

WCHS Board of Education  
 Regular Board Meeting  
 October 13, 2020  
7:00 PM  
 Washington Community High School - Library

Agenda

1.	CALL TO ORDER - President Jennifer Essig	
2.	ROLL CALL	
3.	PLEDGE OF ALLEGIANCE	
4.	VISITORS AND CORRESPONDENCE	
5.	REPORTS	
	1. Auditor's Report - Koch Consultants, Ltd.	
	2. Deans' Report	
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	4. Sixth Day Enrollment Report - Dr. Freeman	3
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	9. Board Committee Reports	
6.	DISCUSSION AND INFORMATIONAL ITEMS	
	1. In-Person and Remote Learning Update	
	2. Illinois Report Card	26
	3. Press Issues 103, 104, and 105.	28
	4. Other	
7.	CONSENT AGENDA	226
	1. Minutes	
	1. Regular Board Meeting Minutes - September 14, 2020	227
	2. Executive Session Meeting Minutes - September 14, 2020	
	3. School Board Policy Committee Meeting Minutes - October 8, 2020	230
	2. Bills	231
8.	ACTION ITEMS	
	1. Approve Europe Trip 2022	261
9.	EXECUTIVE SESSION	
	1. 10.1. 5 ILCS 120/2 (c)(2) - Collective negotiating matters between the District and its employees of their representatives, or deliberations concerning salary schedules for one or more classes of employees.	
10.	ACTION FOLLOWING EXECUTIVE SESSION	262
11.	ADJOURNMENT	

The next regular meeting is scheduled for November 9, 2020.

Grad Year	# OF STUDENTS		
	FEMALES	MALES	TOTAL
2021	150	158	308
2022	193	189	382
2023	170	177	347
2024	193	204	397
Total # of Students	706	728	1,434

\*\*\*\*\* End of report \*\*\*\*\*

**WASHINGTON COMMUNITY HIGH SCHOOL DISTRICT 308**

**Pupil Survey - August 2020**

**Enrollment Based on Sixth Day Attendance**

		Dist. 50	Dist. 51	Dist. 52				
Graduation Year	Grade	J. Hensey & Beverly Manor	Central Primary & Central Intermediate	Lincoln Grade & Washington Middle	St. Patrick	Current Totals by Grade	Total High School Enrollment	Entering WCHS School Year
2021	12					312		
2022	11					382		
2023	10					350		
2024	9					393	<b>1,437</b>	
2025	8	74	158	115	28	375	<b>1,500</b>	<b>2021-22</b>
2026	7	74	176	115	20	385	<b>1,503</b>	<b>2022-23</b>
2027	6	72	161	80	15	328	<b>1,481</b>	<b>2023-24</b>
2028	5	70	139	80	20	309	<b>1,397</b>	<b>2024-25</b>
2029	4	73	175	88	15	351	<b>1,373</b>	<b>2025-26</b>
2030	3	71	140	100	25	336	<b>1,324</b>	<b>2026-27</b>
2031	2	66	126	78	17	287	<b>1,283</b>	<b>2027-28</b>
2032	1	75	150	97	19	341	<b>1,315</b>	<b>2028-29</b>
2033	K	64	118	87	15	284	<b>1,248</b>	<b>2029-30</b>

Total 639 1,343 840 174 4,433

<u>Comparison</u>	<u>Aug. 2019</u>	<u>Aug. 2020</u>	<u>Change 2019 to 2020</u>
Dist. 50	689	639	(50)
Dist. 51	1,407	1,343	(64)
Dist. 52	900	840	(60)
St. Patrick	206	174	(32)
Dist. 308	1,400	1,437	37
Total	4,602	4,433	(169)
Total (Public)	4,396	4,259	(137)

## 2020 Sixth Day Enrollment Form

<b>District No.:</b>	308
<b>School Name:</b>	WCHS
<b>Superintendent:</b>	Dr. Freeman
<b>Office Address:</b>	115 Bondurant St.
<b>Office Phone No.:</b>	(309) 444-3167

