

ISSUE 95, July 2017

Update Memo

Please distribute to board
members and appropriate staff.

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Online Instructions

Please follow these three easy
steps to log in to **PRESS**:

1. Go to www.iasb.com and click on **MY ACCOUNT**.
2. Log in using your email address and password:
 - If you do not know your password, or do not have a password, do not create a new account; use the **forgot password** link.
 - If you are still having difficulty logging in, please contact your district's superintendent or administrative assistant to make sure you are listed as an authorized user on the district roster.
 - If you continue to have difficulty, please contact Linda Cala at lcala@iasb.com.
3. Under **My Account Links**, click on **PRESS Login**.

PRESS

Policy Reference Education Subscription Service

This publication is designed to provide information only and is not a substitute for legal advice from the Board Attorney. If you have any questions, please contact Kimberly Small, IASB General Counsel and **PRESS** Editor, 630/629-3776, ext. 1226, Maryam Brotine, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1219, or Debra Jacobson, Assistant General Counsel and Assistant **PRESS** Editor, 630/629-3776, ext. 1211.

Instructions

You are encouraged to share this **PRESS** Update Memo with all board members and appropriate staff.

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

Bundles Now Standard Format for the Update Memo!

We first tried the **Bundles** format in **PRESS** Issue 93 to make the information regarding necessary updates to the IASB Policy Reference Manual (PRM) more manageable for our subscribers. Due to its popularity, we tried it again with **PRESS** Issue 94. Each bundle summarizes the global reasons for changes to all materials that are listed.

Specific details about how each piece of material changed, e.g., **PRESS** Advisory Board feedback, quality assurance, five-year review items, etc., are explained in numerical order in the **Revisions to Policies, Administrative Procedures, and Exhibits** table beginning on p. 4.

Please spend some time reviewing the online Committee Worksheets, available behind the **PRESS** Login under a link titled: **PRESS Committee Worksheets**. They provide comment boxes further describing some of the changes and detailed explanations in the footnotes by the **PRESS** Editors.

Federal Developments

Title II of the Americans With Disabilities Act of 1990 (ADA) applies to websites and requires covered entities, including public school districts, to make websites accessible. This requirement is not new; however, addressing website accessibility is complex. Many covered entities address website accessibility using *Web Content Accessibility Guidelines* (WCAG) 2.0, which were developed by a private group of accessibility experts. WCAG 2.0 guidelines are the standard the U.S. Dept. of Justice (DOJ) referenced in its recent Title II rulemaking. Despite that, WCAG 2.0 guidelines are not the formal legal standard for website accessibility under Title II of the ADA. To avoid allegations that a district violated Section 504 of the Rehabilitation Act of

1973 and/or Title II of the ADA, many attorneys suggest that school districts' websites meet WCAG 2.0 guidelines.

While the DOJ under President Obama's Administration proposed regulations for public accommodations of websites (set to be final in 2018), President Trump signed an executive order in early 2017 entitled *Reducing Regulation and Controlling Regulatory Costs*, which makes it highly unlikely that the DOJ will issue any website regulations during the Trump Administration's tenure. Districts should consult with their board attorneys about this complex issue.

The following **PRESS** materials are updated in response to these developments:

- 2:260, Uniform Grievance Procedure
- 8:70, Accommodating Individuals with Disabilities

Five-Year Review Updates

PRESS Editors have a quality assurance goal to ensure that each piece of the 1000+ page IASB **PRESS PRM** is reviewed at least every five years. The **PRM** contains approximately 175 policies and procedures.

The following **PRESS** materials are updated in response to five-year reviews:

