protection Act, 105 ILCS 85/, amended by P.A. 101-516, eff. 7- 1-21.") What is the Privacy Officer's Title? The committee recommends that the board respond to this question using the default response.

The PRESS 104 Update also included several recommended changes to administrative procedures and exhibits. Administration has reviewed the changes and will update the administrative procedures and exhibits accordingly.

The Policy Committee is recommending that the Board approve the policy changes as recommended during their September 22, 2020 regular meeting.