**Date of 6th Day:**

8/27/20

<b>Grade</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Grade 9	188	205	393
Grade 10	171	179	350
Grade 11	193	189	382
Grade 12	150	162	312
Total Enrollment	702	735	1,437

## 2020 Sixth Day Enrollment Form

<b>District No.:</b>	50
<b>School Name:</b>	Manor/Hensey
<b>Superintendent:</b>	Dr. Allaman
<b>Office Address:</b>	304 East Almond Drive
<b>Office Phone No.:</b>	745-8914

**Date of 6th Day:**

8/18/20

<b>Grade</b>	<b>Enrollment Total</b>
Kindergarten-	64
Grade 1	75
Grade 2	66
Grade 3	71
Grade 4	73
Grade 5	70
Grade 6	72
Grade 7	74
Grade 8	74
Total Enrollment	639

\*\*Please include all Special Education students with their regular class.

## 2020 Sixth Day Enrollment Form

<b>District No.:</b>	51
<b>School Name:</b>	Central
<b>Superintendent:</b>	Dale Heidbreder
<b>Office Address:</b>	1301 Eagle Avenue
<b>Office Phone No.:</b>	309-444-3943

**Date of 6th Day:**

9/15/20

<b>Grade</b>	<b>Enrollment Total</b>
Kindergarten-	118
Grade 1	150
Grade 2	126
Grade 3	140
Grade 4	175
Grade 5	139
Grade 6	161
Grade 7	176
Grade 8	158
Total Enrollment	1343

\*\*Please include all Special Education students with their regular class.

## 2020 Sixth Day Enrollment Form

<b>District No.:</b>	52
<b>School Name:</b>	LGS and WMS
<b>Superintendent:</b>	Pat Minasian
<b>Office Address:</b>	303 Jackson
<b>Office Phone No.:</b>	(309) 444-4182

**Date of 6th Day:**

<b>Grade</b>	<b>Enrollment Total</b>
Kindergarten-	87
Grade 1	97
Grade 2	78
Grade 3	100
Grade 4	88
Grade 5	80
Grade 6	80
Grade 7	115
Grade 8	115
Total Enrollment	840

\*\*Please include all Special Education students with their regular class.

## 2020 Sixth Day Enrollment Form


<b>District No.:</b>	
<b>School Name:</b>	St. Patrick School
<b>Superintendent:</b>	Mrs. Doreen Shipman
<b>Office Address:</b>	100 Harvey St. Washington
<b>Office Phone No.:</b>	(309) 444-4345

**Date of 6th Day:** 8/17/20

Grade	Enrollment Total
Kindergarten-	15
Grade 1	19
Grade 2	17
Grade 3	25
Grade 4	15
Grade 5	20
Grade 6	15
Grade 7	20
Grade 8	28
Total Enrollment	174

\*\*Please include all Special Education students with their regular class.

Food Establishment Inspection Report

 <b>OFFICE OF ENVIRONMENTAL SERVICES</b> 21306 Illinois Route 9 Tremont, IL 61568-9252	<b>No. of Risk Factor/Intervention Violations</b> 0		<b>Date</b> 09/24/2020
	<b>No. of Repeat Risk Factor/Intervention Violations</b> 0		<b>Time In</b> 09:00 AM <b>Time Out</b> 10:00 AM
<b>Establishment</b> WASHINGTON COMMUNITY HIGH SCHOOL DISTRICT #308 CAFETERIA	<b>License/Permit #</b> 298	<b>Permit Holder</b> WASHINGTON COMMUNITY HIGH SCHOOL DISTRICT #308 CAFETERIA	
<b>Street Address</b> 115 BONDURANT ST		<b>Risk Category</b> Category I	
<b>City/State</b> WASHINGTON, IL	<b>ZIP Code</b> 61571	<b>Purpose of Inspection</b> Other	

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item  
 IN=in compliance OUT=not in compliance N/O=not observed N/A=not applicable  
 Mark "X" in appropriate box for COS and/or R  
 COS=corrected on-site during inspection R=repeat violation

