

School Board

Exhibit - Waiver and Modification Request Process

Requesting Exemption from Unfunded Mandate in Accordance with Section 22-60

Actor	Action
<p>Superintendent or designee</p>	<p>Identifies, as appropriate, unfunded or under-funded: (1) mandates in the School Code enacted after 8-20-2010, or (2) regulatory mandates promulgated by ISBE and adopted by rule after 8-20-2010, other than those promulgated with respect to 105 ILCS 5/22-60 or statutes already enacted on or before 8-20-2010. 105 ILCS 5/22-60, added by P.A. 96-1441.</p> <p>Considers:</p> <ol style="list-style-type: none"> 1. Whether the significance of the unfunded or under-funded mandate justifies the effort needed to seek an exemption, and 2. The advisability of simultaneously seeking a waiver or modification using Section 2-3.25g. <p>Informs the School Board of the above and recommends whether to petition the District’s Regional Superintendent or a Suburban Cook County Intermediate Service Center, whichever is appropriate, to request exemption from implementing the mandate in school(s) in the next school year.</p> <p>105 ILCS 5/2-3.62, amended by P.A. 96-893, abolished the Regional Office of Education for Suburban Cook County and transferred its powers and duties to the respective Intermediate Service Center for each Suburban Cook County district.</p>
<p>School Board</p>	<p>Agrees with or rejects the Superintendent’s recommendation. While no Board action is statutorily required before petitioning to discontinue or modify a mandate, Board approval is consistent with good governance principles.</p>
<p>Superintendent or designee</p>	<p>On or before February 15, petitions the District’s Regional Superintendent or Intermediate Service Center, whichever is applicable, to request exemption from implementing the mandate in the next school year.</p> <p>The petition must include all legitimate costs associated with implementing and operating the mandate, the estimated reimbursement from State and federal sources, and any unique, verifiable circumstances that would cause the mandate’s implementation and operation to be cost prohibitive.</p>
<p>Regional Superintendent</p>	<p>Reviews the petition.</p> <p>Convenes a public hearing to hear testimony from the District and interested community members.</p> <p>On or before March 15, informs the District of his or her decision, along with the reasons why the exemption was granted or denied, in</p>

Actor	Action
	writing.
Superintendent or designee	If granted, manages the exemption. If denied, implements the mandate in accordance with the applicable law or rule by the first student attendance day of the next school year.
District or District resident	On or before April 15, may appeal the decision of the Regional Superintendent or Suburban Cook County Intermediate Service Center to the State Superintendent of Education. The State Superintendent must hear appeals no later than May 15.
Superintendent or designee	If the District discontinues or modifies a mandated activity due to lack of full funding, annually maintains and updates a list of discontinued or modified mandates and provides the list to ISBE upon request.

Requesting a Waiver or Modification of ISBE Rules or School Code Mandates in Accordance with Section 2-3.25g 1

Actor	Action
Superintendent or designee	<p>Consults ISBE’s rule and resources: ISBE rule: 23 Ill.Admin.Code §1.100 ISBE waivers page: www.isbe.net/isbewaivers/default.htm Waiver overview: www.isbe.net/isbewaivers/html/overview.htm Instructions: www.isbe.net/isbewaivers/html/application.htm Application form: www.isbe.net/isbewaivers/pdf/33-77_waiver_application.pdf</p> <p>Develops a plan supporting a waiver or modification request that meets the criteria contained in 105 ILCS 5/2-3.25g, amended by P.A. 96-861.</p> <p>An approved waiver or modification (except a waiver from or modification to a physical education mandate) may: (a) remain in effect for 5 school years and may be renewed upon a new application, and (b) be changed within that 5-year period by the Board using the procedure for an initial waiver or modification request.</p> <p>An approved waiver from or modification to a physical education mandate may: (a) remain in effect for 2 school years and may be renewed no more than 2 times, and (b) be changed within the 2-year period by the Board using the procedure for the initial waiver or modification request.</p> <p>Based on the plan, completes ISBE’s preliminary application form.</p>

¹ This process is essentially identical for school districts, joint agreements made up of school districts, and regional superintendents on behalf of schools and programs operated by the regional office of education (105 ILCS 5/2-3.25g; 23 Ill.Admin.Code §1.100).

Actor	Action
	<p>Districts may petition ISBE for a waiver or modification of the mandates in the School Code or ISBE administrative rules.</p> <p>For a waiver or modification of administrative rules or modification of Code mandates, the District must demonstrate that: (1) it can address the intent of the rule or mandate in a more effective, efficient, or economical manner, or (2) a waiver or modification of the rule or mandate is necessary to stimulate innovation or improve student performance.</p> <p>For a waiver of mandates in the School Code, a District must demonstrate that the waiver is necessary to stimulate innovation or improve student performance. Section 2-3.25g, amended by P.A. 96-861, lists mandates from which districts may not seek a waiver or modification.</p> <p>Identifies a date for a public hearing on the proposed waiver or modification request. If the request concerns a waiver or modification of Section 27-6 of the School Code, (physical education requirements) the public hearing must be held on a day <i>other than</i> on which a regular School Board meeting is held.</p> <p>Publishes a notice in a newspaper of general circulation within the District of the date, time, place, and general subject matter of a public hearing on the proposed waiver or modification request. This notice must be published at least 7 days before the hearing.</p> <p>If there is no newspaper published in the county, notice is given in a secular newspaper published in an adjoining county having general circulation within the District. 715 ILCS 5/2, amended by P.A. 96-1144.</p> <p>Makes all arrangements for the Board to hold a properly noticed meeting.</p> <p>Notifies in writing all affected exclusive bargaining agents, as well as those State legislators representing the District, of the public hearing concerning the District's intent to seek a waiver or modification.</p>
School Board	<p>Holds a public hearing in an open meeting on the waiver or modification. Staff directly involved in its implementation, parents, and students must be allowed to testify. The time period for testimony must be separate from the time period set aside for public comment.</p> <p>On the hearing date or in a subsequent open meeting, deliberates on the draft plan and application supporting a waiver or modification request; decides whether to approve the plan and application as amended to include a description of the public hearing.</p> <p>A request for a waiver or modification of ISBE rules or for a modification of a mandate contained in the School Code must include a description of the public hearing.</p> <p>A request for waiver from a mandate contained in the School Code must also include a description of the public hearing, including the means of notice, the number of people in attendance, the number of</p>

Actor	Action
	<p>people who spoke as proponents or opponents, a brief description of their comments, and whether there were any written statements submitted.</p> <p>Either attests or authorizes the Superintendent to attest to compliance with all of the notification and procedural requirements.</p>
Superintendent or designee	Within 15 days after approval by the Board, submits the application to ISBE by certified mail, return receipt requested.
ISBE <i>For requests concerning a rule or a modification of the School Code</i>	<p>No action is required to approve a requested waiver or modification. Disapproval of a request must occur within 45 days following its receipt.</p> <p>Files a report concerning any District appeal of requests disapproved by ISBE with the Senate and House of Representatives by March 1 and October 1 each year.</p>
School Board <i>For requests concerning a rule or a modification of the School Code</i>	To appeal disapproval by ISBE of a request, notifies ISBE that the District is appealing the disapproval to the General Assembly.
ISBE <i>For requests of a waiver from a mandate in the School Code</i>	Reviews applications for completeness and files a report with Senate and House of Representatives by March 1 and October 1 each year.
General Assembly	<p>No action is required to approve a waiver or appealed request. Disapproval of a request or appealed request must occur within 60 days after each house of the legislature next convenes after the report is filed by adoption of a resolution by a record vote of the majority of members elected in each house.</p>
School Board	May seek to renew an approved waiver or modification.

Holding School Events or Activities on School Holidays as Authorized by Section 24-2(b)

Actor	Action
Superintendent or designee	<p>If appropriate, recommends that the Board use the authority in 105 ILCS 5/24-2(b), added by P.A. 96-640, to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on:</p> <ol style="list-style-type: none"> 1. The third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); 2. February 12 (the Birthday of President Abraham Lincoln); 3. The first Monday in March (known as Casimir Pulaski's Birthday); 4. The second Monday in October (Columbus Day); and/or 5. November 11 (Veterans' Day). <p>Prepares a proposal for recognizing the person(s) honored by the holiday through instructional activities conducted on that day or, if the</p>

Actor	Action
	<p>day is not used for student attendance, on the first school day preceding or following that day. Aligns this proposal with Board policies 5:200, <i>Terms and Conditions of Employment and Dismissal</i>; 5:330, <i>Sick Days, Vacation, Holidays, and Leaves</i>; and 6:20, <i>School Year Calendar and Day</i>.</p>
School Board	<p>If the Board accepts the Superintendent's recommendation, holds a public hearing on the proposal.</p> <p>The District must provide notice preceding the public hearing to both educators and parents. The notice must set forth the time, date, and place of the hearing, describe the proposal, and indicate that the District will take testimony from educators and parents about the proposal.</p>

School Board

Communications To and From the Board ¹

The School Board welcomes communications from the community. Staff members, parents, and community members should submit questions or communications for the School Board's consideration to the Superintendent. ² The Superintendent shall provide the Board with a summary of these questions or communications and provide, as appropriate, his or her feedback regarding the matter. If contacted individually, Board members will refer the person to the appropriate level of authority, except in unusual situations. Board members' questions or communications to staff or about programs will be channeled through the Superintendent's office. Board members will not take private action that might compromise the Board or District. There is no expectation of privacy for any communication sent to the Board or its members individually, whether sent by letter, email, or other means.

Board Member Use of Electronic Communications ³

For purposes of this section, *electronic communications* includes, without limitation, electronic mail, electronic chat, instant messaging, texting, and any form of social networking. ⁴ Electronic communications to, by, and among Board members, in their capacity as Board members, shall not be used for the purpose of discussing District business. Electronic communications among Board members shall be limited to: ⁵ (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. Electronic communications may contain:

- Agenda item suggestions
- Reminders regarding meeting times, dates, and places
- Board meeting agendas or information concerning agenda items

¹ State law controls the portion of this policy concerning board member use of electronic communications.

The first paragraph is a matter of local board discretion; however, as presented, it is in alignment with the IASB's *Foundational Principles of Effective Governance*, available at: www.iasb.com/principles_popup.cfm.

² As an alternative for a board that wants its board president to accept questions or communications, replace "Superintendent" with "Board President who will inform the Board."

A board may also want to insert the following optional sentence to inform the community why some communications or questions may ultimately be referred to the superintendent:

The Board President will direct questions or communications regarding staff or programs to the Superintendent.

³ With some exceptions, the Open Meetings Act requires that a board conduct its deliberations and business during meetings that the public may attend. A meeting means "any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business." ⁵ ILCS 120/1.02. Thus, any electronic communication discussing district business that circulates among a majority of a quorum of the board may qualify as a meeting for purposes of the Open Meetings Act and may be illegal. A violation of the Open Meetings Act is a Class C misdemeanor (5 ILCS 120/4).

Electronic communications, most commonly email messages, between or among board members need not be preserved. The Local Records Act, 50 ILCS 205/, governs retention of district records; its definition of "public record" is narrower than the definition in the Freedom of Information Act. These communications must be retained only when they contain: (1) evidence of the district's organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. While this is a slippery slope without definitive parameters, electronic communication among board members that is permissible under this policy may generally be deleted; consult the board's attorney for a more thorough analysis and a legal opinion.

⁴ This sample *electronic communications* definition is optional and may be amended to reflect other recent methods of electronic communication. It uses the statutory examples given for the term *electronic means* at 5 ILCS 120.1.02 (see f/n 3 above) along with more recent general terms for methods of electronic and contemporaneous interactive communications.

⁵ Complying with these restrictions will help avoid an Open Meetings Act violation.

- Individual responses to questions posed by community members, subject to the other limitations in this policy

LEGAL REF.: 5 ILCS 120/.

CROSS REF.: 2:220 (School Board Meeting Procedure), 3:30 (Chain of Command), 8:110 (Public Suggestions and Concerns)

School Board

Administrative Procedure - Superintendent Committees

The Superintendent creates Superintendent committees as deemed necessary, makes all appointments, and directs all activities. Superintendent committees report to the Superintendent. ¹ The listed Superintendent committees are optional, unless otherwise indicated, and include:

Communicable and Chronic Infectious Disease Program Task Force

This task force assists in the development and review of a chronic and infectious disease program consistent with the District's policies and State and federal laws and regulations. Appointments are made to the task force only if the Superintendent determines that its input is desirable. See policies 5:40, *General Personnel - Communicable and Chronic Infectious Disease*; and 7:280, *Students - Communicable and Chronic Infectious Disease*.

Task force members include the Superintendent or designee, school medical advisor, a school nurse, and representatives from the School Board, local health department, PTA, the professional staff, and other employee groups.

Communicable and Chronic Infectious Disease Review Team

This review team monitors those employees and students who have a communicable and chronic infectious disease, and:

1. Reviews individual medical case histories.
2. Recommends the most appropriate educational setting for a student, that may include temporary removal from and return to the regular educational setting.
3. Recommends the most appropriate work setting for an employee; this may include retention in his/her present position, transfer to another position, or temporarily excused from or returned to his/her work assignment.

Team members include the District's medical advisor, a school nurse, the Building Principal, and the Superintendent or designee.

The review team is guided by the Board's policies, Illinois Department of Public Health rules and regulations, and all other applicable State and federal laws. See also policies 5:40, *Communicable and Chronic Infectious Disease*, and 7:280, *Students - Communicable and Chronic Infectious Disease*. The review team consults the employee's or the student's personal physician and local health department officials before making any recommendations.

The Communicable and Chronic Infectious Disease Review Team respects the privacy rights of each employee and student and takes such precautions as may be necessary to secure confidentiality.

¹ Superintendent committees are generally not governed by the Open Meetings Act, but the operation and function of specific committees may make the Act applicable. For example, any committee, whether superintendent or board, having as members at least a majority of the quorum (3 out of 7) of the board, will be subject to the Open Meetings Act (5 ILCS 120/1.02). Factors to determine whether a committee is governed by the Open Meetings Act include "who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's bylaws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes." University Professionals v. Stukel, 801 N.E.2d 1054 (Ill.App.1, 2003).

Food Allergy Management Committee

This committee develops and implements the District's Food Allergy Management Program. It monitors the program for effectiveness and establishes a schedule for the Superintendent to report this information back to the Board. See policy 7:285, *Food Allergy Management Program*, which is based upon the *ISBE/IDPH Guidelines* at:

www.isbe.net/nutrition/pdf/food_allergy_guidelines.pdf.

Committee members include District-level administrators, Building Principals, the District Safety Team Program Coordinator (see 4:170-AP1, *Administrative Procedure - Comprehensive Safety and Crisis Program*, Part A, Safety Team), District 504 Coordinator (see 6:120, *Education of Children with Disabilities*), staff members, parents/guardians, community members, and students.

Employee Drug Abuse Committee

This committee makes recommendations regarding employee drug abuse, and:

1. Cooperates with community and State agencies on drug abuse programs.
2. Gathers information about drug abuse and suggests methods to disseminate it to staff.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration the Board's obligation to provide a safe environment and to ensure high quality performance.
5. Recommends a method to explicitly inform employees of District policy and the consequences of drug abuse.

Committee members include the Superintendent or designee, the District's medical advisor, and employee representatives from both professional and educational support personnel. The committee is guided by Board policies, administrative procedures, and relevant State and federal statutes. See policy 5:50, *Drug- and Alcohol-Free Workplace*.

Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and community. See policy 4:180, *Pandemic Preparedness*, and 4:180-AP1, *Administrative Procedure - School Action Steps for Pandemic Influenza*.

Team members include one or two Board members, 2 administrators, and staff members.

Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent on prevention, intervention, and education. Committee members may include community representatives, District administrators, teachers, and students. See policies 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 7:10, *Equal Educational Opportunities*; and 7:20, *Harassment of Students Prohibited*.

Targeted School Violence Prevention Team

This team supports the development of a Targeted School Violence Prevention Plan to identify, assess, and manage threatening communications and situations, and it oversees the District's Targeted School Violence Prevention Program. See 4:170, *Safety*; and 4:170-AP7, *Administrative Procedure - Targeted School Violence Prevention Program*.

² Id.

Team members must include building principals. Other team members may include the District's Safety Team Program Coordinator (see 4:170-AP1, *Administrative Procedure - Comprehensive Safety and Crisis Program*, Part A, Safety Team), law enforcement representatives, Board attorney, District psychologist(s), mental health workers and/or social service agencies, faith leaders, community members, and students.

Title I Advisory Committee 3

This committee is required if the District receives or desires to receive Title I funds. See policy 6:170, *Title I Programs*; 20 U.S.C. §6312; 34 C.F.R. §§200.41, 200.50, and 200.52(a)(1); and 105 ILCS 5/2-3.25d (for Illinois requirements). The committee supports the development and implementation of the District's Title I plan. Its activities may include, at the Superintendent's directive:

1. Facilitating the active involvement of parents/guardians in their children's academic success by such activities as coordinating Title I parent-teacher conferences, providing information to help parents/guardians assist their children, coordinating volunteer or paid participation by parents/guardians in school activities, and establishing a process to respond to parents/guardians' inquiries and recommendations.
 2. Distributing Title I informational materials.
 3. Preparing and monitoring revised School Improvement Plan(s).
 4. Supporting the implementation of Board policy 6:170, *Title I Programs*.
- Committee members include parents/guardians and teachers of Title I children.

³ Delete this committee if the district does not receive Title I funds.

School Board

Exhibit - PRESS Issue Updates

This procedure is for **PRESS** subscribers. For subscribers to **PRESS-Plus**, IASB’s full maintenance policy update service, the update instructions that arrive with a paid **PRESS-Plus** subscription provide further guidance.

Actor	Action
Superintendent	<p>Manages the process for the Board to receive PRESS updates to policies.</p> <p>Manages the Board’s compliance with the Open Meetings Act. Ensures that, as appropriate, the agendas for the Board Policy Committee and School Board include discussion and action to consider, adopt, or revise Board policies.</p> <p>Manages the process for approving new or revised administrative procedures, and changes to employee and student handbooks.</p> <p>Communicates all policy and procedure revisions or adoptions as appropriate to staff members, parents, students, and community members.</p>
Designated support staff	<p>To each member of the Policy Committee (or full Board): Emails or otherwise distributes a copy of the following:</p> <ol style="list-style-type: none"> 1. PRESS Update Memo, unless a copy was already provided. 2. Committee worksheets, available at www.IASB.com/policy, and 3. Current District policy in relevant areas. <p>To any other interested school official: Emails or otherwise distributes the PRESS Update Memo (describes the current PRESS issue) to each Board member or other interested school official who has not already received a copy. It is available online at www.IASB.com/policy.</p> <p>As appropriate, includes new and revised policies in the Board meeting packets.</p> <p>After a policy is adopted or revised, updates the District’s policy manual master electronic file and adds adoption dates.</p> <p>Archives old policy.</p> <p>Follows district process for updating paper and online manuals.</p>
Policy Committee (or Full Board)	<p>Considers each PRESS update. Reviews footnote changes.</p> <p>Decides which changes require School Board discussion and which are appropriate as consent agenda items.</p> <p style="padding-left: 40px;">The following are appropriate for the consent agenda: changes to the Legal References and Cross References, and minor policy edits that do not require Board discussion.</p> <p>Requests review of recommended revisions by the Board Attorney, as appropriate.</p>

Actor	Action
	Presents recommendations regarding PRESS updates to the Board at a regularly scheduled meeting.
Full Board	<p>Conducts a first reading of the policies that are recommended to be updated.</p> <p>During the next regular meeting, conducts a second reading.</p> <p>A second reading allows the Board to hear feedback from interested parties, including staff, parents, students, and community members; however, State law does not require two readings.</p>
Assistant Superintendents, Directors, and Building Principals	Reads adopted policies and follows the Superintendent's process for updating administrative procedures, and changes to employee and student handbooks within their assigned building(s).
Anyone	For further clarification, views the 8-minute online tutorial, available at www.iasb.com/policy , behind the log-in screen.