- 2:20-E, Exhibit - Waiver and Modification Request Resource Guide
- 2:210, Organizational School Board Meeting
- 2:220-E3, Exhibit - Closed Meeting Minutes
- 4:60-E, Exhibit - Notice to Contractors
- 4:70, Resource Conservation
- 4:170-AP1, E1, Exhibit - Accident or Injury Form
- 4:170-AP1, E2, Exhibit - Memo to Staff Members Regarding Contacts by Media About a Crisis
- 4:170-AP4, Administrative Procedure - National Terrorism Advisory System, **REWRITTEN**
- 6:80, Teaching About Controversial Issues
- 6:120-AP1, E1, Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights
- 6:120-AP3, Administrative Procedure - Service Animals
- 6:120-AP3, E1, Exhibit - Guidelines for Service Animals in School Facilities
- 6:180, Extended Instructional Programs
- 6:210, Instructional Materials
- 6:290, Homework
- 6:310-E, Exhibit - Class Substitution Request
- 6:330, Achievement and Awards
- 7:80, Release Time for Religious Instruction/Observance
- 7:140-AP, Administrative Procedure - Use of Metal Detectors for Student Safety
- 7:160, Student Appearance
- 7:275, Orders to Forgo Life-Sustaining Treatment
- 7:340-AP1, E2, Exhibit - Using a Photograph or Video Recording of a Student
- 7:340-AP1, E5, Exhibit - Biometric Information Collection Authorization
- 7:340-AP2, Administrative Procedure - Storage and Destruction of School Student Records
- 7:340-AP2, E1, Exhibit - Letter Containing Schedule for Destruction of School Student Records
- 8:20-E, Exhibit - Application and Procedures for Use of School Facilities

PRESS Terminology

What are the meanings of the "AP" and "E" after certain policy numbers?

The **PRESS Policy Reference Manual (PRM)** is an encyclopedia of sample board policies, administrative procedures, and exhibits. They are all in numerical order for easy reference. **PRESS** recommends that local school districts maintain separate board policy and administrative procedure manuals to help distinguish for the board, staff, students, parents, and community members, the distinction between board documents and staff documents, board work, and staff work.

Policy — The board develops policies with input from various sources like district administrators, the board attorney, and **PRESS** materials. The board then formally adopts the policies, often after more than one consideration.

After adoption by the board, each policy should have an adoption date.

Administrative Procedures — Administrative procedures are developed by the Superintendent, administrators, and/or other district staff members. The staff develops the procedures that guide implementation of the policies. Administrative procedures are not adopted by the Board, which allows the superintendent and staff the flexibility they need to keep the procedures current. **PRESS** sample procedures are numbered to correspond with the policies that they implement for easy reference. For example, policy 6:190's related administrative procedure is 6:190-AP.

It is important to remember that administrative procedures do not require formal board adoption and are not included in a board policy manual.

Exhibits — Both Board policies and administrative procedures may have related exhibits. Exhibits provide information and forms intended to be helpful to the understanding or implementation of either a board policy or administrative procedure, and they do not require formal board adoption. **PRESS** sample exhibits are numbered to correspond to the related board policy or administrative procedure. For example, board policy 2:70 has a related exhibit numbered 2:70-E. Administrative procedure 7:340-AP1 has a related exhibit numbered 7:340-AP1, E.

Exhibits labeled with an "E" only may provide guidance for board work or staff work. Those providing guidance for board work should be dated for implementation by the Board. Those providing guidance for the staff should be dated for implementation by the administrative staff.

Administrative procedures exhibits, always labeled with the "AP, E" format should be dated for implementation by the administrative staff.

Progress Report

The contents of this report frequently change.

Immigration Enforcement

The National School Boards Association (NSBA) recently issued an updated guide on serving undocumented students, *Lifting the Lamp Beside the Schoolhouse Door: A Legal Guide to Serving Undocumented Students in Public Schools*, which builds on a similar 2009 NSBA publication to address current topics of interest such as “sanctuary” status and recent executive orders on the subject. Available at www.iasb.com/law/, under *Federal Resources*.

The Illinois Council of School Attorneys (ICSA) recently issued an updated version of *Guidelines for Interviews of Students at School by Law Enforcement Authorities*, designed to assist law enforcement authorities and school officials in determining when it is appropriate for law enforcement authorities to interview students while the students are at school or participating in school-related activities. In light of recent events, the *Guidelines* now address activities related to Immigration and Customs Enforcement. Available at www.iasb.com/law/intstudents.cfm.

The law limits school district involvement in immigration matters, and these limits are incorporated in **PRESS** materials (see list of “Relevant **PRESS** Material,” in *Our Response* below). In regard to employees:

1. The Illinois Human Rights Act requires school districts to provide equal employment opportunities to all persons regardless of their citizenship status.
2. The Immigration Reform and Control Act of 1986 requires employers to verify that employees are either U.S. citizens or authorized to work in the U.S.
3. If an individual applies for employment but is not a U.S. citizen or authorized to work in the U.S., there is no requirement for schools to report them to immigration authorities.