Compliance Status		COS	R
<b>SUPERVISION</b>			
1	IN OUT		
Person in charge present, demonstrates knowledge, and performs duties			
2	IN OUT N/A		
Certified Food Protection Manager			
<b>EMPLOYEE HEALTH</b>			
3	IN OUT		
Management, food employee and conditional employee; knowledge, responsibilities and reporting			
4	IN OUT		
Proper use of restriction and exclusion			
5	IN OUT		
Procedures for responding to vomiting and diarrheal events			
<b>GOOD HYGIENIC PRACTICES</b>			
6	IN OUT N/O		
Proper eating, tasting, drinking, or tobacco use			
7	IN OUT N/O		
No discharge from eyes, nose, and mouth			
<b>PREVENTING CONTAMINATION BY HANDS</b>			
8	IN OUT N/O		
Hands clean & properly washed			
9	IN OUT N/A N/O		
No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed			
10	IN OUT		
Adequate handwashing sinks properly supplied and accessible			
<b>APPROVED SOURCE</b>			
11	IN OUT		
Food obtained from approved source			
12	IN OUT N/A N/O		
Food received at proper temperature			
13	IN OUT		
Food in good condition, safe, & unadulterated			
14	IN OUT N/A N/O		
Required records available: shellstock tags, parasite destruction			

**GOOD RETAIL PRACTICES**

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.  
 Mark "X" in box if numbered item is **not** in compliance Mark "X" in appropriate box for COS and/or R COS=corrected on site during inspection R=repeat violation

Compliance Status		COS	R
<b>SAFE FOOD AND WATER</b>			
30	Pasteurized eggs used where required		
31	Water & ice from approved source		
32	Variance obtained for specialized processing methods		
<b>FOOD TEMPERATURE CONTROL</b>			
33	Proper cooling methods used; adequate equipment for temperature control		
34	Plant food properly cooked for hot holding		
35	Approved thawing methods used		
36	Thermometers provided & accurate		
<b>FOOD IDENTIFICATION</b>			
37	Food properly labeled; original container		
<b>PREVENTION OF FOOD CONTAMINATION</b>			
38	Insects, rodents, & animals not present		
39	Contamination prevented during food preparation, storage & display		
40	Personal cleanliness		
41	Wiping cloths: properly used & stored		
42	Washing fruits & vegetables		
<b>PROPER USE OF UTENSILS</b>			
43	In-use utensils: properly stored		

Compliance Status		COS	R
<b>PROPER USE OF UTENSILS</b>			
44	Utensils, equipment & linens: properly stored, dried, & handled		
45	Single-use/single-service articles: properly stored & used		
46	Gloves used properly		
<b>UTENSILS, EQUIPMENT, AND VENDING</b>			
47	Food & non-food contact surfaces cleanable, properly designed, constructed & used		
48	Warewashing facilities: installed, maintained & used; test strips		
49	Non-food contact surfaces clean		
<b>PHYSICAL FACILITIES</b>			
50	Hot & cold water available; adequate pressure		
51	Plumbing installed; proper backflow devices		
52	Sewage & waste water properly disposed		
53	Toilet facilities: properly constructed, supplied, & cleaned		
54	Garbage & refuse properly disposed; facilities maintained		
55	Physical facilities installed, maintained & clean		
56	Adequate ventilation & lighting; designated areas used		
<b>EMPLOYEE TRAINING</b>			
57	All food employees have food handler training		
<b>ALLERGEN AWARENESS &amp; TRAINING</b>			
58	X Allergen awareness and training		