School Board

Exhibit - Developing Local Policy

Actor	Action
Anyone (Superintendent, School Board member, staff, parent, student, community member, or Board Attorney)	Brings a concern that may necessitate a new policy or a current policy's revision to the attention of the School Board.
Policy Committee (or Full Board)	<p>First, answers these questions to decide whether new policy language is needed:</p> <ol style="list-style-type: none"> 1. Does the IASB Policy Reference Manual provide guidance? 2. Is the request something that should be covered in policy (i.e., Board work) or is it something that should be handled by the staff (i.e., staff work)? 3. Is it already covered in policy? Checks for policies that cover similar or connected topics using tools such as search engines, cross references, and indexes. <p>Second, uses a 4-step process to draft new policy language:</p> <ol style="list-style-type: none"> 1. Frames the question and discusses the topic. 2. Requests the Superintendent to provide research, including appropriate data, and input from others, such as, those who may be affected by the policy and those who will implement the policy. 3. Assesses existing policy and decides whether new or revised policy language is needed. 4. Drafts or requests the Superintendent or Board Attorney to draft, language addressing the concern that aligns with the Board's mission, vision, goals, and objectives. <p>Third, decides whether the new language should be included in an existing policy or added as a new policy. Assigns any new policy an appropriate location and number.</p> <p>The PRESS coding system reserves policy numbers ending in a '0' and '5' for PRESS material. Local districts are encouraged to use policy numbers ending in even numbers other than '0'.</p>
Full Board	<p>Conducts a first reading of the policy that is recommended for adoption or revision.</p> <p>During the next regular meeting, conducts a second reading.</p> <p>A second reading allows the Board to hear feedback from interested parties, including staff, parents, students, and community members; however, State law does not require two readings.</p>
Superintendent	<p>Confers with the Board Attorney as appropriate.</p> <p>Manages the Board's compliance with the Open Meetings Act.</p>

Actor	Action
	<p>Ensures that, as appropriate, the agendas for the Board Policy Committee and School Board include discussion and action to consider, adopt, or revise Board policies.</p> <p>Manages the process for approving new or revised administrative procedures, and revisions to employee and student handbooks.</p> <p>Communicates all policy and procedure revisions or adoptions as appropriate to staff members, parents, students, and community members.</p>
Designated support staff	<p>After a policy is adopted or revised, updates the District’s policy manual master electronic file and adds adoption dates.</p> <p>Archives “old” policy.</p> <p>Follows district process for updating paper and online manuals.</p>
Assistant Superintendents, Directors, and Building Principals	<p>Reads the adopted policy and follows the Superintendent’s process for updating administrative procedures, and changes to employee and student handbooks within their assigned building(s).</p>

School Board

Exhibit - Policy Manual Updates

Date _____

Policy Manual Holder: _____

Following are the recent School Board policy updates enacted by the Board. Please take a moment to update your manual copy, and sign and return the attached slip to _____.
designated support staff

Code	Policy Title	Action

Return Slip

Please complete the following information and return to _____ within two weeks.
designated support staff

Location of Policy Manual _____

Signature of person responsible for updating _____

Date update was completed _____

Thank you for your cooperation.

School Board

Access to District Public Records ¹

Full access to the District's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures.

Freedom of Information Officer ²

The Superintendent shall serve as the District's Freedom of Information Officer and is assigned all the duties and powers of that office as provided in FOIA and this policy. The Superintendent may delegate these duties and powers to one or more designees but the delegation shall not relieve the Superintendent of the responsibility for the action that was delegated. The Superintendent or designee(s) shall report any FOIA requests and the status of the District's response to the Board at each regular Board meeting.

Definition ³

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

Requesting Records ⁴

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

¹ The Illinois Freedom of Information Act (FOIA) governs the subject matter in this policy (5 ILCS 140/, amended by P.A. 96-542). Two laws limit the disclosure of employee performance evaluations (see fn 6). State law does not explicitly require boards to adopt a policy on access to their records. However, a board policy is the logical instrument to memorialize the actions that are required to implement FOIA.

² Each board must designate one or more official(s) or employee(s) to act as its freedom of information officer(s) (5 ILCS 140/3.5, added by P.A. 96-542). Amend this sentence to identify by job title the freedom of information officer or use one of the following:

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

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

The School Code requires the FOIA report described in the second sentence of this section (105 ILCS 5/10-16); it is optional, however, for districts governed by a board of school directors.

³ The definition is quoted from 5 ILCS 140/2(c), amended by P.A. 96-542. Substitute the following alternative for this paragraph if desired: "The definition of *public records*, for purposes of this policy, is the definition contained in Section 2(c) of FOIA without amendment."

⁴ This section restates 5 ILCS 140/3(c), amended by P.A. 96-542. Districts may, but are not required to, accept oral requests. Compliance with an oral request may stave off the formal written request and permit more flexibility in the response. Add this option if the district wants to accept oral requests: "Oral requests may be accepted provided personnel are available to handle them." The response to an oral request should be documented. Districts may provide a request form for convenience but may not require its use. See 2:250-E1, *Written Request for District Records*.

Responding to Requests

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

1. The requested material does not exist; ⁵
2. The requested material is exempt from inspection and copying by the Freedom of Information Act; ⁶ or
3. Complying with the request would be unduly burdensome. ⁷

Within 5 business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA. The Freedom of Information Officer may extend the time for a response for up to 5 business days from the original due date. If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the delay, and (2) either inform the person of the date on which a response will be made or agree with the person in writing on a compliance period. ⁸

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request. ⁹

Copying Fees ¹⁰

Persons making a request for copies of public records must pay any applicable copying fee. The Freedom of Information Officer shall, as needed, recommend a copying fee schedule for the Board's approval. Copying fees, except when fixed by statute, are reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. No fees shall be charged for the first 50 pages of black and white, letter

⁵ FOIA does not require a public body to create a record (5 ILCS 140/1).

⁶ 5 ILCS 140/7 and 140/7.5, amended/added by P.A. 96-542, describe numerous explicit exceptions to the presumption that all public records are available for public inspection. Each record is "presumed to be open to inspection or copying" and the district will have "the burden of proving by clear and convincing evidence that it is exempt," (5 ILCS 140/1.2 and 140/11(f), added/amended by P.A. 96-542). A person who prevails in a court proceeding to enforce FOIA will be awarded attorney fees; the public body may incur a civil penalty of between \$2,500 and \$5,000 for a willful or intentional violation of FOIA or other action in bad faith (5 ILCS 140/11(i) and (j), amended by P.A. 96-542). School officials should seek the board attorney's advice concerning the denial of a record request.

Two State laws limit the disclosure of employee personnel evaluations:

1. The Personnel Record Review Act prohibits the disclosure of performance evaluations (820 ILCS 40/11, amended by P.A. 96-1483).
2. The School Code prohibits the disclosure of public school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws (105 ILCS 5/24A-7.1, added by P.A. 96-861).

Appellate decisions from the former FOIA may be, but are not necessarily, relevant to several exemptions. See Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App.1, 2002)(student records are *per se* prohibited from disclosure); Copley Press, Inc. v. Peoria Sch. Dist., 834 N.E.2d 558 (Ill.App.3, 2005)(upheld a board's denial of a request for the superintendent's evaluation); and Gekas v. Williamson, 912 N.E.2d 347 (Ill.App.4, 2009)(all investigatory records for an employee are disclosable, despite a finding that the allegations were unfounded and no discipline was imposed).

⁷ 5 ILCS 140/3(g), amended by P.A. 96-542.

⁸ 5 ILCS 140/3(e) and (f), amended by P.A. 96-542.

⁹ 5 ILCS 140/7, amended by P.A. 96-542. Redacting exempt portions is permitted, but not required, except that contractors' employees' address, telephone numbers, and social security numbers must be redacted before disclosure (5 ILCS 140/2.10, amended by P.A. 96-542). Reviewing past responses to FOIA requests will promote uniform treatment of requests for similar records.

¹⁰ 5 ILCS 140/6, amended by P.A. 96-542. The statute contains additional limitations on fees, including a prohibition on charging for the costs of any search for and review of the records or other personnel costs. The fee for black and white, letter or legal sized copies may not exceed 15 cents per page.

or legal sized copies. No fee shall be charged for electronic copies other than the actual cost of the recording medium.

Access 11

The inspection and copying of a public record that is the subject of an approved access request is permitted at the District's administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer.

Many public records are immediately available from the District's website including, but not limited to, a description of the District and the methods for requesting a public record. 12

Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the District's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g. a litigation hold), District auditor, or other individual authorized by the School Board or State or federal law to make such a request. 13 Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by

11 Public bodies may adopt rules for the time and places where records will be made available (5 ILCS 140/3(h), amended by P.A. 96-542). Amend this sentence to reflect where records will be made available.

12 Web-posting of high-interest records is an easy way to reduce paperwork. FOIA requires that the records identified in this sentence be posted at each administrative office, made available for copying, and posted on the district website, if any (5 ILCS 140/4, amended by P.A. 96-542). Many other records are required to be web-posted and this sentence may be amended to include them. If the district does not have a website, change this sentence as follows: "Some public records are available for immediate access including a description of the District and the methods for requesting a public record, and a list of all types or categories of records under its control." For a list of required web-postings, see exhibit 2:250-E2, *Immediately Available District Public Records*. Using the district's website is also a convenient way to comply with FOIA's requirement to identify documents that are *immediately* available (5 ILCS 140/3.5(a), added by P.A. 96-542). However, lawyers disagree as to whether having material web-posted suffices for having it *immediately* available without also having printed copies on-hand to distribute *immediately* on request. Although not required to be web-posted, a list of all types or categories of records under its control must be prepared and made available (5 ILCS 140/5). See 2:250-AP1, *Access to and Copying of District Public Records*.

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

Categorizing email messages is complicated because two laws apply and the rules differ when a board member is a party. See sample policy 2:140, *Communications To and From the Board*, for a discussion of email between or among board members. When employees or agents are using email for school purposes, the email messages may be *public records*, but will not necessarily be subject to disclosure depending on the topic discussed. FOIA's list of exemptions from disclosure determines whether these emails are subject to disclosure. For exemptions, see 5 ILCS 140/7 and 140/7.5, amended/added by P.A. 96-542.

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

The Prevailing Wage Act (820 ILCS 130/5) requires contractors, while participating on public works, to keep records of all laborers, mechanics, and other workers employed by them on the project and to submit this record monthly to the public body. The public body in charge of the project must keep these records for a period of not less than 3 years. These records must be made available in accordance with FOIA except that contractors' employees' address, telephone numbers, and social security numbers must be redacted before disclosure (5 ILCS 140/2.10, amended by P.A. 96-542).

the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission. **14**

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

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

14 50 ILCS 205/. Preservation and destruction of documents is covered in 2:250-AP-2, *Protocols for Record Preservation and Development of Retention Schedules*. See also the Ill. Secretary of State's website for information on preserving and destroying records, www.cyberdriveillinois.com/departments/archives/records_management/recman.html.

School Board

Administrative Procedure - Access to and Copying of District Public Records

Actor	Action
<p>School Board</p>	<p>Appoints, or designates the Superintendent to appoint, a Freedom of Information Officer to perform the duties of that office as specified in the Freedom of Information Act (FOIA) and is responsible for managing the District’s compliance with FOIA.</p> <p>Determines from time-to-time by Board resolution:</p> <ol style="list-style-type: none"> 1. Copying fees that are reasonably calculated to reimburse the District for the actual costs of reproducing and certifying the records. 2. The amount by which copy fees will be reduced if the person making the request states a specific purpose for the request that is in the public interest (5 ILCS 140/6). A request is in the <i>public interest</i> if its purpose is to access and disseminate information regarding the health, safety and welfare, or the legal rights of the general public, and is not for the principal purpose of personal or commercial benefit. In setting the reduction, the Board may consider the amount of materials requested and the cost of copying them. <p>Monitors full compliance with FOIA and Board policy 2:250, <i>Access to District Public Records</i>.</p> <p>Budgets sufficient resources to enable full compliance with FOIA.</p> <p>Receives the report from the Superintendent during regular meetings concerning each FOIA request and the status of the District’s response. 105 ILCS 5/10-16.</p>
<p>Freedom of Information Officer</p>	<p><u>Manages FOIA compliance</u></p> <p>Manages the District’s compliance with FOIA, 5 ILCS 140/, and performs the following duties as specified in FOIA, 5 ILCS 140/3.5:</p> <ol style="list-style-type: none"> 1. Receives FOIA requests, ensures that the District responds to requests in a timely fashion, and issues responses under FOIA. 2. Develops a list of documents or categories of records that will be immediately disclosed upon request. See 2:250-E2, <i>Immediately Available Public Records</i>. 3. Upon receiving a request for a public record, (a) notes the date the District receives the written request; (b) computes the day on which the period for response will expire and makes a notation of that date on the written request; (c) maintains an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and (d) creates a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications. <p>Identifies other staff members to assist with FOIA compliance and</p>

Actor	Action
	<p>delegates specific responsibilities to them. These individuals may include the information technology specialist and department heads.</p> <p>Informs and/or trains staff members concerning their respective responsibilities regarding FOIA. This includes explaining the requirement that all FOIA requests must be immediately forwarded to the Freedom of Information Officer including those that are received via email.</p> <p><u>Training requirements</u></p> <p>Successfully completes the annual training program developed by the Public Access Counselor in the Attorney General's office. Each newly appointed Freedom of Information Officer must successfully complete the training program within 30 days after assuming the position.</p> <p><u>Posting and availability requirements</u></p> <p>Prominently displays at each administrative office and school, and posts on the District website, if any, the following: (1) a brief description of the District, and (2) the methods for requesting information and District public records, directory information listing the Freedom of Information officer and where requests for public records should be directed, and any fees. 5 ILCS 140/4. This information must be copied and mailed if requested. <u>Id.</u></p> <p>Maintains and makes available for inspection and copying a reasonably current list of all types or categories of records under the District's control. 5 ILCS 140/5. The following list contains both exempt and non-exempt records:</p> <ul style="list-style-type: none"> Board governance <ul style="list-style-type: none"> Includes: Board meeting calendar and notices, Board meeting agendas and minutes, Board policy Fiscal and business management <ul style="list-style-type: none"> Includes: levy resolution and certificate of tax levy, audit, line-item budget, grant documents, account statements, accounts payable list, contracts, legal notices, bidding specifications, requests for proposals Personnel <ul style="list-style-type: none"> Includes: employee contact information, salary schedules, staff handbook, collective bargaining agreements, personnel file material Students and instruction <ul style="list-style-type: none"> Includes: accountability documents, calendars, student handbooks, learning outcomes, student school records <p><u>Copying fees</u></p> <p>Recommends a copying fee schedule to the Board from time-to-time as appropriate that complies with 5 ILCS 140/6, including the following:</p> <ol style="list-style-type: none"> 1. The copying fee, except when it is otherwise fixed by statute, must be reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. The costs of any search for

Actor	Action
	<p>and review of the records or other personnel costs associated with reproducing the records are not included in the fee calculation.</p> <ol style="list-style-type: none"> 2. Statutory fees applicable to copies of public records when furnished in a paper format are not applicable to those records when furnished in an electronic format. 3. No fee is charged for the first 50 pages of black and white, letter or legal sized copies furnished to a requester. 4. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page. 5. If the District provides copies in color or in a size other than letter or legal, the fee may not be more than its actual cost for reproducing the records. <p>Manages and collects the copying fees described above.</p> <p><u>Response</u></p> <p>Complies with or denies a request for inspection or copying within 5 business days of receiving a records request, unless the time for response is extended. 5 ILCS 140/3. Makes decisions whether to comply or deny the request according to Board policy 2:250, <i>Access to District Public Records</i>. May use forms prepared by the Ill. Public Access Counselor available at: foia.ilattorneygeneral.net/foia_formssampleletters.aspx.</p> <p>Redacts any and all exempt portion(s) of requested records containing both exempt and non-exempt material and releases the remaining material. 5 ILCS 140/7. Reviewing past responses to FOIA requests will promote uniform treatment of requests for similar records.</p> <p>Complies with the Personnel Record Review Act.</p> <ol style="list-style-type: none"> 1. The response to a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age of the responsive record. <ol style="list-style-type: none"> a. If the responsive record is more than 4 years old, the request must be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8. b. If the responsive record is 4 years old or less, it must be disclosed and the employee must be notified in writing or by email, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7, amended by P.A. 96-1212. A notice to the employee is not required if: <ul style="list-style-type: none"> • The employee specifically waived written notice as part of a written, signed employment application with another employer; • The disclosure is ordered to a party in a legal action or arbitration; or • Information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

Actor	Action
	<p>2. A request for a performance evaluation(s) must be denied. 820 ILCS 40/11, amended by P.A. 96-1483.</p> <p><u>Extension of time</u></p> <p>Identifies the need to extend the time for a response for any of the reasons stated in 5 ILCS 140/3(e)(i-vii), quoted below:</p> <ul style="list-style-type: none"> (i) the requested records are stored in whole or in part at other locations than the office having charge of the requested records; (ii) the request requires the collection of a substantial number of specified records; (iii) the request is couched in categorical terms and requires an extensive search for the records responsive to it; (iv) the requested records have not been located in the course of routine search and additional efforts are being made to locate them; (v) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of FOIA or should be revealed only with appropriate deletions; (vi) the request for records cannot be complied with by the public body within the time limits prescribed by paragraph (c) of Section 3 of FOIA without unduly burdening or interfering with the operations of the public body; or (vii) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. <p>Performs one of the following actions within 5 business days after receipt of the request:</p> <ul style="list-style-type: none"> 1. Notifies the person making the request that the District is extending its time for response for no longer than 5 business days from the original due date, and identifies the reason for the delay and the date on which a response will be made. 5 ILCS 140/3(e) and (f). 2. Confers with the person making the request in an attempt to reach an agreement on an extended compliance date. The agreement must be in writing. 5 ILCS 140/3(e). <p><u>Unduly burdensome requests</u></p> <p>Confers with the person making an unduly burdensome request in an attempt to reduce the request to manageable proportions. A request may be unduly burdensome due, for example, to the request's breadth. Explains to the requester in writing when a request continues to be unduly burdensome specifying the reason why the request is unduly burdensome.</p> <p><u>Requests for commercial purposes</u></p> <p>Handles requests for commercial purposes according to 5 ILCS 140/3.1. <i>Commercial purpose</i> is defined in 5 ILCS 140/2(c-10) as:</p>

Actor	Action
	<p>[T]he use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a <i>commercial purpose</i> when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.</p> <p>Responds to a request for records to be used for a commercial purpose within 21 working days after receipt. The response must be one of the following: (a) provide an estimate of the time required by the District to provide the records and an estimate of the fees, which the requester may be required to pay in full before copying the requested documents, (b) deny the request pursuant to one or more of the exemptions, (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions, or (d) provide the records requested.</p> <p>Complies with a request, unless the records are exempt from disclosure, within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.</p> <p><u>Denying a request</u></p> <p>Complies with 5 ILCS 140/9 by:</p> <ol style="list-style-type: none"> 1. Providing the requester with a written response containing: (a) the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, (b) the names and titles or positions of each person responsible for the denial, and (c) information about his or her right to review by the Public Access Counselor (include the address and phone number for the Public Access Counselor), and to judicial review under 5 ILCS 140/11. 2. Specifying the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority when the denial is based on the grounds that the records are exempt under 5 ILCS 140/7. 3. Provides written notice to the requester and the Public Access Counselor, within the time periods provided for responding to a request, of the District's intent to deny the request in whole or in part under Section 7(1)(c) (personal information) or Section 7(1)(f) (preliminary drafts, notes, recommendations, memoranda. and other records in which opinions are expressed, or policies or actions are formulated). Includes in this notice: (a) a copy of the request, (b) the District's proposed response, and (c) a detailed summary of the District's basis for asserting the exemption. 5 ILCS 140/9(b).

Actor	Action
	<p>Retains copies of all notices of denial in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested. 5 ILCS 140/9.1.</p> <p><u>Consults with the Board Attorney</u></p> <p>Consults with the Board Attorney:</p> <ol style="list-style-type: none"> 1. As necessary for legal advice concerning compliance with FOIA and responses to specific requests. 2. For legal advice when communicating with or upon receiving communications from the office of the Illinois Attorney General or Public Access Counselor.

LEGAL REF.: 5 ILCS 140/, Freedom of Information Act.