In regard to students, ISBE regulations, which are based on a U.S. Supreme Court case, prohibit schools from:

1. Denying access to students who lack documentation of their immigration status or legal presence in the U.S.
2. Inquiring about the immigration status of a student.
3. Requiring documents as proof of residency for a student that, when taken together, result in a requirement for proof of legal presence, such as a social security number.

Based on this, schools cannot report undocumented students to immigration authorities, as this would effectively deny students access to school.

Our Response: Relevant **PRESS** Materials:

Employees

5:10, *Equal Employment Opportunity and Minority Recruitment*

5:30, *Hiring Process and Criteria*

Students

7:10, *Equal Educational Opportunities*

7:50, *School Admissions and Student Transfers To and From Non-District Schools*

7:340-AP1, *School Student Records*

Lead Testing in Water

P.A. 99-922, eff. 1-17-17, created Section 35.5 of the Illinois Plumbing License Law (225 ILCS 320/35.5) and requires that each source of potable water in school buildings constructed on or before 1-1-00, that may be occupied by more than 10 children in grades pre-K through 5, be tested for lead. Testing for buildings constructed prior to 1-1-87 must be conducted by 12-31-17. Testing for buildings constructed between 1-2-87 and 1-1-00 must be conducted by 12-31-18.

Within 90 days of the effective date, the Illinois Dept. of Public Health (IDPH) is to post on its website guidance on mitigation actions for lead in drinking water and ongoing water management practices. On 5-9-17, IDPH posted *Mitigation Strategies for Lead Found in School Drinking Water* at: www.dph.illinois.gov/sites/default/files/publications/school-lead-mitigation-strategies-050917.pdf. **Note:** p. 2 of *Mitigation Strategies* states “IDPH is requiring the mitigation strategies and requirements contained in this guidance document to be followed for all plumbing fixtures identified with any level of lead,” however P.A. 99-922 does not authorize IDPH to impose such additional requirements.

SB 1943, approved by both houses and sent to the Governor for signature on 6-16-17, would amend Section 35.5.

Our Response: We will respond after the Governor takes action on SB 1943, with likely updates to policy 4:170, *Safety*, and its corresponding materials.

Cook County Sweetened Beverage Tax

The Cook County Sweetened Beverage Tax, Ordinance 16-5931, was effective 7-1-17 but its implementation has been delayed by court order. Though the tax is ultimately borne by the purchaser of sweetened beverages, the Ordinance imposes requirements upon retailers (which may include school districts) related to the collection of taxes, keeping of records, and examination of books and records, as well as penalties for failure to comply. Consult your board attorney about the legality of the Ordinance as applied to school districts in light of Board of Educ. of Sch. Dist. No. 150 v. City of Peoria, 76 Ill. 2d 469 (1979).

Our Response: We will monitor the status of the Ordinance and will provide any necessary updates to **PRESS** materials.

Postsecondary and Workforce Readiness Act

P.A. 99-674 – Postsecondary and Workforce Readiness Act, eff. 7-29-16. This law requires the State to adopt and publicize model postsecondary and career expectations for students in grades 8-12 that specify knowledge that students should have by the end of each grade level. It requires the model expectations to address certain areas listed in the law. It also creates a high school graduation pilot program.

Our Response: We will respond after these agencies publicize a model expectations plan and the pilot programs are completed, with likely updates to policy 6:40, *Curriculum Development*; 6:300, *Graduation Requirements*; and their corresponding materials.