**Food Establishment Inspection Report**

**Establishments:** WASHINGTON COMMUNITY HIGH SCHOOL DISTRICT #308 CAFETERIA

**Establishment #:** 298

**Water Supply:**  Public  Private **Waste Water System:**  Public  Private

**Temperature Documentation:** NO

**License Posted:** NO

**Complaint Number:**

**OBSERVATIONS AND CORRECTIVE ACTIONS**

Item Number	Violations cited in this report must be corrected within the time frames below.
58	(410 ILCS 625/3.07: (b)Unless otherwise provided, all certified food service sanitation managers employed by a restaurant must receive or obtain training in basic allergen awareness principles within 30 days after employment and every 3 years thereafter. Training programs must be accredited by the American National Standards Institute or another reputable accreditation agency under the ASTM International E2659-09 (Standard Practice for Certificate Programs). There is no limit to how many times an employee may take the training. Person-in-Charge and other CFPM have not obtained their allergen training. - V (Correct By: Oct 25, 2020)
Inspection Comments	<p>This is a modified two-part school food service assessment due to the ongoing COVID-19 pandemic. The first part of the assessment began on 9-23-20 at 3:00PM and finished at 3:25PM via a phone conversation and documentation that was submitted to the inspector. The second part was a self inspection of the facility conducted on 9-24-20 began at 9:00Am and finished at 10:00AM. That was followed by a post inspection interview on 9-25-20 beginning at 1:00PM and finished at 1:30PM. The assessment maintained social distancing and eliminated the chance of the inspector touching any surfaces within the facility. This type of assessment allowed the Person-in-Charge and food service workers to develop skills and completely demonstrate the knowledge necessary to operate a school food service facility. Items within the FDA food code may not be observed at the time of this modified process.</p> <p>At the time of the self inspection the Person-in-Charge made the following observations:</p> <p>Two staff were observed touching their face coverings and clothing without washing hands. Both employees were instructed to wash hands and did so.</p> <p>Wiping cloth bucket sanitizing solution was too weak at cook's work station (25ppm chlorine). Sanitizing solution in wiping cloth bucket was re made to 75ppm chlorine solution.</p>

**HACCP Topic:** Discussed proper cooling of taco meat.

<p><b>Person In Charge (Signature)</b> Laura McCue-Newport</p> <p><i>Laura McCue-Newport</i></p> <p><small>Laura McCue-Newport (Oct 1, 2020 10:06 CDT)</small></p>	<p><b>Date:</b></p> <p>Oct 1, 2020</p>
<p><b>Inspector</b> Ralph Jones <i>Ralph Jones</i></p>	<p><b>Follow-up:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Follow-up Date:</b> 10/25/2020</p>



**JESSE WHITE • Secretary of State & State Librarian**

Illinois State Library, Gwendolyn Brooks Building  
300 S. Second St., Springfield, IL 62701-1796

**WWW.CYBERDRIVEILLINOIS.COM**

**Illinois State Library  
School District Library Grant**

**EXPENDITURE REPORT OF SCHOOL DISTRICT LIBRARY GRANT PROGRAM FUNDS**

Identify Fiscal Year (FY): \_\_\_\_\_

School District's Illinois State Library Control Number (five digits): \_\_\_\_\_

School District's Legal Name: \_\_\_\_\_

**CHECK EXPENDITURES BY CATEGORY**

- Materials (Print and Non-Print)
- Materials (Electronic Resources)
- Automation Systems
- Contractual Services
- Staff Development
- Services: Programs and Public Relations
- Supplies
- Equipment
- Telephone/Telecommunications
- Personnel
- Professional Services Contracts
- Other – Specify

Total School District Library Grant Program funds received:

\$ \_\_\_\_\_  
(Must be exact amount - do not round up or down)



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## Illinois State Library

### SCHOOL DISTRICT LIBRARY GRANT PROGRAM APPLICATION

Please review the following instructions before you proceed:

- Use only the latest version of Adobe Acrobat Reader to complete the application. Windows and Mac versions of the free Adobe Acrobat Reader are available at: <https://get.adobe.com/reader/>. Alternate PDF viewers will not support the successful completion of this application.
- Download the fillable PDF to your computer before completing the grant application.
- For Part I, the Illinois State Library agency control number is five digits and available on L2 [Library Learning] at <https://www.librarylearning.info/libraries/>.
- For Part I, verify your Illinois State Board of Education (ISBE) District Number (11 digits) in the Students Housed by Serving School, District Summary Excel spreadsheet annually. Access the ISBE's Data Analysis Fall Enrollment Counts webpage: <https://www.isbe.net/Pages/Fall-Enrollment-Counts.aspx>.
- For Part III, verify your ISBE School Number (last 4 digits of column A) in the Students Housed by Serving School, School Summary Excel spreadsheet annually. Access ISBE's Data Analysis Fall Enrollment Counts webpage: <https://www.isbe.net/Pages/Fall-Enrollment-Counts.aspx>.
- Save the completed application as a PDF. Send the application as an attachment in an email to [school-grant@ilsos.gov](mailto:school-grant@ilsos.gov).
- Remember to submit the required Expenditure Report.