Text from P.A. 96-542 containing some of the more utilized FOIA exemptions

Section 7. Exemptions (5 ILCS 140/7)

- (1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:
 - (a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.
 - (b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.
 - (c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.
 - (d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:
 - (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;
 - (ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;
 - (iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;
 - (iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

- (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;
- (vi) endanger the life or physical safety of law enforcement personnel or any other person; or
- (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

- (f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.
- (g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.
 - (i) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

- (h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.
- (i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.
- (j) The following information pertaining to educational matters:
 - (i) test questions, scoring keys and other examination data used to administer an academic examination;
 - (ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;
 - (iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and
 - (iv) course materials or research materials used by faculty members.
- (k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

- (l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.
 - (m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.
 - (n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.
 - (o) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.
 - (p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.
 - (q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.
 - (r) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.
 - (s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self insurance pool or jointly self administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.
- ***
- (v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.
 - (x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.
 - (y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1.75 of the Illinois Power Agency Act and Section 16.111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

Section 7.5. Statutory Exemptions (5 ILCS 140/7.5)

To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

- (b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

General School Administration

Administrative Personnel Other Than the Superintendent ¹

Duties and Authority

The School Board establishes District administrative and supervisory positions in accordance with the District's needs and State law. The general duties and authority of each administrative or supervisory position are approved by the Board, upon the Superintendent's recommendation, and contained in the respective position's job description. ² In the event of a conflict, State law and/or the administrator's employment agreement shall control.

Qualifications

All administrative personnel shall be appropriately certificated and shall meet all applicable requirements contained in State law and Illinois State Board of Education rule. ³

Evaluation

The Superintendent or designee shall evaluate all administrative personnel and make employment and salary recommendations to the Board. ⁴

Administrators shall annually present evidence to the Superintendent of professional growth through attendance at educational conferences, additional schooling, in-service training, and Illinois Administrators' Academy courses, or through other means as approved by the Superintendent. ⁵

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

² Job descriptions are advisable, but optional. See policy 5:30, *Hiring Process and Criteria*, for a discussion of job descriptions. An ISBE rule (23 Ill.Admin.Code §1.310) allows *divided service*, meaning that a superintendent or principal may be employed by two school districts or serve in 2 professional capacities provided that full-time equivalency results in a maximum of one full-time position. In districts with an enrollment of 100 or fewer, an individual may serve as superintendent/principal and teach up to ½ day.

³ 105 ILCS 5/21-7.1 and its implementing rule 23 Ill.Admin.Code §1.705 contain administrative certificate requirements. The following option may be added at the end of this paragraph:

Administrative personnel must reside in the District within a specified period as provided in their applicable employment agreement.

State law (105 ILCS 5/24-4.1) prohibiting residency requirements for teachers does not apply to non-instructional personnel, e.g., assistant principals. *Owen v. Kankakee School Dist.*, 632 N.E.2d 1073 (Ill.App.3, 1994). A board may impose residency requirements on a principal only if the principal's initial contract with the district made residency an express condition of his or her employment or continued employment as a principal (105 ILCS 5/10-21.4a). This limitation applies regardless of the date of the principal's initial employment as principal. Residency within a district may not be considered in determining a principal's compensation, assignment, or transfer (*Id.*).

⁴ Administrative personnel must be evaluated (105 ILCS 5/24A-1 and 5/24A-4, amended by P.A.s 96-861 and 96-1423).

⁵ The professional growth reporting requirements in this paragraph are optional. However, continuing professional education is required for administrative certificate renewal (105 ILCS 5/21-7.1(c), amended by P.A. 96-56).

A school board must require the administrators who evaluate employees to participate in an in-service training on the evaluation of certificated personnel that is provided or approved by ISBE (105 ILCS 5/24A-3 and 105 ILCS 5/24A-20(a)(4), amended by P.A. 96-861). This in-service training is also referred to as *evaluation training*. Administrative personnel must participate in this training (1) before they evaluate, and (2) at least once during each certificate renewal cycle (*Id.*).

After September 1, 2012, administrators who evaluate employees may not do so until successful completion of a *pre-qualification* evaluator training program provided or approved by ISBE (105 ILCS 5/24A-3(b), amended by P.A. 96-861). ISBE and the Performance Evaluation Advisory Council must develop this pre-qualification evaluator training program as required by 105 ILCS 5/24A-20(a)(3), amended by P.A. 96-861. The program's purpose is to ensure that an evaluator's rating properly aligns to the performance indicators required by the Performance Evaluation Reform Act of 2010 (*Id.*).

Administrative Work Year

The work year for administrators shall be the same as the District's fiscal year, July 1 through June 30, unless otherwise stated in the employment agreement. In addition to legal holidays, administrators shall have vacation periods as approved by the Superintendent. All administrators shall be available for work when their services are necessary. ⁶

Compensation and Benefits

The Board will consider the Superintendent's recommendations when setting compensation for individual administrators. These recommendations should be presented to the Board no later than the March Board meeting or at such earlier time that will allow the Board to consider contract renewal and nonrenewal issues. ⁷

Unless stated otherwise in individual employment contracts, all benefits and leaves of absence available to teaching personnel are available to administrative personnel. ⁸

LEGAL REF: 105 ILCS 5/10-21.4a, 5/21-7.1, 5/24A-1, 5/24A-3, 5/24A-4, and 5/24A-20.
23 Ill.Admin.Code §§1.310 and 1.705.

CROSS REF: 3:60 (Administrative Responsibility of the Building Principal), 5:30 (Hiring Process and Criteria), 5:250 (Leaves of Absence)

⁶ Legal holidays are provided by 105 ILCS 5/24-2. State law does not provide for vacation periods. See policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, for a sample vacation policy.

⁷ State law does not address when salary issues should be presented to, or considered by, the board. The March deadline was chosen because the contract year is typically July 1 - June 30 and districts need adequate time to consider non-renewals and demotions before giving statutory notice. Alternatively, the policy could require that recommendations be presented "in a timely manner."

⁸ State law does not require that administrative and teaching personnel receive identical benefits and leaves of absence, but it does set the minimum in days and type for all certificated personnel. See policy 5:250, *Leaves of Absence*, for the leaves of absence provided by State law.

General School Administration

Administrative Responsibility of the Building Principal 1

The School Board, upon the recommendation of the Superintendent, employs Building Principals as the chief administrators and instructional leaders of their assigned schools. ² The primary responsibility of a Building Principal is the improvement of instruction. ³ Each Building Principal shall perform all duties as described in the School Code as well as such other duties as specified in his or her employment agreement or as the Superintendent may assign, that are consistent with the Building Principal's education and training. ⁴

The Superintendent or designee shall develop and maintain a principal evaluation plan that complies with Section 24A-15 of the School Code. ⁵ Using that plan, the Superintendent or designee shall

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

² 105 ILCS 5/10-21.4a.

³ Required by 105 ILCS 5/10-21.4a.

⁴ An alternative follows: "...or as agreed upon by the Building Principal and Superintendent."

The principal's duties are generally described in 105 ILCS 5/10-21.4a. In addition, 105 ILCS 127/ requires the principal or designee to report to the police violations of the Controlled Substance Act occurring in a school or on school property, on a public way within 1000 feet of a school, or any conveyance used to transport students. See also 105 ILCS 5/10-20.14 and administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students*. State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders and violent offenders against youth is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/ and Child Murderer and Violent Offender Against Youth Registration Act, 730 ILCS 154/. The county clerk may appoint high school principals or their designees as deputy registrars who may accept voter registrations of eligible students in the high school (10 ILCS 5/4-6.2).

⁵ 105 ILCS 5/24A-15, amended by P.A. 96-861. A board may want to add the components of the evaluation plan; the following optional provision contains the mandatory requirements:

The plan shall provide that the evaluation of a Building Principal:

1. Be performed by the Superintendent or designee, or an individual appointed by the Board who holds a registered Type 75 State administrative certificate;
2. Be in writing;
3. Take place by March 1 of each year for a Building Principal on a single-year contract and by March 1 of the final year of a contract for a Building Principal on a multi-year contract;
4. Include a description of the Building Principal's duties and responsibilities and the standards to which the Building Principal is expected to conform;
5. Consider the Building Principal's specific duties, responsibilities, management, and competence as a Building Principal;
6. Specify the Building Principal's strengths and weaknesses, with supporting reasons;
7. Align with research-based standards established by administrative rule;
8. On and after September 1, 2012 provide for the use of data and indicators on student growth as a *significant factor* in rating performance; and
9. Provide that one copy of the evaluation must be included in the Building Principal's personnel file and one copy of the evaluation must be given to the Building Principal.

Significant factor, as used in #8 in the optional provision, will need to be defined by ISBE rules after collaboration with the Performance Evaluation Advisory Council (PEAC) (105 ILCS 5/24A-7, amended by P.A. 96-861). See www.isbe.net/peac/ for the most recent information about ISBE and PEAC's implementation of the Performance Evaluation Act.

evaluate each Building Principal. ⁶ The Superintendent or designee may conduct additional evaluations. ⁷

The Board and each Building Principal shall enter into an employment agreement that conforms to Board policy and State law. ⁸ The terms of an individual employment contract, when in conflict with this policy, will control.

LEGAL REF.: 10 ILCS 5/4-6.2.
105 ILCS 5/2-3.53a, 5/10-20.14, 5/10-21.4a, and 5/24A-15.
105 ILCS 127/.
23 Ill.Admin.Code Part 35.

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 5:250 (Leave of Absence)

⁶ Required by 105 ILCS 5/10-21.4a and 105 ILCS 5/24A-15, amended by P.A. 96-861.

⁷ Implementation of a principal mentoring program in any given year is dependent upon an appropriation sufficient to provide services to all first-year principals (105 ILCS 5/2-3.53a, amended by P.A. 96-373 and 23 Ill.Admin.Code Part 35). Sufficient funding is based on the anticipated number of participants and the total amount of the appropriation for the mentoring. Each principal in his or her first year of employment must participate in mentoring activities during years when the program is implemented. If sufficient appropriations exist, principals in their second year of employment may elect to participate in a second year of mentoring if the principal has completed the mentoring program in the previous school year.

⁸ 105 ILCS 5/10-23.8a and 5/10-23.8b govern principal contracts.

Operational Services

Identity Protection ¹

The collection, storage, use, and disclosure of social security numbers by the School District shall be consistent with State and federal laws. The goals for managing the District's collection, storage, use, and disclosure of social security numbers are to: ²

1. Limit all activities involving social security numbers to those circumstances that are authorized by State or federal law.
2. Protect each social security number collected or maintained by the District from unauthorized disclosure.

The Superintendent is responsible for ensuring that the District complies with the Identity Protection Act, 5 ILCS 179/. Compliance measures shall include each of the following: ³

1. All employees having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. Training should include instructions on the proper handling of information containing social security numbers from the time of collection through the destruction of the information.
2. Only employees who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
3. Social security numbers requested from an individual shall be provided in a manner that makes the social security number easily redacted if the record is required to be released as part of a public records request.
4. When collecting a social security number or upon request by an individual, a statement of the purpose(s) for which the District is collecting and using the social security number shall be provided. ⁴
5. All employees must be advised of this policy's existence and a copy of the policy must be made available to each employee. The policy must also be made available to any member of the public, upon request.

No District employee shall collect, store, use, or disclose an individual's social security number unless specifically authorized by the Superintendent. ⁵

¹ The Identity Protection Act, 5 ILCS 179/, requires that this subject matter be covered in policy and controls its content. The Act places greater limits on the use of SSNs than federal law. The Act defines *identity-protection policy* as "any policy created to protect social security numbers from unauthorized disclosure." Thus, the policy will be sufficient if it focuses exclusively on protecting the privacy and confidentiality of social security numbers. Each district must implement its identity-protection policy before 6/1/2011 (5 ILCS 179/35). *Social security number* is not capitalized in the Identity Protection Act (5 ILCS 179/5).

² The list of goals is optional; it may be deleted, augmented, or otherwise amended.

³ Items 1-4 in this numbered list must be covered in board policy (5 ILCS 179/35(a). Item #5 is not required to be in the policy but districts are required to do it (5 ILCS 179/35(b)). These compliance measures are covered in administrative procedure 4:15-AP, *Protecting the Privacy of Social Security Numbers*.

⁴ See 4:15-E2, *Exhibit - Statement of Purpose for Collection of Social Security Numbers*.

⁵ This sentence is optional. Its intent is to inform employees of the need to have proper authority before collecting, storing, using, or disclosing SSNs. A board may attach a sanction to the paragraph by adding the following option: "An employee who has substantially breached the confidentiality of social security numbers may be subject to disciplinary action or sanctions up to and including dismissal in accordance with District policy and procedures."

LEGAL REF.: 5 ILCS 179/, Identity Protection Act.

CROSS REF: 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

General Personnel

Administrative Procedure - Protecting the Privacy of Social Security Numbers

Actor	Action
<p>Superintendent and business manager, and their designees</p>	<p>Identify the approved purposes for collecting SSNs, including:</p> <ol style="list-style-type: none"> 1. Employment matters, e.g., income reporting to IRS and the IL Dept. of Revenue, tax withholding, FICA, and Medicare. 2. Verifying enrollment in various benefit programs, e.g., medical benefits, health insurance claims, and veterans' programs. 3. Filing insurance claims. 4. Internal verification or administrative purposes. 5. Other uses authorized and/or required by State law including, without limitation, in the following circumstances (5ILCS 179/10(c): <ol style="list-style-type: none"> a. Disclosing SSNs to another governmental entity if the disclosure is necessary for the entity to perform its duties and responsibilities; b. Disclosing a SSN pursuant to a court order, warrant, or subpoena; and c. Collecting or using SSNs to investigate or prevent fraud, to conduct background checks, to collect a debt, or to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act. <p>Identify a method for documenting the need and purpose for the SSN before its collection. 5 ILCS 179/10(b).</p> <p>Inform all employees of the District's efforts to protect the privacy of SSNs. See Exhibit 4:15-E1, <i>Letter to Employees Regarding Protecting the Privacy of Social Security Numbers</i>.</p> <p>While State law does not specifically require this step, the law contains mandates applicable to all employees that they need to know. Moreover, this letter provides an opportunity to increase awareness of the confidential nature of SSNs.</p> <p>Maintain a written list of each staff position that allows or requires access to SSNs.</p> <p>The existence of a written list, even though not required, is important for recordkeeping and accountability purposes.</p> <p>Require that employees who have access to SSNs in the course of performing their duties be trained to protect the confidentiality of SSNs. 5 ILCS 179/35(a)(2).</p> <p>Direct that only employees who are required to use or handle information or documents that contain SSNs have access to such information or documents. 5 ILCS 179/35(a)(3).</p>

Actor	Action
	<p>Require that SSNs requested from an individual be provided in a manner that makes the SSN easily redacted if the record is otherwise required to be released as part of a public records request. 5 ILCS 179/35(a)(4).</p> <p>Require that, when collecting a SSN or upon request a <i>statement of the purpose(s)</i> for which the District is collecting and using the SSN be provided. 5 ILCS 179/35(a)(5). See Exhibit 4:15-E2, <i>Letter to Employees Regarding Protecting the Privacy of Social Security Numbers</i>.</p> <p>Enforce the requirements in Board policy 4:15, <i>Identity Protection</i>, and this procedure.</p>
Records Custodian and Head of Information Technology (IT)	<p>Develop guidelines for handling social security numbers in electronic systems. These guidelines should address:</p> <ol style="list-style-type: none"> 1. The display of SSNs on computer terminals, screens, and reports; 2. The security protocol for storing SSNs on a device or system protected by a password or other security system and for accessing SSNs that are included in part of an electronic database; 3. The security protocol for deleting SSNs that are stored in electronic documents or databases; and 4. Alternate mechanisms for integrating data other than the use of SSNs.
Staff Development Head	<p>Design and execute a training program on protecting the confidentiality of SSNs for employees who have access to SSNs in the course of performing their duties.</p> <p>The training should include instructions on the proper handling of information that contains SSNs from the time of collection through the destruction of the information. 5 ILCS 179/35(a)(2).</p>
Assistant Superintendents, Directors, Building Principals, and/or Department Heads	<p>Require each staff member whose position allows or requires access to SSNs to attend training on protecting the confidentiality of SSNs.</p> <p>Instruct staff members whose position allows or requires access to SSNs to:</p> <ol style="list-style-type: none"> 1. Treat SSNs as confidential information. 2. Never publically post or display SSNs or require any individual to verbally disclose his or her SSN. 3. Dispose of documents containing SSNs in a secure fashion, such as, by shredding paper documents and by deleting electronic documents as instructed by the IT Department. 4. Use SSNs as needed during the execution of their job duties and in accordance with the training and instructions that they received.

Actor	Action
	Instruct staff members whose position does <u>not</u> require access to SSNs to notify a supervisor and/or the IT Department whenever a SSN is found in a document or other material, whether in paper or electronic form.
Freedom of Information Officer	Redact every SSN before allowing public inspection or copying of records responsive to a FOIA request. 5 ILCS 179/15.
Employees	<p>Do not collect, use, or disclose another individual's SSN unless directed to do so by an administrator.</p> <p>If the employee is in a position that requires access to SSNs: Treat SSNs as confidential information and follow the instructions learned during training.</p> <p>If the employee is <u>not</u> in a position that requires access to SSNs: Notify his or her supervisor and/or the IT Department whenever the employee comes across a document or other material, whether in paper or electronic form, that contains a SSN.</p>

Operational Services

Exhibit - Letter to Employees Regarding Protecting the Privacy of Social Security Numbers

On District Letterhead

Date

Re: Protecting the Privacy of Social Security Numbers (SSNs)

The Illinois Identity Protection Act, 5 ILCS 179/, contains requirements applicable to school districts and their employees. This letter’s purpose is to help you understand the protections and requirements of this law.

In implementing this law and the Board’s policy, I am seeking to:

1. Increase the awareness of the confidential nature of the SSN and the risk of identity theft related to unauthorized disclosure;
2. Have every employee understand that he or she is prohibited from collecting, displaying, or using another individual’s SSN unless authorized by a member of the District administrative staff; and
3. Ensure the use of consistent protocol regarding SSNs throughout the District.

I have copied below sections of the Identity Protection Act that must be followed by every school employee. I have also attached the School Board’s policy 4:15, *Identity Protection*. Please carefully read these documents. You will be contacted if you are scheduled to receive training on the protocol for collecting, using, maintaining, and disclosing SSNs.

An employee who has substantially breached the confidentiality of social security numbers may be subject to disciplinary action or sanctions up to and including dismissal, in accordance with District policy and procedures.

Sincerely,

Superintendent

Attachment #1: Relevant Sections from the Identity Protection Act, 5 ILCS 179/

Section 10. Prohibited Activities.

- (a) Beginning July 1, 2010, no person or State or local government agency may do any of the following:
 - (1) Publicly post or publicly display in any manner an individual's social security number.
 - (2) Print an individual's social security number on any card required for the individual to access products or services provided by the person or entity.
 - (3) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted.
 - (4) Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, social security numbers may be included in applications and forms sent by mail,

including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

- (b) Except as otherwise provided in this Act, beginning July 1, 2010, no person or State or local government agency may do any of the following:
 - (1) Collect, use, or disclose a social security number from an individual, unless (i) required to do so under State or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the social security number is documented before collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose.
 - (2) Require an individual to use his or her social security number to access an Internet website.
 - (3) Use the social security number for any purpose other than the purpose for which it was collected.
- (c) The prohibitions in subsection (b) do not apply in the following circumstances:
 - (1) The disclosure of social security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the governmental entity must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Act on a governmental entity to protect an individual's social security number will be achieved.
 - (2) The disclosure of social security numbers pursuant to a court order, warrant, or subpoena.
 - (3) The collection, use, or disclosure of social security numbers in order to ensure the safety of: State and local government employees; persons committed to correctional facilities, local jails, and other law-enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a State or local government agency facility.
 - (4) The collection, use, or disclosure of social security numbers for internal verification or administrative purposes.
 - (5) The disclosure of social security numbers by a State agency to any entity for the collection of delinquent child support or of any State debt or to a governmental agency to assist with an investigation or the prevention of fraud.
 - (6) The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.
- (d) If any State or local government agency has adopted standards for the collection, use, or disclosure of social security numbers that are stricter than the standards under this Act with

respect to the protection of those social security numbers, then, in the event of any conflict with the provisions of this Act, the stricter standards adopted by the State or local government agency shall control.

Section 15. Public inspection and copying of documents.

Notwithstanding any other provision of this Act to the contrary, a person or State or local government agency must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number. A person or State or local government agency must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.

Section 20. Applicability.

- (a) This Act does not apply to the collection, use, or disclosure of a social security number as required by State or federal law, rule, or regulation.
- (b) This Act does not apply to documents that are recorded with a county recorder or required to be open to the public under any State or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois. Notwithstanding this Section, county recorders must comply with Section 35 of this Act.