Revisions to Policies, Administrative Procedures, and Exhibits

| Number and Title | Revision Descriptions | <input checked="" type="checkbox"/> |
|---|--|-------------------------------------|
| 2:20-E, Exhibit - Waiver and Modification Request Resource Guide | The exhibit is updated with minor corrections for style and clarity. While one explanation is REWRITTEN for clarity, its content did not change. | <input type="checkbox"/> |
| 2:210, Organizational School Board Meeting | The policy is unchanged other than the addition of a comma. Minor continuous improvement updates are made to the footnotes. | <input type="checkbox"/> |
| 2:220-E3, Exhibit - Closed Meeting Minutes | The footnote is deleted and the substance of it is instead incorporated into the exhibit. | <input type="checkbox"/> |
| 2:260, Uniform Grievance Procedure | The policy, Cross References, and footnotes are updated to clarify that Title II of the ADA applies to website accessibility. Continuous improvement updates are also made to the policy and footnotes. | <input type="checkbox"/> |
| 4:60-E, Exhibit - Notice to Contractors | The exhibit is updated with minor corrections for style and to update web links. | <input type="checkbox"/> |
| 4:70, Resource Conservation | The policy is unchanged. Minor continuous improvement updates are made to the footnotes. | <input type="checkbox"/> |
| 4:170-AP1, E1, Exhibit - Accident or Injury Form | The exhibit is updated with minor corrections for style. | <input type="checkbox"/> |
| 4:170-AP1, E2, Exhibit - Memo to Staff Members Regarding Contacts by Media About a Crisis | The exhibit is updated for continuous improvement, including additional best practices for responding to comments and questions from reporters. | <input type="checkbox"/> |
| 4:170-AP4, Administrative Procedure - National Terrorism Advisory System | REWRITTEN. Reference to the defunct Homeland Security Advisory System is deleted. Explains National Terrorism Advisory System advisories (Bulletins and Alerts) and threat levels (<i>elevated</i> and <i>imminent</i>). It outlines potential district response measures by category. | <input type="checkbox"/> |
| 6:80, Teaching About Controversial Issues | The policy and footnotes are updated with minor corrections for continuous improvement. | <input type="checkbox"/> |
| 6:120-AP1, E1, Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights | The procedure is updated to remove all legal references to the Individuals with Disabilities Education Act (IDEA), the School Code's Article 14 special education procedures, and the Illinois State Board of Education's IDEA due process hearing procedures. The procedure directs districts to instead insert details regarding their district-specific Section 504 hearing and review procedures. The footnotes have been updated to provide sample hearing and review procedures based upon Section IX, <i>Impartial Hearing Procedures</i> , of Sample Section 504 Procedures at www.iasb.com/law/sec504.cfm . | <input type="checkbox"/> |
| 6:120-AP3, Administrative Procedure - Service Animals | The procedure is updated with minor corrections for style and to update web links. | <input type="checkbox"/> |
| 6:120-AP3, E1, Exhibit - Guidelines for Service Animals in School Facilities | The exhibit and its footnote are updated with minor corrections for style and to update web links. | <input type="checkbox"/> |
| 6:180, Extended Instructional Programs | The policy, footnotes, and Legal References are updated to more accurately reflect language used in relevant provisions of the School Code and to add the "advanced vocational training and/or career education program" to the list of potential extended instructional programs. | <input type="checkbox"/> |
| 6:210, Instructional Materials | The policy, footnotes, and Legal References are updated to move optional language previously within footnote 4 into the body of the policy. Footnote 4 is updated to note this is a best practice. | <input type="checkbox"/> |
| 6:290, Homework | The policy is unchanged. Minor continuous improvement updates are made to the footnotes. | <input type="checkbox"/> |

