



Lemont High School

800 Porter Street
Lemont, IL 60439
Phone - (630) 257-5838
Fax - (630) 257-7603
Web - www.lhs210.net

Dr. Mary Ticknor, Superintendent
Eric Michaelsen, Principal



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DATE: March 28, 2018
TO: Policy Committee
FROM: Mary
RE: Policy Review of PRESS Issue #97 for April 2 Meeting

PRESS is now totally online and this is the first policy review under its new format. When you take a look at the attached PRESS documents, you will see that new language is highlighted in green and deleted language is highlighted in red.

We have three policies and one resolution to review, so I've assigned one item to each of you.

Assigned to Mary -- Policy 2:260, Board of Education, Uniform Grievance

Procedure: This policy probably looks familiar because the Board recently updated it based upon PRESS Issue #96. This new PRESS Issue, #97, points out that the phrase "guaranteed by the State or federal Constitution, State or federal statute, or Board policy" in the very first paragraph broadens the scope of this policy beyond the 16 listed items. While this language has apparently been in our Policy 2:260 for several years, I recommend that we not broaden the scope of the policy. **I suggest that we delete the above phrase from the policy**, so the sentence would read "*A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the Board of Education, its employees, or its agents have violated his or her rights or have a complaint regarding any one of the following:*"

The "Filing a Complaint" section has been updated per the *State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a), amended by P.A. 100-554* to clarify that for any complaint filed under this policy which alleges harassment in violation of *Policy 5:20 Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to both policies. It also adds a sentence about the superintendent keeping the Board informed of all complaints and slightly adjusts the language in the policy referencing the complaint process when the superintendent is the subject of the complaint. **I recommend to accept this PRESS language update.**

Assigned to Pam-- Policy 4:40, Operational Services, Incurring Debt: For continuous improvement purposes, PRESS recommends a new, optional section to expressly address districts' obligations to comply with federal securities laws in connection with bond issues, and to authorize the creation of written procedures to

protect the status of tax-exempt (or otherwise tax-advantaged) bonds issued by a board. PRESS also recommends new language that addresses the use of outside professionals for assistance with compliance. **I recommend not to accept the PRESS language updates**, which are optional. In the past six years, the District has refunded eligible bonds and issued new bonds in order to restructure and level out debt service payments. Our current policy as is served us well in the past and I see no need to add optional language.

Assigned to Renee-- Policy 5:20, General Personnel, Workplace Harassment Prohibited: This policy was also updated in the last PRESS issue, but additional changes are recommended in the current PRESS issue. A new statement in the first section of the the policy is suggested: "*The District will take remedial and corrective action to address unlawful workplace harassment, including sexual harassment.*" **I recommend not to accept this PRESS language** as it is optional.

In the Making a Complaint section, current language has been deleted and new language added encouraging employees to promptly report concerns. **I recommend to accept this PRESS language.**

PRESS has added language under the Whom to Contact with a Report or Claim section in response to the *State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a), amended by P.A. 100-554*, which requires that a school board policy prohibiting sexual harassment include details for reporting an allegation of sexual harassment, including options for making a confidential report to a supervisor and a Complaint Manager. **I recommend to accept this PRESS language.**

PRESS has added an entire Investigation Process section and a Retaliation Prohibited section. These additions were also done in response to the *State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a), amended by P.A. 100-554*. **I recommend to accept the recommended PRESS language in these sections.**

A new Enforcement section has been added to the policy. Please note it contains language about an employee making a knowingly false accusation being subject to disciplinary action. Previously, the Policy Committee deleted this language due to such language being perceived as discouraging employees who may want to report a legitimate concern. However, PRESS says that the *State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a), amended by P.A. 100-554* requires school districts to have language regarding the consequences for knowingly making a false report in their sexual harassment policy. **I recommend to keep this statement out of our policy until we have legal advice from a source other than PRESS.**

Assigned to Bev-- 5:20-E, Resolution to Prohibit Sexual Harassment: According to PRESS, the *State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a), amended by P.A. 100-554*, requires school districts to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment by January 15, 2018. Though that date has passed, there are no penalties in the law for failing to pass the resolution by that date. This is the resolution recommended by PRESS. Additionally, as noted above in Policy 5:20, PRESS says school districts are required to have language in their sexual harassment policy about the consequences for knowingly making a false report and have included such language in the draft resolution. We have deleted such language in our

current version of Policy 5:20. **I recommend not to have the Board act on this resolution because we already have the policy that the resolution says we need to establish.**