Further instructions for completing this fillable PDF grant application are available at: [www.cyberdriveillinois.com/departments/library/grants/grant-pdf-instructions.html](http://www.cyberdriveillinois.com/departments/library/grants/grant-pdf-instructions.html).



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**Illinois State Library**  
**SCHOOL DISTRICT LIBRARY GRANT PROGRAM APPLICATION**

Enter initials to confirm authorization to submit this application and to acknowledge that you have read and understand the Program Overview and Administrative Rules for this grant offering from the Illinois State Library. If initials have not been entered (typed) on this line, the application will not be reviewed or considered for funding by the Illinois State Library.

\_\_\_\_\_  
Initials                      Date

**PART I: SCHOOL DISTRICT IDENTIFICATION**

1. School district's legal name: \_\_\_\_\_
2. School district's Illinois State Library control number (five digits): \_\_\_\_\_
3. School district's (ISBE) RCDT (Reg/Cty/Dist/Type) number (column A, 11 digits): \_\_\_\_\_
4. Contact information for person completing grant application:

Prefix	First name	Last name
Email		
Telephone number		Ext.

**PART 2: STANDARDS AND COMPLIANCE**

5. Does this district’s school library program provide library services that either meet or show progress toward meeting the Illinois school library standards as most recently adopted by the Illinois School Library Media Association? [75 ILCS 10/8.4(4)]

Yes  No

6. (a) Has this district’s financial support for the school library or libraries been maintained **undiminished**? [75 ILCS 10/8.4(5)]

Yes  No

(b) If financial support has diminished, does this district certify that the percentage of diminution of financial support is no more than the percentage of diminution of the district’s total financial support for educational and operations purposes since the submission of the last previous application of the district for the school library per student grant that was funded? [75 ILCS 10/8.4(5)]

Yes  No

If no, explain:

**PART 3: ELIGIBLE ATTENDANCE CENTERS (BUILDINGS)**

7. Enter each district’s attendance center (building) and its building number (four digits) that qualifies for grant funding using ISBE data:
1. Access Data Analysis Fall Enrollment Counts webpage: <https://www.isbe.net/Pages/Fall-Enrollment-Counts.aspx>.
  2. Use the most current “**Students Housed by Serving School, School Summary**” Excel file to find the ISBE’s School Name (column D) and building # (last four digits of column A).
  3. If an attendance center has changed names, add “name change” after the building name.
  4. New attendance centers are not eligible for grant funding until the next school year.

ISBE Name of School	
ISBE 4-digit School #	
ISBE Name of School	
ISBE 4-digit School #	
ISBE Name of School	
ISBE 4-digit School #	
ISBE Name of School	
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ISBE Name of School	
ISBE 4-digit School #	
ISBE Name of School	
ISBE 4-digit School #	







#### PART 4: PROPOSED PLAN FOR UTILIZING GRANT FUNDS FOR LIBRARY SERVICES

8. Check all that apply:

- LIBRARY MATERIALS: PRINT AND NON-PRINT — Includes books, magazines, newspapers, video (DVD, VHS), audio (music/spoken word CDs and cassettes), microforms, scores, maps, Accelerated Reader Tests.
- LIBRARY MATERIALS: ELECTRONIC RESOURCES — include materials that are distributed digitally online and can be accessed via a computer, the Internet, or a portable device such as an e-book reader. Types of electronic resources include e-books, e-serials (including journals), government documents, databases (including locally mounted, full text or not), electronic files, reference tools, scores, maps, or pictures in electronic or digital format, including materials digitized by the library.