Section 25. Compliance with federal law.

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any State or local government agency that complies with the federal law shall be deemed to be in compliance with this Act.

Section 30. Embedded social security numbers.

Beginning December 31, 2009, no person or State or local government agency may encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this Act.

Section 45. Violation.

Any person who intentionally violates the prohibitions in Section 10 of this Act is guilty of a Class B misdemeanor.

Operational Services

Exhibit - Statement of Purpose for Collecting Social Security Numbers ¹

This Statement of Purpose is being given to you because you have been asked by the School District to provide your social security number (SSN) or because you requested a copy of this Statement.

You are being asked for your SSN for one or more of the following reasons:

- Employment matters, e.g., income reporting to IRS and the IL Department of Revenue, tax withholding, FICA, or Medicare.
- Verifying enrollment in various benefit programs, e.g., medical or disability insurance and veterans' programs.
- Filing insurance claims.
- Internal verification or administrative purposes.
- Other: _____

In addition, State law authorizes and/or requires the District to use or disclose your SSN in specified circumstances including, without limitation, in the following circumstances:

1. Disclosing SSNs to another governmental entity if the disclosure is necessary for the entity to perform its duties and responsibilities;
2. Disclosing a SSN pursuant to a court order, warrant, or subpoena; and
3. Collecting or using SSNs to investigate or prevent fraud, to conduct background checks, to collect a debt, or to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act.

If you have questions or concerns, please contact *[insert contact information]*.

¹ The Identity Protection Act requires school districts, when collecting a social security number or upon request by an individual, to provide a statement of the purpose(s) for which the district is collecting and using the social security number (5 ILCS 179/35(a)(5)). State law does not require districts to retain evidence that the individual received the statement of purpose.

Operational Services

Exhibit - Statement for Employee Manual or District Website Describing the District's Purpose for Collecting Social Security Numbers ¹

The School District treats social security numbers (SSNs) confidentially. It uses SSNs for one or more of the following reasons:

1. Employment matters, e.g., income reporting to IRS and the IL Department of Revenue, tax withholding, FICA, or Medicare.
2. Verifying enrollment in various benefit programs, e.g., medical or disability insurance and veterans' programs.
3. Filing insurance claims.
4. Internal verification or administrative purposes.

In addition, State law authorizes and/or requires the District to use or disclose SSNs in specified circumstances including, without limitation, in the following circumstances:

4. Disclosing SSNs to another governmental entity if the disclosure is necessary for the entity to perform its duties and responsibilities;
5. Disclosing a SSN pursuant to a court order, warrant, or subpoena; and
6. Collecting or using SSNs to investigate or prevent fraud, to conduct background checks, to collect a debt, or to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act.

If you have questions or concerns, please contact *[insert contact information]*.

¹ The Identity Protection Act requires school districts, when collecting a SSN or upon request by an individual, to provide a statement of the purpose(s) for which the district is collecting and using the SSN (5 ILCS 179/35(a)(5)). State law does not require districts to retain evidence that the individual received the statement of purpose.

Operational Services

Administrative Procedure - Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; and Bus Driving Comments

Bus Driver Communication Devices

State law prohibits a school bus driver from operating a school bus while using a cellular radio telecommunication device. It requires each school bus to contain either an operating cellular radio telecommunication device or two-way radio while the school bus driver is in possession of the school bus. The cellular radio telecommunication device or two-way radio must be turned on and adjusted in a manner that would alert the driver of an incoming communication request. See 625 ILCS 5/12-813, amended by P.A. 96-818 and P.A. 96-1066.

Bus drivers may still have cell phones although they are prohibited from using cell phones for anything, including personal use, while operating a bus except: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) to communicate with school authorities or their designees about bus operation or the welfare and safety of any passengers on the bus; or (4) when the bus is parked (625 ILCS 5/12-813.1(c), amended by P.A. 96-1066).

Bus/Vehicle Pre-Trip and Post-Trip Inspection ¹

All school bus drivers, whether employed by the School District or private sector school bus company, shall:

1. Test the cellular radio communication device or two-way radio and ensure that it is functioning properly before the bus is operated (625 ILCS 5/12-816, amended by P.A. 96-818 and P.A. 96-1066); and
2. Perform a visual sweep for children or other passengers at the end of a route, work shift or workday by:
 - a. Activating interior lights of the school bus to assist the driver in searching in and under each seat (625 ILCS 5/12-816(c), and
 - b. Walking to the rear of the school bus/vehicle checking in and under each seat. 625 ILCS 5/12-816(b).

If a mechanical post-trip inspection reminder system is installed, the driver shall comply with the requirements of that system. 625 ILCS 5/12-816(d).

Bus Driving Comments ²

Each school bus and multifunction school activity bus shall display a sign at the rear, with letters and numerals readily visible and readable, in the following form:

¹ 625 ILCS 5/12-816(a), amended by P.A. 96-818 and P.A. 96-1066, requires districts to have a pre-trip and post-trip inspection policy. Sample policy 4:110, *Transportation*, requires the superintendent or designee to develop the inspection procedures. 23 Ill.Admin.Code §1.510 and 92 Ill.Admin.Code §440.420(h) require bus drivers to follow this procedure. 92 Ill.Admin.Code §1035.45 requires the bus driver's prospective or current employer to notify the Secretary of State whenever the bus driver failed to perform the pre-trip and post-trip inspection process.

² This section applies only to districts that own school buses (625 ILCS 5/12-821(b)). The Ill. Vehicle Code requires school bus owners to display an area code and telephone number at the rear of all buses for the purpose of commenting on school bus driving (*Id.* at (a), amended by P.A. 95-655). It allows school bus owners who placed a sign without an area code pursuant to P.A. 95-176 to use that sign until the owner replaces the sign. School bus owners must also establish procedures for accepting calls and taking complaints (*Id.* at (b); 92 Ill.Admin.Code §§440.420(v)(15, 16) and 441-3).

TO COMMENT ON MY DRIVING, CALL *[insert District area code and telephone number]* ³

Driving comments shall be accepted in the following manner:

1. Calls to comment on school bus driving shall be directed to the Superintendent or designee.
2. The Superintendent or designee shall conduct an internal investigation of the events that led to each complaint. Required for districts that own school buses by 625 ILCS 5/12-821(c)(1).
3. The Superintendent or designee shall inform the commenting party of the results of any investigation and the action, if any, taken to remedy the situation. Required for districts that own school buses by 625 ILCS 5/12-821(c)(2).

³ An area code in addition to the telephone number of the school bus owner must be displayed, regardless of whether the owner is a school district or another person or entity (625 ILCS 5/12-821(a), amended by P.A. 96-655). The procedure's language assumes the district owns the school bus.

Although not mandatory, school districts that do not own school buses should insert the following sentence; the procedural expectation should also be included in contracts with private carriers:

Every comment that a private company receives about a driver must be noted in writing along with the follow-up activity, and a copy sent or emailed to the Superintendent or designee. The Superintendent will communicate regularly with the school bus owner to ensure bus driving comments are accepted and investigated in accordance with State law.

General Personnel

Communicable and Chronic Infectious Disease ¹

The Superintendent shall develop and implement procedures for managing known or suspected cases of a communicable and chronic infectious disease involving District employees that are consistent with State and federal law, Illinois Department of Public Health rules, and School Board policies. ²

An employee with a communicable or chronic infectious disease is encouraged to inform the Superintendent immediately and grant consent to being monitored by the District's Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Superintendent concerning the employee's conditions of employment and necessary accommodations. The Review Team shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed by law. ³

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. ⁴ An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.; 29 C.F.R. §1630.1 et seq.
 Rehabilitation Act of 1973, 29 U.S.C. §791; 34 C.F.R. §104.1 et seq.
 Department of Public Health Act, 20 ILCS 2305/6.
 105 ILCS 5/24-5.

¹ 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 concerns a topic on which a board should seek legal advice before proceeding.

² District employment is contingent upon satisfactory results of a physical examination and freedom from communicable diseases (105 ILCS 5/24-5). The U.S. Supreme Court, however, has held that the Rehabilitation Act prohibits discrimination against a person handicapped by a communicable disease, provided that person is "otherwise qualified" to perform the job. *School Bd. of Nassau County, Fla. v. Arline*, 107 S.Ct. 1123 (1987) (teacher with tuberculosis was protected by the Rehabilitation Act). The decision supports the position that an HIV-positive employee or applicant who is "otherwise qualified" to perform the job must be reasonably accommodated despite having AIDS.

The Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325, may protect an HIV-positive employee or applicant (42 U.S.C. §12102(2)(A)). The ADAAA made significant changes to the Americans with Disabilities Act's definition of disability by broadening the scope of coverage thus overturning a series of U.S. Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that impairments were a disability. EEOC's regulations, 29 C.F.R. Part 1630, can be found at: www.eeoc.gov/laws/types/disability_regulations.cfm. Boards should consult with their attorneys regarding how the ADAAA and its implementing regulations impact the employment of an individual with a communicable disease who is otherwise qualified to perform the job.

³ This paragraph is optional. While not required by law, the creation and use of a Communicable and Chronic Infectious Disease Review Team could greatly assist a district's efforts to review data on an employee who has a communicable or infectious disease. Its members are appointed by the superintendent according to board policy, 2:150, *Committees*.

The Americans with Disabilities Act (ADA) specifies that only an employee's direct supervisor and someone who would need to know in the event of an emergency may have access to an employee's medical records (42 U.S.C. §12112(d)). The Review Team's ability to operate may depend on the employee's waiver of the ADA's confidentiality provisions.

⁴ Required by 42 U.S.C. §12101 et seq.

Personnel Record Review Act, 820 ILCS 40/
Control of Communicable Diseases, 77 Ill.Admin.Code Part 690.

CROSS REF.: 2:150 (Committees), 5:30 (Hiring Process and Criteria), 5:180 (Temporary
Illness or Temporary Incapacity)

General Personnel

Administrative Procedure - Communicable and Chronic Infectious Disease

The following procedures will be implemented when a District employee has a communicable and/or chronic infectious disease. A copy of the procedures will be given the employee.

Evaluation of the Employee's Condition

1. The employee who has or is suspected of having a communicable and chronic infectious disease is encouraged to inform the Superintendent immediately.
2. The Superintendent will inform the Communicable and Chronic Infectious Disease Review Team within 3 days. ¹
3. The Communicable and Chronic Infectious Disease Review Team will meet within 3 days to:
 - a. Meet with the employee or a member of the employee's family to review the status of the employee's health, and
 - b. Evaluate the employee and submit a written report with recommendations to the Superintendent.
4. The School Board will receive a report, both written and verbal, of the Communicable and Chronic Infectious Disease Review Team's evaluation from the Superintendent.
5. The employee or a member of the employee's family will receive a report, both written and verbal, of the Communicable and Chronic Infectious Disease Review Team's evaluation from the Superintendent.
6. The employee may be required to submit to a physical examination, given by a physician chosen and paid for by the District. ²

Monitoring Employee's Condition

The employee's health condition will be reviewed on a schedule determined by the Communicable and Chronic Infectious Disease Review Team. The Team's employee status report will be given to the Superintendent.

Each status report will indicate an employment recommendation for the employee, such as: ³

1. Continued employment at the same position, with possible accommodations,
2. Continued employment but transfer to another position, with possible accommodations,
3. Temporary exclusion from the work place, or
4. Dismissal.

¹ The Americans With Disabilities Act (ADA) specifies that only an employee's direct supervisor and someone who would need to know in the event of an emergency may have access to an employee's medical records (42 U.S.C. §12112(d)). The Review Team's ability to operate depends on the employee's waiver of the ADA's confidentiality provisions.

² The State law (105 ILCS 5/24-5) allowing boards to require physicals of current employees "from time to time," has been superseded by federal law (ADA, 42 U.S.C. §12112(d)(4), amended by the ADAAA, Pub. L. 110-325). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program (*Id.*). Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level (42 U.S.C. §12113; 29 C.F.R. Part 1630.2(r)).

³ A district must make reasonable accommodation to a known physical or mental limitation of an otherwise qualified employee, unless it can show that the accommodation would impose an undue hardship on the district's operation (ADA, 42 U.S.C. §§12112 and 12113, amended by the ADAAA, Pub. L. 110-325).

Employee Dismissal

The dismissal of an employee on contractual continued service shall be in accordance with 105 ILCS 5/24-12.

The dismissal of an employee not on contractual continued service shall be in accordance with the law or policy applicable to his or her position.

Confidentiality ⁴

The employee's medical condition and records shall be held in strictest confidence and shared only with members of the Communicable and Chronic Infectious Disease Review Team, the employee's direct supervisor, and someone who would need to know in the event of an emergency. Medical records will not become part of the employee's personnel file.

⁴ The ADA specifies that only an employee's direct supervisor and someone who would need to know in the event of an emergency may have access to an employee's medical records (42 U.S.C. §12112(d)(3)). The review team's ability to operate depends on the employee's waiver of the ADA's confidentiality provisions.

Discuss with the board attorney whether the district is a covered entity as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Covered entities are subject to HIPAA Privacy Rules (42 C.F.R. Part 2) and generally cannot disclose *protected health information* (PHI), which is generally defined as *individually identifiable health information* that is transmitted by, or maintained in, electronic media or any other form or medium. While a district is likely to have access to such information when an employee has a communicable or chronic infectious disease, the district is still unlikely a *covered entity* that would trigger HIPAA Privacy Rule. More information is available at:

www.cdc.gov/mmwr/preview/mmwrhtml/m2e411a1.htm.

General Personnel

Drug- and Alcohol-Free Workplace 1

All District workplaces are drug- and alcohol-free workplaces. All employees shall be prohibited from:

1. Unlawful manufacture, dispensing, 2 distribution, possession, use, or being under the influence 3 of a controlled substance while on District premises or while performing work for the District, and
2. Distribution, consumption, use, possession, or being under the influence 4 of alcohol while on District premises or while performing work for the District. 5

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.

As a condition of employment, each employee shall: 6

1. Abide by the terms of the District 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 5 calendar days after such a conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will: 7

1. Provide each employee with a copy of the District Drug- and Alcohol-Free Workplace policy;
2. Post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted; 8
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations; 9

¹ 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 federal Drug-Free Workplace Act applies only to the specific programs receiving federal funds (41 U.S.C. §701 et seq.). This policy, however, makes its requirements applicable to all employees in order to avoid confusion during implementation and to avoid complications when obtaining federal funds.

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/). It applies to districts with 25 or more employees working under a state contract or a grant of \$5,000 or more.

² "Manufacture" and "dispensing" are prohibited by the federal and State Workplace Acts.

³ "Being under the influence" is not required by law; "use" may cover this. "Being under the influence of" is more difficult to prove and implies the use of testing; it may be omitted.

⁴ Id.

⁵ Optional; alcohol is not addressed in either the federal or State Drug-Free Workplace Acts.

⁶ Required by the State and federal Drug-Free Workplace Acts.

⁷ Required by the State and federal Drug-Free Workplace Acts (30 ILCS 580/3).

⁸ 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.).

4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
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.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. **10** Alternatively, the School Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance 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. **11**

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. **12**

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. §701 et seq.
 Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.
 Drug-Free Workplace Act, 30 ILCS 580/.

9 Grants may be available from the 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.

10 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). 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 Illinois Human Rights Act (775 ILCS 5/1-101 et seq.; 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.).

11 Required by both the federal and State Drug-Free Workplace Acts.

12 Id.

General Personnel

Administrative Procedure - Staff Development Program 1

All District-sponsored staff development programs, including in-services, shall be approved by the Superintendent. Staff development opportunities exist through the following:

- A. Planned in-service programs, courses, seminars, and workshops are offered within the District. Every staff member is encouraged to suggest topics, formats, and speakers for in-service meetings. Suggestions should be given to the Superintendent or any member of the advisory committee if one exists.
- B. Visits to other classrooms and schools, as well as attendance at conferences, workshops, and other meetings may be requested.

With the Superintendent's approval, staff members may be released with full pay to:

- Attend professional conventions and meetings, visit exemplary programs, as well as participate in other professional growth activities. At the time of approval, the Superintendent will indicate which expenses, if any, will be reimbursed by the District. After participation, a written report must be submitted to the Superintendent summarizing the activity's highlights.
 - Serve as speakers, consultants, or resource persons outside the District. The staff member accepting such assignments may not accept any fee or honorarium other than a reasonable fee for preparation done outside of the working day. The employee or the institution receiving the services is responsible for travel, lodging, meal expenses, and for substitute costs if any are incurred.
 - Attend training and staff development programs sponsored by an Educational Service Center (105 ILCS 5/2-3.62), the Illinois State Board of Education, a Regional Office of Education, the Illinois Association of School Boards, or any other professionally-sponsored education program. At the time of approval, the Superintendent will indicate which expenses, if any, will be reimbursed by the District. After participation, a written report must be submitted to the Superintendent summarizing the activity's highlights.
- C. Leaves of absence for advanced training and internships are governed by School Board policy and/or collective bargaining agreements, if any.
- D. The topics to be covered on days declared as Teacher Institutes (TI) must be approved by the Regional Superintendent of Schools governing the schools of that region. The request for approval should be submitted to the Regional Superintendent at least 30 days prior to the event.
- E. Many opportunities for on-going professional development opportunities exist. Staff members are encouraged to discuss their plans for identifying and optimizing these opportunities with their supervisors.

¹ This administrative procedure is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that differ from this procedure. When a procedure's subject matter is superseded by a bargaining agreement, the procedure can state, "Please refer to the current [*insert name of any applicable CBA*]."

Boards may set and enforce professional growth requirements (105 ILCS 5/24-5). Failure to meet professional growth requirements is considered remediable. (Morris v. ISBE, 555 N.E.2d 725 (Ill.App.3, 1990)).

LEGAL REF.: 105 ILCS 5/2-3.48, 5/2-3.53, 5/2-3.56, 5/2-3.59, 5/2-3.60, 5/3-11, 5/3-14.8, 5/10-20.35, 5/10-22.39, and 5/10-23.12, 5/24-5, and 110/3.
23 Ill.Admin.Code §§ 22.20, 226.800, and 525.110.
77 Ill.Admin.Code §527.800.

General Personnel

Personnel Records ¹

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. ²
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*. ³

¹ 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 current [*insert name of any applicable CBA*]."

² An employee has the right to view his or her personnel file contents, with a few exceptions (Ill. Personnel Record Review Act, 820 ILCS 40/). Thus, personnel files should contain only factual and accurate job-related information. In addition, the Personnel Record Review Act identifies records that may not be kept, that is, a record of an employee's associations, political activities, publications, communications, or non-employment activities as well as records identifying an employee as the subject of an investigation by DCFS if the investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act.

³ 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." This exemption is subject to prior review by the Public Access Officer.
2. *Personal information* "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" (5 ILCS 140/7(b) and (c)).

The Personnel Record Review Act prohibits the disclosure of a performance evaluation under FOIA (820 ILCS 40/11, amended by P.A. 96-1483). The treatment of a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age of the responsive record. If the responsive record is more than 4 years old, the request should be denied unless the disclosure is permitted by the Act (5 ILCS 140/7.5(q); 820 ILCS 40/8). If the responsive record is 4 years old or less, the district should provide the record and must notify the employee in written form or through email, if available (820 ILCS 40/7, amended by P.A. 96-1212).

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, added by P.A. 96-861).

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. ⁴ 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. ⁵

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.

LEGAL REF.: 745 ILCS 46/10.
820 ILCS 40/.
23 Ill.Admin.Code §1.660.

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

The Health Insurance Portability and Accountability Act (HIPAA) 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 Personnel Record Review Act. The Review Act 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 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*.

General Personnel

Administrative Procedure - Personnel Records

Applicant Records

Records for a successful employment applicant are maintained with the individual's employment records. Records for an unsuccessful employment applicant are maintained for no less than 5 years from the application date. ¹ Applicant records include the following if received by the District:

- Employment application forms
- Transcripts
- Previous work experience
- References
- Such other relevant information as the District desires of applicants for screening purposes

Personnel Records

Personnel records for all employees include:

- Pre-employment records, including verification of past employment
- Dates of employment
- Valid certificate and/or evidence of required credentials for services being performed
- Criminal background investigation history and report
- Form I-9 required under the Immigration Reform and Control Act ²
- Records maintained pursuant to Internal Revenue Service regulations
- Payroll information and deductions, including all records required to be kept by 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act* (29 C.F.R. §§516.2 and 516.3)
- Records maintained for the Illinois Teachers' Retirement System or the Illinois Municipal Retirement System
- Credit release information
- Sick leave, leaves of absence, personal leave, and vacation data (where appropriate)
- Salary schedule data
- Relevant health and medical records, including the verification of freedom from tuberculosis required by the School Code (105 ILCS 5/24-5) ³
- Supervisory evaluations
- Promotions
- Awards received
- Personnel documents that have been or are intended to be used in determining an employee's qualification for promotion, transfer, discharge, or disciplinary action ⁴

¹ Equal Employment Opportunity Commission regulations require employers to retain all personnel records, including applications, for at least one year from the date the record was made or any personnel action was taken, whichever is later (29 C.F.R. §1602.14). A longer retention period allows the district to gather data that may be used to defend a discrimination complaint.