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

| Number and Title | Revision Descriptions | <input checked="" type="checkbox"/> |
|---|---|-------------------------------------|
| 6:310-E, Exhibit - Class Substitution Request | The exhibit is updated to <i>more accurately reflect the language of 23 Ill.Admin. Code 1.445</i> . Minor continuous improvement updates are made to the exhibit and footnotes. | <input type="checkbox"/> |
| 6:330, Achievement and Awards | The policy is unchanged. Minor continuous improvement updates are made to the footnotes. | <input type="checkbox"/> |
| 7:80, Release Time for Religious Instruction/Observance | The policy and footnotes are updated with minor corrections for style. | <input type="checkbox"/> |
| 7:140-AP, Administrative Procedure - Use of Metal Detectors for Student Safety | The procedure is updated to incorporate best practice recommendations for conducting searches as set forth in Board policy 7:140, Search and Seizure. A sentence added to the Metal Detectors section clarifies best practice regarding when an individual may be subjected to a pat-down search. | <input type="checkbox"/> |
| 7:160, Student Appearance | The policy is unchanged but for one minor (s) inserted at the end of the policy's last sentence. Minor continuous improvement updates are made to the footnotes. | <input type="checkbox"/> |
| 7:275, Orders to Forgo Life-Sustaining Treatment | The policy is updated with suggestions from members of the PRESS Advisory Board (PAB). More members of the multi-disciplinary team are added. Footnotes are updated and added to discuss potential liability issues and provide options for the work of the multi-disciplinary team. | <input type="checkbox"/> |
| 7:340-AP1, E2, Exhibit - Using a Photograph or Video Recording of a Student | The exhibit is updated with minor corrections for style. | <input type="checkbox"/> |
| 7:340-AP1, E5, Exhibit - Biometric Information Collection Authorization | The exhibit is updated to delete language regarding a student's graduation, marriage, or entry into military service because that language comes from the Illinois School Student Records Act. This exhibit solely addresses biometric information collection permitted by Section 10-20.40 of the School Code. Other minor style updates are made. | <input type="checkbox"/> |
| 7:340-AP2, Administrative Procedure - Storage and Destruction of School Student Records | The procedure is updated with minor corrections for style and to update web links. | <input type="checkbox"/> |
| 7:340-AP2, E1, Exhibit - Letter Containing Schedule for Destruction of School Student Records | The exhibit is updated with minor corrections for style. | <input type="checkbox"/> |
| 8:20-E, Exhibit - Application and Procedures for Use of School Facilities | The exhibit and footnote are updated with minor corrections for style. | <input type="checkbox"/> |
| 8:70, Accommodating Individuals with Disabilities | The policy and footnotes are updated to clarify that Title II of the ADA applies to website accessibility. | <input type="checkbox"/> |



The IASB Office of General Counsel's mission is to honestly, professionally, and credibly protect and preserve IASB through legal risk management and compliance services for the IASB Board of Directors and staff; promote best practices to IASB members; create educational products and services; and maintain strong, collaborative relationships with the public education community.



Kimberly Small
PRESS Editor, IASB General Counsel
(ext. 1226), ksmall@iasb.com



Maryam Brotine
Assistant PRESS Editor,
Assistant General Counsel
(ext. 1219), mbrotine@iasb.com



Debra Jacobson
Assistant PRESS Editor,
Assistant General Counsel
(ext. 1211), djacobson@iasb.com

Acknowledgement to PRESS Advisory Board

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

— **Kimberly Small, Maryam Brotine, and Debra Jacobson**

Sara Boucek, Associate Director/Legal Counsel, Illinois Association of School Administrators

Heather K. Brickman, Attorney, Hodges, Loizzi, Eisenhammer, Rodick & Kohn, LLP

Marcy Dutton, General Counsel, Teachers' Retirement System

Dr. James Gay, Superintendent, Community High School District 230

Dr. Michael Kiser, Attorney, Law Office of Michael L. Kiser, Esq.

Larry D. Kuster, Attorney, Rammelkamp Bradney, Attorneys at Law

Fred Mundinger, Assistant Superintendent, DuPage County Regional Office of Education

Gregg Murphy, Assistant Regional Superintendent, Iroquois-Kankakee Regional Office of Education

David G. Penn, Attorney, Schmiedeskamp, Robertson, Neu & Mitchell, LLP

Merry Rhoades, Attorney, Tueth, Keeney, Cooper, Mohan & Jackstadt P.C.

M. Curt Richardson, Attorney, McLean County Unit District 5

Caroline Roselli, Attorney, Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd.

Wayne Savageau, former IASB Policy Consultant and former Superintendent

Brian Schwartz, Deputy Director & General Counsel, Illinois Principals Association

IASB Staff Members, especially Policy Consultants and Field Services Directors

Special Acknowledgement to IASB Administrative Assistants

The following individuals provide us with excellent assistance between and during the drafting of each **PRESS** issue. We also thank them and appreciate their dedication and contributions to the quality of this service.

Christine Crilly, Policy Services, preparation, formatting, quality assurance, editor

Bridget Trojan, Office of General Counsel, State and federal regulations monitor, editor