



Oak Park Elementary School District 97

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**TO: Members, Board of Education
Dr. Albert Roberts, Superintendent**

FROM: Chris Jasculca

RE: Adoption of Policies

DATE: May 27, 2014

The District 97 Board of Education conducted a first reading of the following policies during its meeting on May 13, 2014:

- Policy 2:30 – School District Elections
- Policy 2:110 – Qualifications, Term, and Duties of Board Officers
- Policy 4:30 – Revenue and Investments
- Policy 4:120 – Food Services
- Policy 5:10 – Equal Employment Opportunity and Minority Recruitment
- Policy 5:30 – Hiring Process and Criteria
- Policy 5:35 – Compliance with the Fair Labor Standards Act
- Policy 5:125 – Personal Technology and Social Media; Usage and Conduct
- Policy 5:180 – Temporary Illness and Temporary Incapacity
- Policy 5:190 – Teacher Qualifications
- Policy 5:240 – Suspension
- Policy 7:70 – Attendance and Truancy
- Policy 7:140 – Search and Seizure

Board members provided questions and/or comments about two of the policies during the discussion at the board table. Below is an update regarding these two policies.

- **Policy 4:120 (Food Services)** – The policy review team (Amy Felton, Denise Sacks and Chris Jasculca) recommended that District 97 replace several district-specific policies with versions that were drafted and are currently maintained by PRESS, including policy 4:120 (Food Services). The team sent the PRESS version of policy 4:120 to the district's assistant superintendent for finance and operations and food service coordinator to get their feedback about making the switch. Both individuals gave their support for moving to the PRESS version.

The only potential issue the team identified with making the switch to the PRESS version was the concern some people might have about the absence of the following sentence regarding the “food waiver” that is featured in the current version of the policy.

“No foods or beverages are to be sold during food-service hours/meal periods other than those associated with the District's food-service program, or those sold with the approval of the Superintendent or designee and in conjunction with the waiver granted by the Illinois School Board of Education that permits a modification of the rules governing School Food Services.”

The team believed the concern was adequately addressed in the final sentence of the PRESS version, which allows for food and beverages to be sold in competition with our breakfast and lunch programs. However, while the board expressed comfort with switching to the PRESS version, it felt it was critical to keep the “food waiver” language somewhere in the policy because it provided stakeholders with clarity regarding the competitive sale of food during lunch periods at the middle schools. With this in mind, the board asked the team to work with PRESS to:

- Identify the best place to insert the waiver language in the PRESS version of the policy. This language would include the expiration date for the waiver, as well as a clear statement of the district’s intent not to renew the waiver when it expires.
- Determine if adding the language would prevent PRESS from being able to support the policy if someone challenged it from a legal standpoint.

Chris Jasculca worked with Anna Lovern from PRESS on both of the board’s requests. In terms of the best place to insert the waiver language in the PRESS version of the policy, Lovern suggested it be added to the end of the first paragraph, which addresses “the type and amounts of food and beverages sold to students before school and during the regular school day in any school that participates in the School Breakfast Program or the National School Lunch Program.” Adding the language to that paragraph would change it from:

“Good nutrition shall be promoted in the District’s meal programs and in other food and beverages that are sold to students during the school day. The Superintendent shall manage a food service program that complies with this policy and is in alignment with School Board policy 6:50, *School Wellness*. Food or beverage items sold to students as part of a reimbursable meal under the School Breakfast Program or the National School Lunch Program must consist of nutritious, well-balanced, and age-appropriate meals that reflect food and nutrition requirements specified by the U.S. Dept. of Agriculture. The type and amounts of food and beverages sold to students before school and during the regular school day in any school that participates in the School Breakfast Program or the National School Lunch Program shall comply with any applicable mandates in the Illinois State Board of Education’s School Food Service rule and the federal rules implementing the National School Lunch Act and Child Nutrition Act.”

to:

“Good nutrition shall be promoted in the District’s meal programs and in other food and beverages that are sold to students during the school day. The Superintendent shall manage a food service program that complies with this policy and is in alignment with School Board policy 6:50, *School Wellness*. Food or beverage items sold to students as part of a reimbursable meal under the School Breakfast Program or the National School Lunch Program must consist of nutritious, well-balanced, and age-appropriate meals that reflect food and nutrition requirements specified by the U.S. Dept. of Agriculture. The type and amounts of food and beverages sold to students before school and during the regular school day in any school that participates in the School Breakfast Program or the National School Lunch Program shall comply with any applicable mandates in the Illinois State Board of Education’s School Food Service rule and the federal rules implementing the National School Lunch Act and Child Nutrition Act. **No foods or beverages are to be sold during food-service hours/meal periods other than those associated with the District’s food-service program, or those sold with the approval of the Superintendent or designee and in conjunction with the waiver granted by the Illinois School Board of Education that permits a modification of the rules governing School Food Services. The waiver will expire following the 2016-17 school year and will not be renewed by the district.**”

As for whether the addition of the waiver language would prevent PRESS from being able to support the policy if someone challenged it from a legal standpoint, Lovern said the following:

“If language we offer in a policy is challenged, we are usually asked to write amicus briefs in support of the policy, and school attorneys use our legal department as a resource. That would not apply to any language added by your district, but would apply to the remainder of the policy.”

Since adding the waiver language would not adversely affect PRESS’ ability to support the policy if someone challenged it from a legal standpoint, the policy review team is recommending that the board adopt the PRESS version of the policy with the two sentences about the waiver added to the end of the first paragraph as stated above.

- **Policy 5:240 (Suspension)** – Based on feedback it received, Policy Reference Education Subscription Service (PRESS) updated the policy to include language that gives the superintendent or designee the authority to begin proceedings to suspend a professional staff member without pay. In the footnotes that correspond with the policy, PRESS states the following:

“A difference of opinion exists among attorneys concerning whether a board is permitted to authorize the superintendent to suspend teachers without pay. Some attorneys believe such a delegation is void because of the language in 105 ILCS 5/24-12(d)(1). Others believe that a board may delegate the authority to the superintendent to suspend teachers without pay as a disciplinary measure as opposed to pending a dismissal hearing. Contact the board attorney for advice if the board wants to authorize the superintendent to suspend professional employees without pay.”

During its review/discussion of the policies on May 13, the board, with the support of the superintendent, decided it would maintain sole authority to begin proceedings to suspend a professional staff member without pay. Therefore, the policy will remain unchanged.

Additional information about the policy review and discussion that took place on May 13 can be accessed by visiting <https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000357&mk=50115253>.

Attached are the policies that are being presented to the board tonight for adoption.

Attachments:

- Policy 2:30 – School District Elections
- Policy 2:110 – Qualifications, Term, and Duties of Board Officers
- Policy 4:30 – Revenue and Investments
- Policy 4:120 – Food Services
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