² For information on Form I-9, see *Handbook for Employers, Instructions for Completing Form I-9*, at: www.uscis.gov/files/form/m-274.pdf. The Ill. Right to Privacy in the Workplace Act (820 ILCS 55/) imposes requirements on employers who use the E-Verify Program, see: www.state.il.us/agency/idol/forms/pdfs/everify.pdf and www.state.il.us/agency/idol/forms/pdfs/attest.pdf

³ The Americans with Disabilities Act requires that employment health and medical records be kept separately from the regular personnel file (42 U.S.C. §12112(d)(3)).

⁴ The Personnel Record Review Act restricts an employer's ability to use record information during a proceeding in court or before a hearing officer that was not included in the personnel record (820 ILCS 40/4). Thus, this item becomes a statement of what must be kept in an employee's personnel record.

Disciplinary actions and accompanying records
Notice of discharge and accompanying records
Letter of resignation or retirement
Notification that an employee is the subject of a Dept. of Children and Family Services (DCFS) investigation pursuant to the Abused and Neglected Child Reporting Act and any report to DCFS made or caused to be made by a District employee concerning another employee; this record will be deleted if DCFS informs the District that the allegations were unfounded ⁵
Any additional information the District deems to be relevant

In addition to the above, personnel records for all professional personnel include:

Valid certificate for services being performed
Copies of official transcripts required by the School Code (105 ILCS 5/24-23)
Transcripts of graduate work completed
Verification of past teaching experience, if any
Record of in-service work completed
Acknowledgement of mandated reporter status

Employment records will be maintained permanently for all District employees and former employees unless the Local Records Commission's approval is obtained to dispose of them.

Restrictions on Information that May Be Kept

The District will not gather or keep a record of an employee's associations, political activities, publications, communications, or non-employment activities, unless the employee submits the information in writing or authorizes the District in writing to keep or gather such records. However, the District may gather or keep records in an employee's personnel file concerning activities occurring on the District's premises or during the employee's working hours that: (1) interfere with the performance of the employee's duties or activities, or those of other employees, regardless of when and where occurring, (2) constitute criminal conduct or may reasonably be expected to harm the District's property, operations or educational process, or programs, or (3) could, by the employee's actions, cause the District financial liability. 820 ILCS 40/9.

Access to Employee Records and Correction Requests

An employee is granted access to his or her personnel records according to provisions in the Personnel Record Review Act, 820 ILCS 40/, and any relevant provisions in an applicable collective bargaining agreement. Except for the documents described in Sec. 10 of the Review Act, an employee is granted access to his or her personnel records at least 2 times in a calendar year at reasonable intervals. Unless otherwise indicated in an applicable bargaining agreement, access to the employee's personnel records will be according to the following guidelines:

1. The employee must submit a written inspection request to the Superintendent or the Superintendent's designee.
2. The Superintendent or designee will provide the employee the opportunity for inspection within 7 working days after the request. If such deadline cannot reasonably be met, the District will have an additional 7 days to comply.

⁵ 820 ILCS 40/13; 325 ILCS 5/4 and 5/7.4; see the last section of this procedure for additional requirements. According to the Abused and Neglected Child Reporting Act: (1) DCFS must notify the employer of an individual who is the subject of a formal child abuse or neglect investigation if his or her employment results in frequent contact with children (325 ILCS 5/7.4(b)(4)); and (2) when a report is made by a school district employee involving the conduct of an individual employed by the district, the appropriate Child Protective Service Unit must send a copy of its final finding report to the district superintendent (325 ILCS 5/7.4(c-5)).

3. The employee will inspect the personnel record at the District's administrative office during normal working hours or at another time mutually convenient to the employee and the Superintendent or designee.
4. Inspection of personnel records will be conducted under the supervision of an administrative staff member.
5. Neither an employee nor his or her designated representative will have access to records that are treated as exceptions in the Illinois Personnel Record Review Act discussed below.
6. The employee may copy material maintained in his or her personnel record. Payment for record copying will be based on the District's actual costs of duplication.
7. The employee may not remove any part of his or her personnel records from his or her file or may not remove any part of his or her personnel records from the District's administrative office.
8. Should the employee demonstrate his or her inability to inspect his or her personnel records in person, the District will mail a copy of the specific record(s) upon written request.
9. Should the employee be involved in a current grievance against the District or involved in any other contemplated proceedings against the District, the employee may designate in writing a representative who has the authority to inspect the personnel records under the same rights as the employee.
10. If the employee disagrees with any information contained in the personnel record, a removal or correction of that information may be mutually agreed upon by the District and employee. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The District will attach the employee's statement to the disputed portion of the personnel record and the statement will be included whenever that disputed record is released to a third party as long as the disputed record is part of the employee's personnel file. Inclusion of any written statement attached to the disputed record in an employee's personnel file without any further comment or action by the District will not imply or create any presumption that the District agrees with the statement's contents.

Requests by Third Parties

The Board Attorney shall be consulted whenever a subpoena or court order requests personnel record information. Any other request for personnel information by a third party will be treated as a FOIA request and immediately forwarded to the School District's Freedom of Information Officer (see 2:250-AP1, *Access to and Copying of District Public Records*). Concerning a request for a disciplinary report, letter of reprimand, or other disciplinary action:

1. If the responsive record is more than 4 years old, access will be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8.
2. If the responsive record is 4 years old or less, access will be granted. The District will provide the employee with written notice or through electronic mail, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7, amended by P.A. 96-1212.
3. The employee will not be informed if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

A FOIA request for a performance evaluation will be denied. Required by 820 ILCS 40/11, amended by P.A. 96-1483.

Before replying to a request from a third party, the District will review the requested records and delete or redact material that is protected from disclosure. Required by 820 ILCS 40/8.

Restriction on Employee Access

Section 10 of the Illinois Personnel Record Review Act provides that the right of the employee or the employee's designated representative to inspect his or her personnel records does not extend to:

1. Letters of reference for that employee.
2. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.
3. Materials relating to the employer's staff planning, such as matters relating to the District's development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.
4. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
5. Records relevant to any other pending claim between the District and employee that may be discovered in a judicial proceeding.
6. Investigatory or security records maintained by the District to investigate criminal conduct by an employee or other activity by the employee that could reasonably be expected to harm the District's property, operations, or education process or programs, or could by the employee's activity cause the District financial liability, unless and until the District takes adverse personnel action based on information in such records.

Complying with Requirements in the Abused and Neglected Child Reporting Act

The Superintendent will execute the requirements in the Abused and Neglected Child Reporting Act whenever a District employee makes a report to DCFS involving another District employee's conduct. This includes performing the following tasks (325 ILCS 5/4 and 820 ILCS 40/13):

1. Disclose to any school district requesting information concerning a current or former employee's job performance or qualifications the fact that he or she was the subject of another employee's report to DCFS. Only the fact that a District employee made a report may be disclosed.
2. Inform the District employee who is or has been the subject of such report that the Superintendent will make the disclosure as described above.
3. Delete the record of such a report if DCFS informs the District that the allegation was unfounded.

LEGAL REF.: 5 ILCS 140/
 325 ILCS 5/4 and 5/7.4.
 820 ILCS 40/
 23 Ill.Admin.Code §1.660.

Professional Personnel

Terms and Conditions of Employment and Dismissal ¹

The Superintendent shall manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable collective bargaining agreement in effect. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff. ²

School Year and Day

Teachers shall work according to the school calendar adopted by the Board, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days. ³

Teachers are required to work the school day adopted by the Board. ⁴ Teachers employed for at least 4 hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer. ⁵

The District accommodates employees who are nursing mothers according to provisions in State and federal law. ⁶

Salary

Teachers shall be paid according to the salary schedule adopted by the Board, but in no case less than the minimum salary provided by the School Code. ⁷ Teachers shall be paid at least monthly on a 10- or 12-month basis. ⁸

¹ State or federal law controls this policy's content. This policy contains items 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 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 current [*insert name of any applicable CBA*]."

² This paragraph is consistent with the IASB's "Foundational Principles of Effective Governance." Boards have 3 options for using this paragraph: (1) use it as an introduction to the rest of the policy, (2) use it alone leaving the specific other topics for administrative implementation, or (3) do not use it.

³ 105 ILCS 5/10-19. See policy 6:20, *School Year Calendar and Day*. Unless a district receives a waiver or modification pursuant to Sec. 2-3.25g, teachers are not required to work on a legal school holiday (105 ILCS 5/24-2). A holiday will not cause a deduction from an employee's time or compensation (*Id.*). See policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, for a holiday listing as well as a discussion of the case finding the State-mandated school holiday on *Good Friday* unconstitutional.

⁴ The length of the school day is left to the board's discretion absent an individual or collective bargaining contract. With several exceptions, the student attendance day must include at least 5 class hours of direct teacher supervision (105 ILCS 5/18-8).

⁵ 105 ILCS 5/24-9.

⁶ 740 ILCS 137/, 820 ILCS 260/, and 29 U.S.C. §207(r). See 5:10-AP, *Workplace Accommodations for Nursing Mothers*, for language appropriate for a personnel handbook.

⁷ 105 ILCS 5/10-20.7, 5/10-21.1, and 5/24-1. Minimum salary is found in 105 ILCS 5/24-8. The board's authority to set salaries has been significantly eroded by mandatory collective bargaining (115 ILCS 5/). State law requires:

1. An itemized compensation report for every employee holding an administrative certificate and working in that capacity must be annually presented to the board and published on the district's website, if any, on or before October 1 (105 ILCS 5/10-20.50, added by P.A. 96-434 and recodified by P.A. 96-1000.
2. A salary information report for the superintendent and all administrators and teachers must be annually given to ISBE on or before July 1 (105 ILCS 5/10-20.47, added by P.A. 96-266 and recodified by P.A. 96-1000.

Assignments and Transfers

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. **9** In order of priority, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

Dismissal

The District will follow State law when dismissing a teacher. **10**

Evaluation

The District's teacher evaluation system will be conducted under the plan developed pursuant to State law. **11**

8 105 ILCS 5/24-21.

9 Districts are required to have a policy on the distribution of the listed assignments (23 Ill.Admin.Code §1.420(d); inclusion in a collective bargaining agreement, however, should fulfill this requirement.

Absent an individual or collective bargaining agreement, the board has unilateral discretion to assign or retain a teacher to or in an extracurricular duty. Betebenner v. Bd. of Educ., 84 N.E.2d 569 (Ill.App.4, 1949); Dist. 300 Educ. Assoc. v. Bd. of Educ., 334 N.E.2d 165 (Ill.App.2, 1975); Lewis v. Bd. of Educ., 537 N.E.2d 435 (Ill.App.5, 1989).

10 State personnel laws include:

Non-tenure Teacher Discharge	105 ILCS 5/24-11
Reduction in Force	105 ILCS 5/24-12
Tenured Teacher Discharge Where Cause Remediable	105 ILCS 5/24-12 (prior warning required) 105 ILCS 5/24-12 (procedural mandates) 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Where Cause Irremediable	105 ILCS 5/24-12 (no prior warning required) 105 ILCS 5/24-12 (procedural mandates) 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Unsatisfactory Evaluation	105 ILCS 5/24A-5, amended by P.A.s 96-861 and 96-1423 (participation in remediation plan) 105 ILCS 5/24-12 (no prior warning required if causes were subject of prior remediation plan) 105 ILCS 5/24-12 (procedural mandates) 105 ILCS 5/10-22.4 (general authority)
Educational Support Personnel Employees (non-certificated)	105 ILCS 5/10-23.5
Probationary Teacher (non-tenure teacher)	105 ILCS 5/24-11

Various components of a RIF (e.g., impact and decision to RIF) and an evaluation plan (e.g., development, implementation, and impact) may be subject to mandatory collective bargaining. Central City Educ. Assoc. v. IELRB, 599 N.E.2d 892 (Ill. 1992). Districts should contact their attorneys on this matter.

Volunteer firefighters may not be fired for responding to an emergency (50 ILCS 748/). The successful dismissal of a professional employee requires early assistance from the district's attorney. The plethora of decisions include:

1. Baird v. Warren Community Unit School District No. 205, 389 F.3d 685 (7th Cir., 2004)(because board members denied a dismissed superintendent procedural due process rights, they were denied qualified immunity);
2. Joliet Township High School District v. ISBE, 770 N.E.2d 711(Ill.App.3, 2002)(a teacher's misuse of sick leave was remediable misconduct for which a warning was required before the teacher could be dismissed);
3. Community Consolidated School District No. 54 v. Spangler, 767 N.E.2d 452 (Ill.App.1, 2002)(teacher failed to satisfactorily complete remediation plan; hearing officer found that the unsatisfactory rating was unwarranted because the offenses were not serious);
4. Lifton v. Board of Education of City of Chicago, 318 F.Supp.2d 674 (N.D.Ill., 2004)(issuance of warning resolution was not pretext for retaliating against teacher for exercise of her free speech rights and she was not entitled to due process before issuance of warning);
5. Younge v. Board of Education of City of Chicago, 788 N.E.2d 1153 (Ill.App.1, 2003)(reporting to work under the influence of marijuana was irremediable);
6. Buchna v. ISBE, 795 N.E.2d 1045 (Ill.App.3, 2003)(district required to rate teacher's performance according to State law).

On an annual basis, the Superintendent will provide the Board with a written report which outlines the results of the District's teacher evaluation system.

LEGAL REF.: 105 ILCS 5/10-19, 5/18-8, 5/24-2, 5/24-8, 5/24-9, 5/24-21, 5/24A-4, and 5/24A-5.
820 ILCS 260/
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487(1985).

CROSS REF.: 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

11 All certificated school district employees must be evaluated and remedial action taken when appropriate (105 ILCS 5/24A-1 *et seq.*, amended by P.A.s 96-861 and 96-1423). Each school district must develop “in cooperation with” its teachers or, where applicable, the exclusive bargaining representative of its teachers, an evaluation plan for all teachers. The term *teacher* includes administrators. 105 ILCS 5/24A-4, amended by P.A. 96-861 no longer requires a district to file its evaluation plan with ISBE.

By September 1, 2012, teacher evaluation plans must require: (1) non-tenured teacher evaluations once every school year, (2) tenured teacher evaluations once every two school years, (3) ratings of tenured teachers as: *excellent*, *proficient*, *needs improvement* or *unsatisfactory*, and (4) tenured teachers who receive a *needs improvement* or *unsatisfactory* rating to follow either a *professional development* or *remediation* plan respectively.

By September 1, 2016, all school districts must incorporate student growth as a *significant factor* in teacher evaluations. Depending upon the circumstances, some districts must incorporate student growth in teacher evaluations before this date, e.g., districts receiving school improvement grants, etc. For a timeline when individual districts must incorporate student growth as a *significant factor* for teacher evaluations see www.isbe.state.il.us/PEAC/pdf/timeline_no_rttt_0910.pdf, and consult the board attorney. *Significant factor* will need to be defined by ISBE rules after collaboration with the Performance Evaluation Advisory Council (PEAC). See www.isbe.net/peac/ for the most recent information about ISBE and PEAC's implementation of P.A. 96-861.

Educational Support Personnel

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers ¹

The District shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

This program shall comply with the requirements of federal law. The Superintendent or designee shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing. ²

LEGAL REF.: 49 U.S.C. §31301 *et seq.*, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991).
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing), and 395 (Hours of Service of Drivers).

CROSS REF.: 4:110 (Transportation), 5:30 (Hiring Process and Criteria), 5:280 (Duties and Qualifications)

¹ 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 concerns an area in which the law is unsettled.

The federal Omnibus Transportation Testing Act of 1991 requires that all persons subject to commercial driver's license requirements be tested for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). State law also requires testing for bus driver permit applicants who are not subject to the federal Omnibus Transportation Testing Act of 1991 (625 ILCS 5/6-106.1). State law also allows for drug and alcohol testing for any driver on a public roadway; i.e., *implied consent* (625 ILCS 5/11-501.1). Drug testing by government entities constitutes a search of an individual, thereby invoking State and federal constitutional law. In determining whether post-employment testing of a school bus driver is permissible, a court will balance the privacy interests of the employee against the district's interest. *International Brotherhood of Teamsters v. Department of Transportation*, 932 F.2d 1292 (9th Cir. 1991). For districts that employ staff members in positions requiring a commercial driver's license, see the U.S. Dept. of Transportation - Office of the Secretary, Office of Drug and Alcohol Policy and Compliance's guidance and best practices document titled "What Employers Need to Know About DOT Drug and Alcohol Testing," available at: www.dot.gov/ost/dapc/documents/EmployerGuidelinesOctober012010.pdf.

² Additional provision for districts that contract-out their transportation services:

This policy shall not be implemented, and no administrative procedures will be needed, until it is reasonably foreseeable that the District will hire staff for a position(s) requiring a commercial driver's license.

Educational Support Personnel

Schedules and Employment Year ¹

The Superintendent shall supervise a process for setting work schedules and an employment year for educational support employees in accordance with State and federal law, School Board policy, and applicable agreements and shall:

1. Assign each employee one supervisor who will establish a work schedule, including breaks, as required by building or District needs, work load, and the efficient management of human resources;
2. Allow for the ability to respond to changing circumstances by altering work schedules as needed; and
3. Consider the well-being of the employee. The Superintendent's approval is required to establish a flexible work schedule or job-sharing.

Breaks

An employee who works at least 7.5 continuous hours shall receive a 30-minute duty-free meal break that begins within the first 5 hours of the employee's workday. ² The District accommodates employees who are nursing mothers according to State and federal law. ³

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. §207 et seq.
820 ILCS 105/, Minimum Wage Law.
820 ILCS 260/, Nursing Mothers in the Workplace Act.
105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act)

¹ 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's provisions should be customized to meet the district's needs. A collective bargaining agreement may contain provisions that supersede the policy, in which case, the policy should state: "Please refer to the current [*insert name of any applicable CBA*]."

The standards listed should be customized to reflect the local board's desires and/or district practices.

² This is the minimum required by 105 ILCS 5/10-20.14a.

³ School districts must accommodate mothers who choose to continue breastfeeding after returning to work. See the Right to Breastfeed Act, 740 ILCS 137/; Nursing Mothers in the Workplace Act, 820 ILCS 260/; and Fair Labor Standards Act, 29 U.S.C. §207(r), added by P.L. 111-148. See sample language for a personnel handbook in 5:10-AP, *Administrative Procedure - Workplace Accommodations for Nursing Mothers*.

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Instruction

Using Animals in the Educational Program ¹

Animals may be brought into school facilities for educational purposes according to procedures developed by the Superintendent assuring: (a) the animal is appropriately housed, humanely cared for, and properly handled, and (b) students will not be exposed to a dangerous animal or an unhealthy environment. ²

Experiments on living animals are prohibited; however, behavior studies that do not impair an animal's health or safety are permissible. ³ The dissection of dead animals or parts of dead animals shall be allowed in the classroom only when the dissection exercise contributes to or is a part of an illustration of pertinent study materials. All dissection of animals shall be confined to the classroom and must comply with the School Code.

Students who object to performing, participating in, or observing the dissection of animals are excused from classroom attendance without penalty during times when such activities are taking place. ⁴ No student will be penalized or disciplined for refusing to perform, participate in, or observe a dissection. The Superintendent or designee shall inform students of: (1) their right to refrain from performing, participating in, or observing dissection, and (2) which courses contain a dissection unit and which of those courses offers an alternative project. ⁵

LEGAL REF.: 105 ILCS 5/2-3.122, 5/27-14, and 112/.

CROSS REF.: 6:40 (Curriculum Development)

ADMIN. PROC.: 6:120-AP3 (Service Animal Access Requests), 6:120-AP3, E1 (Request for a Service Animal to Accompany a Student in School Facilities)

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

² This paragraph is optional and is not controlled by State or federal statute or rule.