Include equipment expenditures that are inseparably bundled into the price of the information service product. Include expenditures for materials held locally and for remote electronic materials for which permanent or temporary access rights have been acquired, and expenditures for database licenses.

- LIBRARY AUTOMATION SYSTEMS — Include fees for membership and services in an Illinois regional library system LLSAP, a stand-alone automation system, or a non-LLSAP consortium. Automated library system's products/functionalities include, but are not limited to: circulation, public access catalog, holds/reserves.
- LIBRARY CONTRACTUAL SERVICES.
- LIBRARY STAFF DEVELOPMENT — Include continuing education, conferences/meetings, travel.
- LIBRARY SERVICES — programs and public relations for students, faculty, and/or administration.
- LIBRARY SUPPLIES — Include book jackets, bookends, magazine storage boxes, book repair tape.
- LIBRARY EQUIPMENT — Include equipment purchased for library use and housed in the library.
- LIBRARY TELEPHONE/TELECOMMUNICATIONS.
- LIBRARY PERSONNEL.
- LIBRARY PROFESSIONAL SERVICES CONTRACTS — Include fees paid to consultants or contractual staff for provision of library related services.
- OTHER — Identify and explain.

## **ATHLETIC DIRECTOR'S BOARD REPORT – 10/13/2020**

### **Girls Tennis:**

- Saturday, October 10<sup>th</sup> – Mid-Illini Conference Tournament
- 5-1 M-I conference record - 2nd Place
- Sectionals – Oct. 16 and 17<sup>th</sup> @ Bloomington Central Catholic

F/S Tennis 3-3 in conference

3rd Place finish in conference

Kailey Johnson got 1st place in #1 Singles in the conference tournament. She was undefeated in the season in singles.

Elissa Roozenboom got 2nd place in #2 Singles in the conference tournament

### **Boys/Girls Golf**

- Girls Golf
  - 6-1 Conference Record
  - 9-1 Season Record
  - 2nd Place Overall in Conference
  - Ellie Schmidgall and Abbie Reiser placed 1st and 2nd overall in Mid-Illini 1st team all-conference rankings
  - Teyah Palmer-2nd Team All-Conference
  - 3rd place team medals at the Bloomington Central Catholic Invite
  - Placed 2nd at Regionals at Lick Creek Golf Course-Team advanced to Sectionals
- Boys golf
  - All – Conference: Tyler Bass 1st Team
  - MI standings: 3 wins 4 loses Dual Matches
  - Overall 4 wins 5 loses Dual Matches
  - Finished 4th in Conference breaking a 3-way tie
  - Finished 5th in Regionals
  - JV team finished 3rd in conference and was made up of 6 Freshman

## **Boys/Girls Cross-Country**

- Metamora Runnin' Red invite Friday, October 9th
- M-I Conference meet – Friday October 16<sup>th</sup>
- IHSA Regionals – October 24<sup>th</sup> at Metamora
- IHSA Sectionals – October 31<sup>st</sup>

The Girls XC team has had a successful season so far. They have beat all but one team in the Mid Illini conference this season. The team is led by senior Jadyn Jacobs who was spotlighted in the Journal Star earlier this month. Hopefully they will advance to the sectional meet at Detweiller Park on Saturday, October 31st to end the season.

The Boys Cross Country team has had a successful season so far. The team is led by Junior Jackson Ward who will be competing to be named to the first team all-conference at next week's meet. We are fortunate to have added three soccer players this season. Eddy Papis, Mitch Coughlin, and Sam Tellefson have been big contributors to our team. We are hopeful that we will be in the top five of our regional and advance to the sectional meet. They will also compete in the very competitive Runnin' Red invite. The boys side of the Mid-Illini is considered the most talented in the state with talented runners from every school. The Mid-Illini meet will be very exciting with possible 5 of the top 10 runners in the state at the conference meet.