³ This sentence's first clause is required by 105 ILCS 5/27-14; the clause after the semi-colon is a reasonable interpretation that will allow the use of mouse-mazes.

⁴ State law prohibits schools from penalizing a student who refuses to perform, participate in, or observe dissection (105 ILCS 112/25).

⁵ ISBE's guidelines for helping schools give notice to students, parents, teachers, and administrators are available at www.isbe.net/ils/science/mandates.htm. State law does not require that objecting students receive an alternative project. Instead, it says that the student may be given an alternative project that provides the student, through means other than dissection, with knowledge similar to that expected to be gained during the dissection project.

Instruction

Administrative Procedure - Dissection of Animals

Actor	Action	Time
Curriculum Director	<p>Identifies: (1) which, if any, courses contain a dissection project, and (2) the available alternative projects. Reports this information to the Building Principal.</p> <p>“Dissection” includes cutting, killing, preserving, or mounting of living or dead animals or animal parts for scientific study; it does not include the cutting, preserving, or mounting of: (1) meat or other animal products that have been processed for use as food or in the preparation of food, or (2) wool, silk, glue, or other commercial or artistic products derived from animals. 105 ILCS 112/10.</p> <p>Students who object to performing, participating in, or observing a dissection must be excused from classroom attendance without penalty. 105 ILCS 112/.</p>	Throughout the curriculum development process
Building Principal	<p>Ensures that course descriptions indicate which courses contain a dissection unit. For such courses, indicates that objecting students have the right to refrain, and the availability, if any, of an alternative.</p> <p>ISBE guidelines for notifying students, parents, administrators, and teachers are available at: www.isbe.net/ils/science/mandates.htm.</p>	Annually when course offerings and descriptions are distributed to students
Guidance Counselors and Teachers	Reminds objecting students to check the expectations and requirements of the post-secondary schools that they may be interested in attending. 105 ILCS 112/20(b).	Whenever a student may choose between dissection and an alternative program
Students	If dissection is objectionable, asks the teacher to be excused from the dissection project and requests an alternative project.	Within the first 10 days of the course, if possible
All Staff Members	Do not penalize or discriminate against a student in any way for refusing to perform, participate in, or observe dissection.	Continuously

Instruction

Exhibit - Guidelines and Application for Using Animals in School Facilities

To be submitted to the Building Principal

This application must be approved before an animal may be brought into any school facility. Animals may be brought into the classroom or learning center for educational purposes, provided prior permission is received from both the supervising teacher and the Building Principal. These guidelines must be followed by anyone, including a classroom teacher, wishing to bring an animal into the school facility.

Please print

Name and type of animal	School facility
Materials (i.e., cages, food, etc.)	Date(s) requested
Educational purpose	

Guidelines for Using Animals in School Facilities

Applicant responsibilities:

1. The applicant must have a plan that assures the animal is appropriately housed, humanely cared for, and properly handled.
2. No wild animal or animal that poses a known risk to humans or other animals may be brought into the school facility.
3. Animals are not to be transported on school buses.

Classroom teacher and/or facility staff responsibilities:

1. The classroom teacher signing the application must assume primary responsibility for the animal.
2. Before submitting the application, the classroom teacher must check with the school nurse regarding any known allergies among students in the classroom. If allergies exist, the teacher must contact the parents/guardians for directions.
3. The applicant must provide to the school office a certificate demonstrating that the animal's vaccinations, if applicable, are current.
4. Only the teacher or students designated by the teacher are to handle the animals.
5. If animals are to be kept in the classroom on days when classes are not in session, the teacher must make arrangements for their care and safety.
6. If an animal bites someone at school and the skin is pierced, the teacher must report the incident immediately to the school office, who will assume responsibility to notify public health authorities.

Animal owner's responsibilities:

1. The animal's owner agrees to hold the District, its employees, agents, and assigns harmless for any injury to, including death of, the animal.

2. The animal's owner, if different from the person making the application, must sign below demonstrating that he or she granted permission for the animal to come into the classroom and agrees to the conditions set forth in this application.

I agree to abide by guidelines stated in this application.

_____ Applicant (<i>please print</i>)	_____ Telephone number
_____ Address	
_____ Applicant's signature	_____ Date
_____ Classroom teacher (<i>please print</i>)	
_____ Classroom teacher's signature	_____ Date
_____ Animal owner's name if different from applicant (<i>please print</i>)	
_____ Animal owner's signature	_____ Date

The Building Principal will base his or her decision on the information being provided in this application as well as other criteria deemed important. *Note to Building Principal or designee: after approving or denying this application, return a copy of it to the applicant and keep the original in the school office.*

Approved **Denied**

_____ Principal's or designee's signature	_____ Date
--	---------------

Instruction

Home and Hospital Instruction ¹

A student who is absent from school because of a medical condition may be eligible for instruction in the student's home or hospital. Eligibility shall be determined by State law and the Illinois State Board of Education rule governing the continuum of placement options for home/hospital services. ² Appropriate educational services from qualified staff shall begin as soon as eligibility is established. ³ Instructional or related services for a student receiving special education services will be determined by the student's individualized education program.

A student who is unable to attend school because of pregnancy will be provided home instruction, correspondence courses, or other courses of instruction (1) before the birth of the child when the student's physician indicates, in writing, that she is medically unable to attend regular classroom instruction, and (2) for up to 3 months after the child's birth or a miscarriage. ⁴

Periodic conferences will be held between appropriate school personnel, parent(s)/guardian(s), and hospital staff to coordinate course work and facilitate a student's return to school.

LEGAL REF.: 105 ILCS 5/10-22.6a, 5/14-13.01, 5/18-4.5, and 5/18-8.05.
23 Ill.Admin.Code §§1.610 and 226.300.

CROSS REF.: 6:120 (Education of Children with Disabilities), 7:10 (Equal Educational Opportunity), 7:280 (Communicable and Chronic Infectious Disease)

¹ State or federal law controls this policy's content. The following State laws and ISBE rules govern homebound and hospital instruction: 105 ILCS 5/14-13.01, amended by P.A. 96-257 (reimbursement for home and hospital instruction along with factors to qualify for it); 105 ILCS 5/18-4.5 (governs reimbursement for home and hospital instruction); 105 ILCS 5/18-8.05 (an instructional session of one clock hour may be counted as ½ day of attendance, however, a student must receive 4 or more instructional clock hours to count as a full day of attendance); 23 Ill.Admin.Code §226.300 (home/hospital service for a special education student); ISBE General State Aid Claim form.

² 105 ILCS 5/14-13.01(a), amended by P.A. 96-257 and 23 Ill.Admin.Code §226.300 require, at a minimum, all students to provide a written statement from a physician licensed to practice medicine in all of its branches stating the existence of a medical condition, the impact on the student's ability to participate in education, and the anticipated duration or nature of the child's absence from school. A student with health needs may be protected by the Individuals with Disabilities Education Act (20 U.S.C. §1401(3)) or Section 504 of the Rehabilitation Act (29 U.S.C. §794(a)).

³ Id., 23 Ill.Admin.Code §226.300(g) also requires home or hospital instructors to meet the requirements listed in 23 Ill.Admin.Code §1.610; i.e., proper certification as required by 105 ILCS 5/21-1 and 23 Ill.Admin.Code §25.464.

⁴ 105 ILCS 5/10-22.6a. Number (2) does not require a physician's written statement.

Instruction

English Language Learners ¹

The District offers opportunities for resident English Language Learners to develop high levels of academic attainment in English and to meet the same academic content and student academic achievement standards that all children are expected to attain. The Superintendent or designee shall develop and maintain a program for English Language Learners that will:

1. Assist all English Language Learners to achieve English proficiency, facilitate effective communication in English, and encourage their full participation in school activities and programs as well as promote participation by the parents/guardians of English Language Learners. ²
2. Appropriately identify students with limited English-speaking ability. ³
3. Comply with State law regarding the Transitional Bilingual Educational Program (TBE) or Transitional Program of Instruction (TPI), whichever is applicable. ⁴
4. Comply with any applicable State and federal requirements for the receipt of grant money for English Language Learners and programs to serve them. ⁵
5. Determine the appropriate instructional program and environment for English Language Learners. ⁶
6. Annually assess the English proficiency of English Language Learners and monitor their progress in order to determine their readiness for a mainstream classroom environment. ⁷

¹ State or federal law controls this policy's content. The assessment and accountability provisions in NCLB and State law include limited English proficient students (20 U.S.C. §6312-6319 and 34 C.F.R. Part 200). NCLB also provides funding to support schools' efforts to help children who are limited English proficient "develop high levels of academic attainment in English and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet," (20 U.S.C. §6801 *et seq.*). Reimbursement for programs is contingent on the submission and approval of a program plan and request for reimbursement in accordance with the requirements in 105 ILCS 5/14C-12 and 23 Ill.Admin.Code Part 228. This policy uses "English Language Learners" (ELL) rather than "Limited English Proficient" – the labels are interchangeable for the purpose of this policy.

For purposes of this policy, *English Language Learners* is synonymous with the State law definition of "children of limited English-speaking ability," that is, all children in grades pre-K through 12 who, (1) were not born in the U. S., whose home language is a language other than English, and who are incapable of performing ordinary class work in English; or (2) were born in the U. S. of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary class work in English (105 ILCS 5/14C-2, as amended by P.A. 95-793; 23 Ill.Admin.Code §228.10).

² This policy's first sentence and the first numbered paragraph both allow a school board to consider the goals for its English Language Learners programs; a board should amend the sample policy accordingly.

³ Districts must administer a home language survey to each student entering the district's schools for the first time for the purpose of identifying students of non-English background (23 Ill.Admin.Code §228.15). ISBE's website contains useful information about communicating with parents/guardians, including sample Home Language Surveys and program letters in many languages (www.isbe.net/bilingual/htmls/tbe_tpi.htm).

For purposes of identifying students eligible to receive special education, districts must administer non-discriminatory procedures to English Language Learners coming from homes in which a language other than English is used (105 ILCS 5/14-8.02).

⁴ 105 ILCS 5/14C-3 and 23 Ill.Admin.Code §228.25.

⁵ 20 U.S.C. §§6312-6319 and 6801 *et seq.*; 34 C.F.R. Part 200; 105 ILCS 5/14C-1 *et seq.*; and 23 Ill.Admin.Code Part 228.

⁶ 23 Ill.Admin.Code §228.25.

⁷ 23 Ill.Admin.Code §228.15(c).

7. Include English Language Learners, to the extent required by State and federal law, in the District's student assessment program to measure their achievement in reading/language arts and mathematics. ⁸
8. Provide information to the parents/guardians of English Language Learners about: (1) the reasons for their child's identification, (2) their child's level of English proficiency, (3) the method of instruction to be used, (4) how the program will meet their child's needs, (5) specific exit requirements of the program, (6) how the program will meet their child's individualized education program, if applicable, and (7) information on parent/guardian rights. Parents/guardians will be regularly apprised of their child's progress and involvement will be encouraged. ⁹

Parent Involvement ¹⁰

Parents/guardians of English Language Learners will be: (1) given an opportunity to provide input to the program, and (2) provided notification regarding their child's placement in, and information about, the District's English Language Learners programs.

LEGAL REF.: 20 U.S.C. §§6312-6319 and 6801.
34 C.F.R. Part 200.
105 ILCS 5/14C-1 et seq.
23 Ill.Admin.Code Part 228.

CROSS REF.: 6:15 (School Accountability), 6:170 (Title I Programs), 6:340 (Student Testing and Assessment Program)

⁸ 34 C.F.R. Part 200.

⁹ 20 U.S.C. §7012(a) and 23 Ill.Admin.Code §228.40.

¹⁰ 20 U.S.C. §7012(e) and 23 Ill.Admin.Code Part 228.

Instruction

Remote Educational Program 1

The Superintendent shall develop, maintain, and supervise a remote educational program consistent with Section 10-29 of the School Code. The remote educational program shall provide an opportunity for qualifying students to participate in an educational program delivered by the District in a location outside of a school.

The remote educational program shall:

1. Align its curriculum with the Illinois State Learning Standards and Board policies 6:10, *Educational Philosophy and Objectives* and 6:15, *School Accountability*.
2. Offer instruction and educational experiences consistent with those given to students at the same grade level in the District through compliance with Board policies 6:30, *Organization of Instruction* and 6:300, *Graduation Requirements*.²
3. Provide instructors that meet the teacher qualifications in Board policy 5:190, *Teacher Qualifications*. Instructors are responsible for the following elements of the program: ³
 - a. Planning instruction,
 - b. Diagnosing learning needs,
 - c. Prescribing content delivery through class activities,
 - d. Assessing learning,
 - e. Reporting outcomes to administrators and parents/guardians, and
 - f. Evaluating the effects of instruction.
4. Follow the District's regular school term that is established by Board policies 2:20, *Powers and Duties of the School Board* and 6:20, *School Year Calendar and Day*.⁴
5. Calculate the number of clock hours a student participates in instruction in alignment with Board policy 6:20, *School Year Calendar and Day*.⁵

¹ This policy is optional, but school boards that wish to implement a remote educational program must adopt a policy with statutorily prescribed content. 105 ILCS 5/10-29, added by P.A. 96-684. Before adopting this policy school officials should consider how a remote educational program fits into the district's mission statement for instruction. School officials should consult the board attorney and a representative from ISBE for advice when implementing this program. A remote educational program will be subject to ISBE rules once ISBE promulgates and adopts them.

Homes or other locations outside of a school building for remote educational programs are not "public school facilities" (105 ILCS 5/10-29(e)).

Number one is a statutory remote educational program requirement; 105 ILCS 5/10-29(a)(2). The Illinois State Learning Standards may be found at: www.isbe.state.il.us/ils/ and 23 Ill.Admin.Code §1, App. D. See also, 105 ILCS 5/2-3.25d and 5/27-1.

² Statutory remote educational program requirement; 105 ILCS 5/10-29(a)(2).

³ Statutory remote educational program requirement; 105 ILCS 5/10-29(a)(3). Consult the board attorney for advice because the listed statutory responsibilities for instructors of remote educational programs may impact wages, hours, and terms and conditions of employment. In addition, 105 ILCS 5/10-29(d) requires these responsibilities to be subject to local collective bargaining agreements. When the district has an applicable collective bargaining agreement, replace number 3 with the following sentence:

Provide instructors that meet the teacher qualifications in Board policy 5:190, *Teacher Qualifications*. Instructors are responsible for the elements of the program consistent with the current [insert name of professional CBA].

⁴ Statutory remote educational program requirement; 105 ILCS 5/10-29(a)(4) and 5/10-19. Districts that choose to offer remote educational programs during summer school should use the following alternative sentence:

Follow the District's regular school and summer terms that are established by Board policies 2:20, *Powers and Duties of the School Board* and 6:20, *School Year Calendar and Day*.

6. Limit participation to students who are juniors or seniors or demonstrate individual educational need(s). Approval of students in the program will be on a space-available basis. **6**
7. Authorize the Superintendent or designee to approve students for participation in the program when the student shows evidence of: **7**
 - a. Enrollment in the District pursuant to Board policies 7:60, *Residence* and 7:30, *Student Assignment and Intra-District Transfer*.
 - b. Prior approval from their individualized educational program (IEP) team, if applicable.
 - c. How the remote educational program best serves the student's individual learning needs.
 - d. A consistent, appropriate attendance record, no disciplinary record, and a 2.5 minimum grade point average.
8. Include a process for developing and approving a written remote educational plan for each student participating in the program. **8**
9. Require students to complete their participation in the program within 12 months, unless the student's participation is extended by the District. **9**
10. Require students to participate in all assessments administered by the District pursuant to State and federal law and Board policy 6:340, *Student Testing and Assessment Program*. **10**
11. Align with the requirements of Board policy 7:340, *Student Records*. **11**

5 Statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(E). Days of attendance by students in a remote educational program meeting the requirements of 105 ILCS 5/10-29 may be claimed for general State aid purposes in accordance with and subject to the limitations of Section 18-8.05 of the School Code (105 ILCS 5/10-29(c)). Alternatively, a remote educational program may also be used for instruction delivered to a student in the home or other location outside of a school building that is not claimed for general State aid purposes.

6 Must be covered in policy if any limitations on participation are imposed; 105 ILCS 5/10-29(a)(1)(B). This language is a suggestion for limitation on participation. Replace this sentence with the district's specific limitations regarding the number of students or grade levels that may participate in a remote educational program. If a district has no limitations this sentence may be deleted.

7 The introductory phrase must be covered in policy; 105 ILCS 5/10-29(a)(1)(C). If a district has its own description of the process it will use to approve participation in the remote educational program, replace this sentence with the district's language.

7a is a statutory remote educational program requirement; 105 ILCS 5/10-29(a)(6).

7b is a statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(C). The district must ensure that the student receives all programming and related services required in his or her IEP (23 Ill.Admin.Code §226.360). The law is silent whether a student who has a plan under Section 504 of the federal Rehabilitation Act of 1973 (504 plan) needs prior approval, but the student's remote educational plan must deliver content in a manner consistent with the student's 504 plan.

7c is a statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(A). A student and his or her parent/guardian will need to inform the district of how a remote educational program will best serve the student's individual learning needs.

7d must be covered in policy; 105 ILCS 5/10-29(a)(1)(A). It may be customized, but the language must address, at a minimum, consideration of a student's prior attendance, disciplinary record, and academic history. The board may want to require the same minimum GPA standards that it requires for eligibility to participate in interscholastic activities. See also, 6:270, *Guidance and Counseling Program*.

8 Statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(D). A written remote educational plan must meet the requirements of 105 ILCS 5/10-29(a)(5). It must be approved by the school district and a person authorized to enroll the student under 105 ILCS 5/10-20.12b. Any amendments to a student's written remote educational plan must also be approved in the same manner. See f/n 9 & 13 for a discussion of the length of a written remote educational plan.

9 Statutory remote educational program requirement; 105 ILCS 5/10-29(a)(7). A district may extend participation longer than 12 months when it: (1) evaluates the student's progress in the program, (2) determines that the student's continuation in the program will serve the student's individual learning needs, and (3) amends the student's remote educational plan, addressing any changes for the upcoming term of the program.

10 Statutory remote educational program requirement; *Id.* at 10-29(a)(6).

12. Comply with other State and federal laws and align with all applicable Board policies. This includes the Superintendent submitting a copy of this policy to the Illinois State Board of Education along with any amendments to it and any data on student participation. **12**
13. Be monitored by the Board pursuant to Board policy 2:240, *Board Policy Development* and included as an topic for discussion in the annual report required by Board policy 6:10, *Educational Philosophy and Objectives*. It shall include a discussion of the process for renewal of the program when applicable. **13**

LEGAL REF.: 105 ILCS 5/10-29.
23 Ill.Admin.Code §226.360.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 2:240 (Board Policy Development), 5:190 (Teacher Qualifications), 6:10 (Educational Philosophy and Objectives), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:30 (Organization of Instruction), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:30 (Student Assignment and Intra-District Transfer), 7:60 (Residence), 7:340 (Student Records)

11 Remote educational programs present specific student records and privacy issues that should be examined with the board attorney. Both federal (Family Educational Rights and Privacy Act (20 U.S.C. §1232g) and State (Illinois School Student Records Act, 105 ILCS 10/) laws govern student school records and these laws differ in many respects.

12 The first sentence is a statutory remote educational program requirement that must be covered in policy; 105 ILCS 5/10-29(a)(1)(G). Consult the board attorney to discuss other issues that may pertain to the district’s specific circumstances. The second sentence is a statutory remote educational program requirement; 105 ILCS 5/10-29(g). The law provides no guidance how to accomplish this requirement other than granting ISBE rulemaking authority (105 ILCS 5/10-29(h)).

13 Must be covered in policy; 105 ILCS 5/10-29(a)(1)(F). A description of the process for renewing a remote educational program at the expiration of its *term* is required. Dual uses of the word *term* occur in this law. Depending upon the type of remote educational program, *term* suggests the district’s entire remote educational program may need renewal from time to time. The Act provides little guidance other than that the district must describe the process in its policy. The annual report required by Board policy 6:10, *Educational Philosophy and Objectives*, is one option to describe the process. Replace this sentence with the district’s language if a different process is developed.

105 ILCS 5/10-29(a)(7) also references *term*. There, *term* requires that a student’s “written remote educational plan” not extend the student’s participation in the remote educational program longer than 12 months, unless the district extends participation. See f/n 9 for further discussion.

Instruction

Extracurricular and Co-Curricular Activities ¹

The Superintendent must approve an activity in order for it to be considered a District-sponsored extracurricular or co-curricular activity, using the following criteria:

1. The activity will contribute to the leadership abilities, social well-being, self-realization, good citizenship, or general growth of student-participants.
2. Fees assessed students are reasonable and do not exceed the actual cost of operation.
3. The District has sufficient financial resources for the activity.
4. Requests from students.
5. The activity will be supervised by a school-approved sponsor.

Non-school sponsored student groups are governed by School Board policy, 7:330, *Student Use of Buildings - Equal Access*. ²

Academic Criteria for Participation

For students in kindergarten through 8th grade, ³ selection of members or participants is at the discretion of the teachers, sponsors, or coaches, provided that the selection criteria conform to the District's policies. Students must satisfy all academic standards and must comply with the activity's rules and the student conduct code.

For high school students, ⁴ selection of members or participants is at the discretion of the teachers, sponsors, or coaches, provided that the selection criteria conform to the District's policies. Participation in co-curricular activities is dependent upon course selection and successful progress in those courses. In order to be eligible to participate in any school-sponsored or school-supported athletic or extracurricular activity, a student must maintain an overall ___ grade point average. ⁵ Any

¹ Each school board in a district that maintains any of grades 9-12 must have a *no pass-no play* policy (105 ILCS 5/10-20.30). State or federal law controls some aspects of this policy's content. The criteria for determining whether to sponsor a specific activity is a local board decision, except that an ISBE rule requires that the desires of the student body be considered (23 Ill.Admin.Code §1.420).

As State law does not define extracurricular or co-curricular, a board may desire to explain these terms in the policy, such as by including the following option at the beginning of the policy:

Extracurricular or co-curricular activities are school-sponsored programs for which some or all of the activities are outside the instructional day. They do not include field trips, homework, or occasional work required outside the school day for a scheduled class. *Co-curricular activity* refers to an activity associated with the curriculum in a regular classroom and is generally required for class credit. *Extracurricular activity* refers to an activity that is not part of the curriculum, is not graded, does not offer credit, and does not take place during classroom time; it includes competitive interscholastic activities and clubs.

² *Non-curriculum related* extracurricular activities that meet during non-instruction time in secondary schools trigger the Equal Access Act, 20 U.S.C. §4071 *et seq.* The Equal Access Act prohibits the school from denying fair opportunity or *equal access* to any students who wish to conduct a meeting within a limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such a meeting. The U.S. Supreme Court interpreted "non-curriculum related student group" as any student group that does not directly relate to the body of courses offered by the school. Board of Education of Westside Community School Dist. v. Mergens, 110 S.Ct. 2356 (1990).

³ High school districts should omit this paragraph.

⁴ Elementary districts should omit this paragraph.

⁵ Each board in a district that maintains any of grades 9-12 must have a *no pass-no play* policy (105 ILCS 5/10-20.30). The policy must specify a minimum grade point average (left blank in the sample policy) AND/OR a minimum grade in each course, such as *passing* (*see alternatives below*). The policy must provide a suspension period – stated in sample policy as “___ calendar days or until the specified academic criteria are met, whichever is longer.” The procedure for implementing this policy is an administrative, management function. Alternatives follow:

student-participant failing to meet these academic criteria shall be suspended from the activity for ____ calendar days or until the specified academic criteria are met, whichever is longer. ⁶

LEGAL REF.: 105 ILCS 5/10-20.30 and 5/24-24.

CROSS REF.: 4:170 (Safety), 7:40 (Nonpublic School Students, Including Parochial and Home-Schooled Students), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:300 (Extracurricular Athletics), 7:330 (Student Use of Buildings - Equal Access), 8:20 (Community Use of School Facilities)

Alternative 1: ...a student must maintain an overall ____ grade point average and a passing grade [or minimum grade of ____] in each course the student is enrolled.

Alternative 2: ...a student must maintain a passing grade [or minimum grade of ____] in each course the student is enrolled.

Alternative 3: ...a student must satisfy the Illinois High School Association's scholastic standing requirements [doing passing work in at least 20 credit hours of high school work per week].

⁶ Alternatives include:

Alternative 1: ...shall be suspended from the activity for ____ calendar days. *[omitting the rest of the sentence.]*

Alternative 2: ...shall be suspended from the activity until the specified academic criteria are met.

Instruction

Administrative Procedure - Academic Eligibility for Participation in Extracurricular Activities ¹

Actor	Action
Building Principal	Include the minimum academic criteria for participation in the student handbook.
Coach or Sponsor	Explain the minimum academic criteria for participation to student-participants.
Student	In order to be eligible to participate, maintain an overall _____ grade point average. ²
Coach or Sponsor	Before allowing a student to join an extracurricular activity, ensure that the student meets the academic criteria.
Building Principal or designee	At the end of each grade-reporting period, arrange for all coaches and sponsors to have access to their student-participants' grades and grade point averages.
Coach or Sponsor	<p>At the end of each grade-reporting period, determine whether any student(s) failed to meet the academic criteria.</p> <p>For any student who fails to meet the academic criteria:</p> <p>Determine how long the student will be suspended from the activity; explain to the student the reason for the suspension; send a notice of the suspension to the student's parent(s)/guardian(s).</p> <p>For any student suspended for not meeting the academic criteria:</p> <p>At the end of the suspension, determine whether the student now meets the District's academic criteria. If so, notify the student and the student's parent(s)/guardian(s) that the student is now eligible to participate. If the student does not meet these criteria, notify the student's parent(s)/guardian(s) that the student will remain ineligible to participate until the student meets the academic criteria.</p>

¹ These procedures must adhere to the academic criteria and suspension term established in school board policy.

² This provision must be consistent with board policy. Alternatives the board may have selected include:

Alternative 4: ... a student must maintain an overall ___ grade point average and a passing grade [or minimum grade of ___] in each course the student is enrolled.

Alternative 5: ...a student must maintain a passing grade [or minimum grade of ___] in each course the student is enrolled.

Alternative 6: ...a student must satisfy the Illinois High School Association's scholastic standing requirements [doing passing work in at least 20 credit hours of high school work per week].

Instruction

Community Resource Persons and Volunteers 1

The School Board encourages the use of resource persons and volunteers to: (1) increase students' educational attainment, (2) provide enrichment experiences for students, (3) increase the effective utilization of staff time and skills, (4) give more individual attention to students, and (5) promote greater community involvement.

Resource persons and volunteers may be used: 2

1. For non-teaching duties not requiring instructional judgment or evaluation of students; 3
2. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (such as computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities; 4
3. To assist with academic programs under a certificated teacher's immediate supervision; 5
4. As a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval; or 6
5. As supervisors, chaperones, or sponsors for non-academic school activities. 7

The Superintendent shall establish procedures for securing and screening resource persons and volunteers. A person who is a "sex offender," as defined by the Sex Offender Registration Act, or a "violent offender against youth," as defined in the Child Murderer and Violent Offender Against Youth Registration Act, is prohibited from being a resource person or volunteer. 8

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

2 How volunteers are used should be determined locally.

3 105 ILCS 5/10-22.34(a)(1).

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

5 105 ILCS 5/10-22.34(b).

6 105 ILCS 5/10-22.34b, last paragraph.

7 105 ILCS 5/10-22.34a.

8 Sex Offender Registration Act, 730 ILCS 150/; Child Murderer and Violent Offender Against Youth Registration Act, 730 ILCS 154/.

This paragraph exceeds the requirements in State law. There is no statutory screening requirement and the only legal restriction is the statute prohibiting a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present unless specifically permitted by statute (720 ILCS 5/11-9.3). However, two databases provide an easy way for schools to screen for sex offenders and violent offenders against youth, i.e.: the Illinois Sex Offender Registry, www.isp.state.il.us/sor and the Violent Offenders Against Youth Database maintained by the State Police, www.isp.state.il.us/cmvo/. See Child Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75 - 105; Sex Offender Community Notification Law, 730 ILCS 152/101 et seq. The sample administrative procedures 4:170-AP1, *Safety*, and 6:250-AP, *Securing and Screening Resource Persons and Volunteers*, fulfill the requirement for the superintendent to develop a screening process. This alternative paragraph goes further by forbidding the use of any convicted felon:

The Superintendent shall establish procedures for securing and screening resource persons and volunteers. A person who is a "sex offender," as defined by the Sex Offender Registration Act, or a "violent offender against youth," as defined in the Child Murderer and Violent Offender Against Youth Registration Act, or has otherwise been convicted of a felony, is prohibited from being a resource person or volunteer.

This alternative paragraph reflects the minimum requirement of State law:

A person who is a "child sex offender," as defined by the Criminal Code, is prohibited from being a resource person or volunteer.

LEGAL REF.: 105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
730 ILCS 152/101 et seq. and 154/75-105.

CROSS REF.: 4:170 (Safety), 5:280 (Duties and Qualifications), 8:30 (Visitors to and Conduct on School Property), 8:95 (Parental Involvement)

Instruction

Administrative Procedure - Securing and Screening Resource Persons and Volunteers

The Building Principal or designee directs the use of resource persons and volunteers within his or her building. The use of any individual as a resource person or volunteer is subject to School Board policy 4:170, *Safety*; administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*; and School Board policy 8:30, *Visitors to and Conduct on School Property*. Specifically, the Principal or designee directs recruitment, screening, placement, and training within the following parameters:

Qualifications - Resource persons and volunteers may come from all backgrounds and all age groups. The main qualification is for the individual to have a desire to give his or her time and talent to enrich student learning opportunities and the school community generally.

Individuals Not Allowed to Serve as a School Volunteer or Resource Person - No individual who is a “sex offender,” as defined by the Sex Offender Registration Act, or a “violent offender against youth,” as defined in the Child Murderer and Violent Offender Against Youth Registration Act, may serve as a resource person or volunteer. Whenever an individual submits a new volunteer information form, the Building Principal or designee shall review the Illinois Sex Offender Registry, www.isp.state.il.us/sor, and the violent offenders against youth database maintained by the State Police www.isp.state.il.us/cmvo/. The Building Principal may request an individual to submit to a criminal history records check if the individual will be working over a long period of time in direct contact with students where no staff member is continuously present or in other situations where a check would be prudent. In addition, the Building Principal or designee shall review each new list received from law enforcement containing the names of sex offenders (authorized by the Sex Offender Community Notification Law) and violent offenders against youth (authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law) to determine if any resource person or volunteer appears on it. ¹

Recruitment - School personnel may recruit resource persons and volunteers through the following resources: parents/guardians, parent organizations, retired teachers and other senior citizen groups, community businesses, local volunteer centers, and universities. If a staff member, other than the Building Principal, recruits someone, the staff member must provide the individual’s name and address to the Building Principal.

Role - Resource persons and volunteers serve only in an auxiliary capacity under the direction and supervision of a staff member; they are not a substitute for a member of the school staff. Resource persons and volunteers do not have access to confidential student school records.

Selection, Placement, and Supervision - Selection and placement shall be on the basis of an individual’s qualifications and availability and the school’s needs. The individual will be assigned to a staff member only with the staff member’s consent. The relationship between the individual and staff member should be one of mutual respect and confidence.

Requirements - Each resource person and volunteer must register in the school’s main office at the beginning of each visit and wear a name tag while in the building or serving. Unless he or she has already done so during the current academic year, the individual must complete an information form and waiver. Absent an indication on the form that the individual may not qualify, the individual may proceed to the assigned activity.

¹ Be sure this procedure is consistent with board policy regarding the persons prohibited from serving as a volunteer.

An individual is prohibited from being a resource person or volunteer if he or she behaves in any manner that demonstrates he or she is not a good role model or is otherwise detrimental to the school environment. Examples of such behavior include: swearing, failing to be dependable, failing to follow the supervisor's instructions, committing any criminal act on school grounds or at a school activity, touching a student in a rude or overly forceful manner, failing to dress in an appropriate manner, or violating any school rule.

Training - Each academic year, when an individual first completes the registration form, the Principal or designee should give the individual a copy of this administrative procedure along with other pertinent information. The staff member to whom the individual is assigned is responsible for explaining what is expected of the individual. The Principal or designee should arrange appropriate training opportunities for those volunteer activities requiring a skill or knowledge base, e.g., working in the computer lab.

Instruction

Exhibit - Resource Person and Volunteer Information Form and Waiver of Liability

Only one form needs to be completed by a volunteer each school year. Please print clearly in ink:

Name _____
Last First Middle Telephone

Address _____
Street City Zip code

Personal physician _____ Telephone _____

Emergency adult contact _____ Telephone _____

Are you now or have you ever been a school volunteer? Yes No

If yes, at which school? _____ Year? _____

The name of any child or ward attending this school _____

Criminal Conviction Information: Are you a child sex offender? Yes No

Have you ever been convicted of a felony? Yes No If Yes, list all offenses.

Offense	Date	Location
_____	_____	_____
_____	_____	_____

If requested, are you willing to consent to a criminal history records check? Yes No

Waiver of Liability

The School District does not provide insurance coverage to non-District personnel serving as volunteers for the School District. The purpose of this waiver is to provide notice to prospective volunteers that they do not have insurance coverage by the School District and to document the volunteer's acknowledgment that they are providing volunteer service at their own risk.

By your signature below:

You acknowledge that the School District does not provide insurance coverage for the volunteer for any loss, injuries, illness, or death resulting from the volunteer's unpaid service to the School District. You agree to assume all risk for death or any loss, injury, illness, or damage of any nature or kind, arising out of the volunteer's supervised or unsupervised service to the School District. You also agree to waive any and all claims against the School District, or its officers, School Board Members, employees, agents or assigns, for loss due to death, injury, illness or damage of any kind arising out of the volunteer's supervised or unsupervised service to the School District.

Volunteer name (please print)

Volunteer signature

Date

For School Use Only

General description of assignment(s):

- Supervising students as needed by a teacher
- Supervising students during a regularly scheduled activity
- Assisting with academic programs
- Assisting at the resource center or main office
- Other _____

Name of supervising staff member _____

Child Sex Offender List checked by _____ on _____ (mandatory)

Statewide Sex Offender Database checked by _____ on _____ (mandatory)

To be completed by the Building Principal:

Will the individual be working over a long period of time in direct contact with students where no staff member is continuously present or in other situations where a criminal history records check would be prudent? Yes No

If "yes," and provided the individual authorized the criminal history records check, please provide the following:

 Date that the check was requested _____

 Date that the check was received and reviewed _____

 Check reviewed by (*please print*) _____

Signature of reviewer

Date

Instruction

Assemblies and Ceremonies ¹

Assemblies must be approved by the Superintendent or designee and be consistent with the District's educational objectives.

The District shall not endorse or otherwise promote invocations, benedictions, and group prayers at any school assembly, ceremony, or other school-sponsored activity. ²

LEGAL REF.: Lee v. Weisman, 112 S.Ct. 2649 (1992).
Santa Fe Independent School District v. Doe, 120 S.Ct. 2266 (2000).
Jones v. Clear Creek Independent School District, 977 F.2d 963 (5th Cir., 1992),
reh'g denied, 983 F.2d 234 (5th Cir., 1992) and *cert. denied*, 113 S.Ct. 2950
 (1993).

CROSS REF.: 6:70 (Teaching About Religion), 6:80 (Teaching About Controversial Issues)

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

² School-sponsored prayers or invocations at athletic events, graduation, and performances violate the First Amendment to the U.S. Constitution. Lee v. Weisman, 112 S.Ct. 2649 (1992). Even permitting students to deliver a "brief invocation and/or message" as part of pre-game ceremonies at football games is unconstitutional when the district retains control of the message's content. Santa Fe Independent School District v. Doe, 120 S.Ct. 2266 (2000), and Workman v. Greenwood Cmty. Sch. Corp., 2010 WL 1780043 (S.D.Ind., 2010). Using a student-led message to solemnize a school event is problematic, especially when the student-led message was historically a prayer or when the purpose is to solemnize an athletic event as opposed to an event like graduation. However, the Supreme Court denied review of the Fifth Circuit Court of Appeals decision affirming a school board's policy that allowed nonsectarian and nonproselytizing student-led prayer during graduation ceremonies. Jones v. Clear Creek Independent School District, 977 F.2d 963 (5th Cir., 1992), *cert. denied*. In that case, high school seniors were permitted to choose student volunteers to deliver nonsectarian, nonproselytizing invocation at graduation ceremonies. The following is the policy upheld in that case:

1. The use of an invocation and/or benediction at the high school graduation exercise shall rest within the discretion of the graduating senior class, with the advice and counsel of the senior class principal [class sponsor];
2. The invocation and benediction, if used, shall be given by a student volunteer; and
3. Consistent with the principle of equal liberty of conscience, the invocation and benediction shall be nonsectarian and nonproselytizing in nature.

A board should consult its attorney before adopting such a policy.

Students

Administrative Procedure - Challenging a Student's Residence Status ¹

Actor	Action
Superintendent or Designee	On behalf of the School Board, notifies the person who enrolled a student of the tuition amount due to the District for the non-resident student's attendance. The notice shall be sent by certified mail, return receipt requested.
Person Enrolling the Student	Within 10 days after receipt of the notice, may request a hearing to review the determination that tuition is due. The request shall be sent certified mail, return receipt requested, to the Superintendent. If a hearing is requested to review the Board's decision: May request that the student continue attendance at the District's schools pending the Board's final decision. Such attendance shall not relieve the person who enrolled the student of the obligation to pay the tuition for that attendance if the Board decides the student is a non-resident who must pay tuition.
Superintendent or Designee	On behalf of the Board and within 10 days after receiving the hearing request, shall notify the person requesting the hearing of its time and place; the notification shall be sent by certified mail, return receipt requested. The hearing shall be held not less than 10 nor more than 20 days after this hearing notice is given.
School Board or Hearing Officer Designated by the Board	Conducts the hearing. At the hearing: (1) the Board and the person who enrolled the student may use representatives of their choice, and (2) the person who enrolled the student has the burden of going forward with the evidence concerning the student's residency. If the hearing is conducted by a hearing officer: Within 5 days after the hearing's conclusion, sends a written report of his or her findings to the Board and to the person who enrolled the student. The report shall be sent by certified mail, return receipt requested.
Person Who Enrolled the Student	If the hearing is conducted by a hearing officer: Within 5 days after receiving the hearing officer's findings, may file written objections to the findings with the Board. The objections shall be sent by certified mail, return receipt requested, addressed to the Superintendent.
School Board	Whether the hearing is conducted by the Board or a hearing officer: Within 15 days after the hearing's conclusion, decides whether or not the student is a resident of the District and the amount of any tuition required to be charged as a result of the student's attendance in the District's schools; sends a copy of its decision to the person who enrolled the student. The Board's

¹ The timelines and other requirements contained in this procedure are required by 105 ILCS 5/10-20.12b.

Actor	Action
	decision is final. If a student is determined to be a non-resident: Must refuse to permit the student to continue attending the schools unless the required tuition is paid.

LEGAL REF: 105 ILCS 5/10-20.12b.

Students

Administrative Procedure - Use of Isolated Time Out and Physical Restraint ¹

This administrative procedure applies to all students. Isolated time out and physical restraint shall be used only as a means of maintaining discipline in schools, that is, as a means of maintaining a safe and orderly environment for learning and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. The use of isolated time out and physical restraint by any staff member shall comply with the Illinois State of Education (ISBE) rules, Section 1.285, "Requirements for the Use of Isolated Time Out and Physical Restraint."² Isolated time out and physical restraint are defined as follows:

Isolated time out - the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted.

Physical restraint - holding a student or otherwise restricting his or her movements. Restraint does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to: (1) prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or (2) remove a disruptive student who is unwilling to leave the area voluntarily.

The following also apply:

1. The circumstances under which isolated time out or physical restraint will be applied are limited to maintaining a safe and orderly learning environment. §1.280(c)(1).
2. The ISBE rules are adopted as the District's written procedure to be followed by staff for the use of isolated time out or physical restraint. §1.280(c)(2).
3. Staff members shall inform the Building Principal whenever isolated time out or physical restraint is used and the Building Principal shall maintain the documentation required according to Section 1.285. §1.280(c)(3).
4. The Building Principal shall investigate and evaluate any incident that results in a serious injury as reported by the affected student, parent/guardian, staff member, or other individual. §1.280(c)(4).
5. The Building Principal shall compile a description of alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4). §1.280(c)(5).

¹ 23 Ill.Admin.Code §§1.280 and 1.285. The rules apply to all students. The rules are so filled with minutiae that schools have very few compliance options. One option is to adopt the State Board's rules by reference. The sample administrative procedure uses that option. **Note: the sample AP must be augmented to include local practices in order to comply with the ISBE rules.** Another option is to prohibit the use of isolated time out and physical restraint as those terms are defined in the rules. Contact the board attorney for further guidance.

In a letter dated July 31, 2009, U.S. Secretary of Education Arne Duncan asked that "each State ... review its current policies and guidelines regarding the use of restraints and seclusion in schools to ensure every student is safe and protected, and if appropriate, develop or revise its policies and guidelines." Based upon this federal directive, each state's current policies and guidelines are outlined in a U.S. Dept. of Education document titled, "Summary of Seclusion and Restraint Statutes, Regulation, Policies and Guidance, by State and Territory: Information as Reported to the Regional Comprehensive Centers and Gathered from other Sources," available on ISBE's website.

² 23 Ill.Admin.Code §1.280.

6. The Superintendent or designee shall compile an annual review of the use of isolated time out or physical restraint. The Building Principal shall report the following information to the Superintendent in order to facilitate the report's compilation: §1.280(c)(6).
 - a. The number of incidents involving the use of these interventions;
 - b. The location and duration of each incident;
 - c. Identification of the staff members who were involved;
 - d. Any injuries or property damage that occurred; and
 - e. The timeliness of parental notification and administrative review.

LEGAL REF.: 105 ILCS 5/10-20.33.
23 Ill.Admin.Code §§1.280 and 1.285.

Students

Exemption from Physical Activity ¹

In order to be excused from participation in physical education, a student must present an appropriate excuse from his or her parent/guardian or from a person licensed under the Medical Practice Act. ² The excuse may be based on medical or religious prohibitions. State law prohibits a school board from honoring parental excuses based upon a student's participation in athletic training, activities, or competitions conducted outside the auspices of the School District. ³

Special activities in physical education will be provided for a student whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act, prevents his or her participation in the physical education course. ⁴

LEGAL REF.: 105 ILCS 5/27-6.
225 ILCS 60/, Medical Practice Act.
23 Ill.Admin.Code §1.420(p).

CROSS REF.: 6:60 (Curriculum Content), 6:310 (Credit for Alternative Courses and Programs, and Course Substitutions)

¹ An ISBE rule requires boards to have a policy defining the types of parental excuses that will be accepted in order for a student to be exempted from P.E. (23 Ill.Admin.Code §1.420(p)). State or federal law controls this policy's content.

² Medical Practice Act is found in 225 ILCS 60/.

³ 23 Ill.Admin.Code §1.420(p).

⁴ Required by 105 ILCS 5/27-6 and 23 Ill.Admin.Code §1.420(p).

Students

Administrative Procedure - Dispensing Medication

Actor	Action
<p>Parents/Guardians</p>	<p>Ask the child’s physician, dentist, or other health care provider who has authority to prescribe medications if a medication, either prescription or non-prescription, must be administered during the school day. <i>Medications</i> includes an epinephrine auto-injector (<i>EpiPen</i>®) and asthma inhaler medication.</p> <p>For a student with diabetes: The parent(s)/guardian(s) are responsible to share the health care provider’s instructions. When the student is at school, the student’s diabetes will be managed according to a diabetes care plan, if one exists, and not this Procedure. See Care of Students with Diabetes Act, 105 ILCS 5/10-22.21b, added by P.A. 96-1485.</p> <p>If so, ask the health care provider to complete a “School Medicine Authorization Form.” This form must be completed and given to the school before the school will store or dispense any medication and before your child may possess asthma medication or an epinephrine auto-injector.</p> <p>If a student is on a medication indefinitely, the parent/guardian must file a new “School Medication Authorization Form” every year.</p> <p>Bring the medication to the school office. If the medicine is for asthma or is an epinephrine auto-injector, a student may keep possession of it for immediate use at the student’s discretion: (1) while in school, (2) while at a school-sponsored activity, (3) while under the supervision of school personnel, or (4) before or after normal school activities, such as while in before-school or after-school care on school-operated property (105 ILCS 5/22-30, amended by P.A. 96-1460).</p> <p>For asthma inhalers, provide the prescription label. Bring other prescription medications to the school in the original package or appropriately labeled container. The container shall display:</p> <ul style="list-style-type: none"> Student’s name Prescription number Medication name and dosage Administration route and/or other direction Dates to be taken Licensed prescriber’s name Pharmacy name, address, and phone number <p>Bring non-prescription medications to school in the manufacturer’s original container with the label indicating the ingredients and the student’s name affixed.</p> <p>At the end of the treatment regime, remove any unused medication from the school.</p>

Actor	Action
School Office Personnel	<p>Provide a copy of these procedures, as well as a “School Medication Authorization Form,” to inquiring parents/guardians.</p> <p>Whenever a parent/guardian brings medication for a student to the office, summon the school nurse.</p> <p>If the school nurse is unavailable, accept the medication, provided the parent/guardian submits a completed “School Medication Authorization Form” and the medication is packaged in the appropriate container.</p> <p>Put the medication in the appropriate locked drawer or cabinet. Tell the school nurse about the medication as soon as possible.</p>
School Nurse (certificated school nurse or non-certificated registered professional nurse)	<p>Ensure that a parent/guardian who brings medication for his or her child has complied with the parent/guardian’s responsibilities as described in this administrative procedure.</p> <p>In conjunction with the licensed prescriber and parent/guardian, identify circumstances, if any, in which the student may self-administer the medication and/or carry the medication. A student will be permitted to carry and self-administer medication for asthma or an epinephrine auto-injector.</p> <p>Store the medication in a locked drawer or cabinet. A student may keep possession of medication for asthma or an epinephrine auto-injector.</p> <p>Medications requiring refrigeration should be refrigerated in a secure area.</p> <p>Plan with the student the time(s) the student should come to the nurse’s office to receive medications.</p> <p>Document each dose of the medication in the student’s individual health record. Documentation shall include date, time, dosage, route, and the signature of the person administering the medication or supervising the student in self-administration.</p> <p>Assess effectiveness and side effects as required by the licensed prescriber. Provide written feedback to the licensed prescriber and the parent/guardian as requested by the licensed prescriber.</p> <p>Document whenever the medication is not administered as ordered along with the reasons.</p> <p>If the parent/guardian does not pick up the medication by the end of the school year, discard the medication in the presence of a witness.</p>
Building Principal	<p>Supervise the use of these procedures.</p> <p>Perform any duties described for school office personnel, as needed.</p> <p>Perform any duties described for school nurses, as needed, or delegate those duties to appropriate staff members. No staff member shall be required to administer medications to students, except school nurses, non-certificated and registered professional nurses, and administrators.</p> <p>Make arrangements, in conjunction with the parent/guardian, supervising teachers, and/or bus drivers for the student to receive needed medication while on a field trip. Unless these arrangements can be made, the student must forego the field trip.</p>

LEGAL REF.: 105 ILCS 5/10-20.14b, 5/10-22.21b, and 5/22-30.

Students

Communicable and Chronic Infectious Disease ¹

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the School Board's policies. ² The Superintendent will develop procedures to safeguard these rights while managing health and safety concerns.

LEGAL REF.: 105 ILCS 5/10-21.11.
 410 ILCS 315/2a.
 23 Ill.Admin.Code §§ 1.610 and 226.300.
 77 Ill.Admin.Code Part 690.
 Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.
 Rehabilitation Act, Section 504, 29 U.S.C. §794(a).

¹ 105 ILCS 5/10-21.11 requires all districts to have a policy on the appropriate manner of managing children with chronic infectious diseases. State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled in that competing interests (protecting the afflicted student's rights while protecting the health and safety of the student body) have not been completely resolved.

² A student with a contagious disease is probably a *handicapped individual* under Section 504 of the Rehabilitation Act (29 U.S.C. §794(a)). See School Board of Nassau Co. v. Arline, 107 S.Ct. 1123 (1987) (teacher with tuberculosis was handicapped under section 504); Thomas v. Atascadero Unified School District, 662 F.Supp. 376 (C.D. Cal., 1986) (a child with AIDS was a *handicapped person* under Section 504); District 27 Community School Board v. Board of Education of the City of New York, 502 N.Y.S.2d 325 (1986).

Students with contagious diseases may also qualify for special education under the Individuals With Disabilities Education Act (20 U.S.C. §1400 et seq.) Each school district, independently or in cooperation with other districts, must provide a comprehensive program of special education that meets the needs of children ages 3 to 21 with exceptional characteristics as identified in State law, specifically including physical or health impairments (105 ILCS 5/14).

Decisions to place a student in a class outside regular classes due to infectious disease must be based on medical evaluations indicating a need to protect the health and safety of others. Community High School District 155 v. Denz, 463 N.E.2d 998 (Ill.App.2, 1984).

Cases involving contagious diseases are highly fact-specific. Generally, the appropriate treatment of a student depends on the severity of the disease and the risk of infecting others, but in all cases, the board attorney should be consulted.

**IASB POLICY REFERENCE MANUAL
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Community Relations

Connection with the Community

The Superintendent is the District's chief spokesperson and shall plan and implement a District public relations program that will: ¹

1. Develop community understanding of school operation.
2. Gather community attitudes and desires for the District.
3. Secure adequate financial support for a sound educational program.
4. Help the community feel a more direct responsibility for the quality of education provided by their schools.
5. Earn the community's good will, respect, and confidence.
6. Promote a genuine spirit of cooperation between the school and the community.
7. Keep the news media provided with accurate information.

The public relations program should include:

1. Regular news releases concerning District programs, policies, and activities, that will be sent to the news media.
2. News conferences and interviews, as requested or needed. Individuals may speak for the District only with prior approval from the Superintendent. ²
3. Publications having a high quality of editorial content and effective format. All publications shall identify the District, school, department, or classroom and shall include the name of the Superintendent, the Building Principal, and/or the author and the publication date.
4. Other efforts that highlight the District's programs and activities. ³

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers)

¹ These objectives are examples only and should be customized for each district.

² In alignment with the IASB "Foundational Principles of Effective Governance," the school board president is the board's spokesperson (see 2:110, *Qualifications, Term, and Duties of Board Officers*) and the superintendent is the district's spokesperson.

³ Examples of such programs include senior citizens' brunches, realtors' luncheons, and building tours.

Community Relations

Parent Organizations and Booster Clubs

Parent organizations and booster clubs are invaluable resources to the District's schools. While parent organizations and booster clubs have no administrative authority and cannot determine District policy, the School Board welcomes their suggestions and assistance.

Parent organizations and booster clubs are recognized by the Board and permitted to use the District's name, a District school's name, or a District school's team name, or any logo attributable to the District provided they first receive the Superintendent or designee's express written consent. Consent to use one of the above-mentioned names or logos will generally be granted if the organization or club has by-laws containing the following:

1. The organization's or club's name and purpose, such as, to enhance students' educational experiences, to help meet educational needs of students, to provide extra athletic benefits to students, to assist specific sports teams or academic clubs through financial support, or to enrich extracurricular activities.
2. The rules and procedures under which it operates.
3. An agreement to adhere to all Board policies and administrative procedures.
4. A statement that membership is open and unrestricted, meaning that membership is open to parents/guardians of students enrolled in the school, District staff, and community members. ¹
5. A statement that the District is not, and will not be, responsible for the organization's or club's business or the conduct of its members.
6. An agreement to maintain and protect its own finances.
7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club's recommendation. ²

Permission to use one of the above-mentioned names or logos may be rescinded at any time and does not constitute permission to act as the District's representative. At no time does the District accept responsibility for the actions of any parent organization or booster club regardless of whether it was recognized and/or permitted to use any of the above-mentioned names or logos. ³ The Superintendent

¹ An alternative follows:

An agreement not to engage in discrimination based on someone's innate characteristics or membership in a suspect classification.

² Booster clubs are understandably selective in their support. However, by accepting booster club assistance that creates vast gender differences, a board may face claims that it has violated Title IX. Title IX's focus is on equal funding opportunities, equal facility availability, similar travel and transportation treatment, comparable coaching, and comparable publicity (34 C.F.R. Part 106).

³ Booster clubs present potential liabilities to a school district beyond loss of funds because they seldom are properly organized (they generally are not incorporated or otherwise legally recognized), carry no insurance, raise and handle large sums, and club members hold themselves out as agents of the school (after all, no funds could be raised but for the school connection). A disclaimer, such as the one presented here, may not be sufficient. A district may take several actions, after discussion with its attorney, to minimize liability, such as adding a requirement to item 6 above that the club: (1) operate under the school's authority (activity accounts); or (2) be properly organized and demonstrate fiscal responsibility by being a 501(c)(3) organization, obtaining a bond, and/or arranging regular audits. Ultimately, the best way to minimize liability is to be sure that the district's errors and omissions insurance covers parent organizations and booster clubs.

shall designate an administrative staff member to serve as the liaison to parent organizations or booster clubs. The liaison will serve as a resource person and provide information about school programs, resources, policies, problems, concerns, and emerging issues. Building staff will be encouraged to participate in the organizations.

CROSS REF.: 8:80 (Gifts to the District)

Community Relations

Parental Involvement

In order to assure collaborative relationships between students' families and the District, and to enable parents/guardians to become active partners in their children's education, the Superintendent shall:

1. Keep parents/guardians thoroughly informed about their child's school and education.
2. Encourage parents/guardians to be involved in their child's school and education.
3. Establish effective two-way communication between parents/guardians and the District.
4. Seek input from parents/guardians on significant school-related issues.
5. Inform parents/guardians on how they can assist their children's learning.

The Superintendent shall periodically report to the School Board on the implementation of this policy.

CROSS REF.: 6:170 (Title I Programs), 6:250 (Community Resource Persons and Volunteers), 8:10 (Connection with the Community), 8:90 (Parent Organizations and Booster Clubs)

ADMIN. PROC.: 6:170-E1 (District Level Parental Involvement Compact in Title I Programs), 6:170-E2 (School Level Parental Involvement Compact in Title I Programs)

Community Relations

Exhibit - Letter Notifying Parents/Guardians of School Visitation Rights

On District letterhead

Date

Dear Parents/Guardians:

The School Visitation Rights Act permits employed parents/guardians, who are unable to meet with educators because of a work conflict, the right to time off from work to attend necessary educational or behavioral conferences at their child’s school. Please review the following copy of this Act to determine if you are entitled to a school visitation leave.

Sincerely,

Superintendent

SCHOOL VISITATION RIGHTS ACT
820 ILCS 147

147/1. Short title

This Act may be cited as the School Visitation Rights Act.

147/5. Policy

The General Assembly of the State of Illinois finds that the basis of a strong economy is an educational system reliant upon parental involvement. The intent of this Act is to permit employed parents and guardians who are unable to meet with educators because of a work conflict the right to an allotment of time during the school year to attend necessary educational or behavioral conferences at the school their children attend.

147/10. Definitions

As used in this Act:

- (a) “Employee” means a person who performs services for hire for an employer for:
 - (1) at least 6 consecutive months immediately preceding a request for leave under this Act; and
 - (2) an average number of hours per week equal to at least one-half the full-time equivalent position in the employer’s job classification, as defined by the employer’s personnel policies or practices or in accordance with a collective bargaining agreement, during those 6 months.
 “Employee” includes all individuals meeting the above criteria but does not include an independent contractor.
- (b) “Employer” means any of the following: a State agency, officer, or department, a unit of local government, a school district, an individual, a corporation, a partnership, an association, or a nonprofit organization.
- (c) “Child” means a biological, adopted or foster child, a stepchild or a legal ward of an employee and who is enrolled in a primary or secondary public or private school in this State or a state which shares a common boundary with Illinois.

- (d) "School" means any public or private primary or secondary school or educational facility located in this State or a state which shares a common boundary with Illinois.
- (e) "School administrator" means the principal or similar administrator who is responsible for the operations of the school.

147/15. School conference and activity leave

- (a) An employer must grant an employee leave of up to a total of 8 hours during any school year, and no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during non-work hours; however, no leave may be taken by an employee of an employer that is subject to this Act unless the employee has exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee except sick leave and disability leave. Before arranging attendance at the conference or activity, the employee shall provide the employer with a written request for leave at least 7 days in advance of the time the employee is required to utilize the visitation right. In emergency situations, no more than 24 hours notice shall be required. The employee must consult with the employer to schedule the leave so as not to disrupt unduly the operations of the employer.
- (b) Nothing in this Act requires that the leave be paid.
- (c) For regularly scheduled, non-emergency visitations, schools shall make time available for visitation during regular school hours and evening hours.

147/20. Compensation

An employee who utilizes or seeks to utilize the rights afforded by this Act may choose the opportunity to make up the time so taken as guaranteed by this Act on a different day or shift as directed by the employer. An employee who exercises his rights under this Act shall not be required to make up the time taken, but if such employee does not make up the time taken, such employee shall not be compensated for the time taken. An employee who does make up the time taken shall be paid at the same rate as paid for normal working time. Employers shall make a good faith effort to permit an employee to make up the time taken for the purposes of this Act. If no reasonable opportunity exists for the employee to make up the time taken, the employee shall not be paid for the time. A reasonable opportunity to make up the time taken does not include the scheduling of make-up time in a manner that would require the payment of wages on an overtime basis. Notwithstanding any other provision of this Section, if unpaid leave under this Act conflicts with the unreduced compensation requirement for exempt employees under the federal Fair Labor Standards Act, an employer may require an employee to make up the leave hours within the same pay period.

147/25. Notification

The State Superintendent of Education shall notify each public and private primary and secondary school of this Act. Each public and private school shall notify parents or guardians of the school's students of their school visitation rights. The Department of Labor shall notify employers of this Act.

147/30. Verification

Upon completion of school visitation rights by a parent or guardian, the school administrator shall provide the parent or guardian documentation of the school visitation. The parent or guardian shall submit such verification to the employer. The State Superintendent and the Director of the Department of Labor shall suggest a standard form of documentation of school visitation to schools for use as required by this Section. The standard form of documentation shall include, but not be limited to, the exact time and date the visitation occurred and ended. Failure of a parent or guardian

to submit the verification statement from the school to his or her employer within 2 working days of the school visitation subjects the employee to the standard disciplinary procedures imposed by the employer for unexcused absences from work.

147/35. Employee rights

No employee shall lose any employee benefits, except as provided for in Section 20 of this Act, for exercising his or her rights under this Act. Nothing in this Act shall be construed to affect an employer's obligation to comply with any collective bargaining agreement or employee benefit plan. Nothing in this Act shall prevent an employer from providing school visitation rights in excess of the requirements of this Act. The rights afforded by this Act shall not be diminished by any collective bargaining act or by any employee benefit plan.

147/40. Applicability

This Act applies solely to public and private employers that employ at least 50 or more individuals in Illinois, and to their employees.

147/45. Violation

Any employer who violates this Act is guilty of a petty offense and may be fined not more than \$100 for each offense.

147/49. Limits on leave

No employer that is subject to this Act is required to grant school visitation leave to an employee if granting the leave would result in more than 5% of the employer's work force or 5% of an employer's work force shift taking school conference or activity leave at the same time.

Community Relations

Exhibit - Verification of School Visitation

To be completed by the parent/guardian and given to the Building Principal. Please print.

This document serves to verify that the named parent/guardian attended a school conference or classroom activity for his or her child held on the date and time indicated below.

Student

Conference/Classroom activity

Parent/Guardian name

Date/time of conference/classroom activity

Parent/Guardian signature

To be signed by the Building Principal and returned to the parent/guardian.

Building Principal signature

Date

Community Relations

Public Suggestions and Concerns

The School Board is interested in receiving suggestions and concerns from members of the community. Any individual may make a suggestion or express a concern at any District or School office. All suggestions and/or concerns will be referred to the appropriate level staff member or District administrator who is most able to respond in a timely manner. Each concern or suggestion shall be considered on its merit.

An individual who is not satisfied after following the channels of authority, may file a grievance under the Board policy 2:260, *Uniform Grievance Procedure*. Neither this policy nor the *Uniform Grievance Procedure* creates an independent right to a hearing before the Board.

CROSS REF.: 2:140 (Communications To and From the Board), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 2:260 (Uniform Grievance Procedure), 3:30 (Chain of Command), 6:260 (Complaints About Curriculum, Instructional Materials and Programs), 8:10 (Connection with the Community)