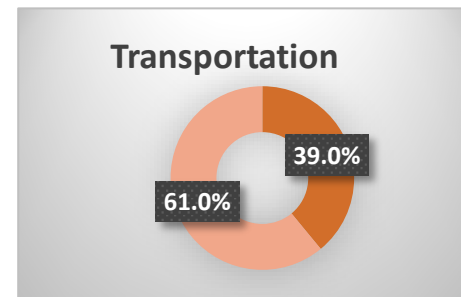
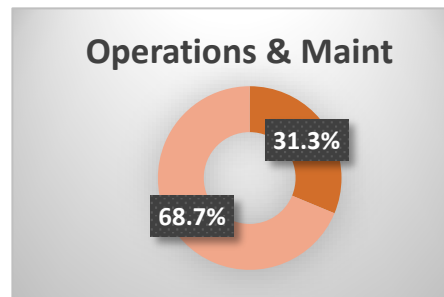
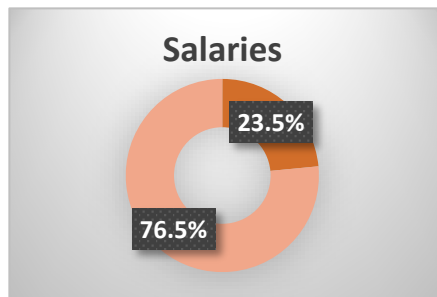
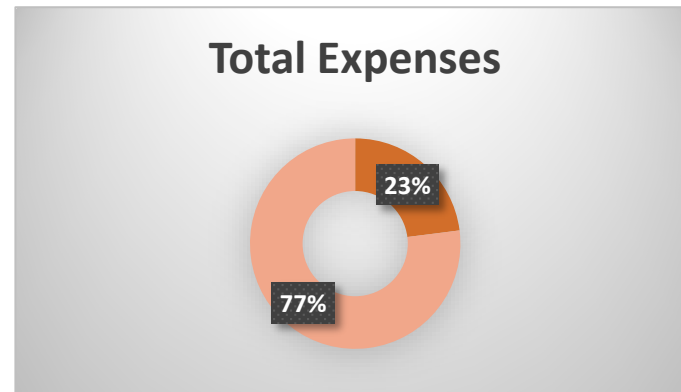
## **Girls Swim/Dive**

- Co-op with East Peoria and Morton has increased team participation to 30
- Mid-Illini meet at Dunlap – October 17<sup>th</sup>
- IHSA Sectional meet – October 24<sup>th</sup> at Normal Community

**Washington Community High School**  
**2020-2021 Expense Report**  
**As of September 30, 2020**

<u>Expenses by Fund</u>	<u>Budgeted</u>	<u>Actual</u>	<u>% Expended</u>	<u>Remaining</u>
Education Fund - 10	\$16,060,210.90	\$3,807,318.23	23.7%	76.3%
Operations & Maintenance Fund - 20	\$2,383,191.00	\$752,427.84	31.6%	68.4%
Bond & Interest Fund - 30	\$1,440,408.00	\$0.00	0.0%	100.0%
Transportation Fund - 40	\$767,513.23	\$244,014.93	31.8%	68.2%
IMRF/Social Security Fund - 50	\$505,401.00	\$107,657.17	21.3%	78.7%
Capital Improvements Fund - 60	\$70,161.00	\$0.00	0.0%	100.0%
Working Cash Fund - 70	\$0.00	\$0.00	0.0%	0.0%
Tort Immunity Fund - 80	\$85,000.00	\$32,847.00	38.6%	61.4%
Life Safety Fund - 90	\$189,881.00	\$0.00	0.0%	100.0%
<b>Totals</b>	<b>\$21,501,766.13</b>	<b>\$4,944,265.17</b>	<b>23.0%</b>	<b>77.0%</b>

<u>Itemized Expenses:</u>	<u>Budgeted</u>	<u>Actual</u>	<u>% Expended</u>	<u>% Remaining</u>
Payroll	\$10,076,642.13	\$2,365,583.13	23.5%	76.5%
Retirement/Insurance	\$3,239,570.00	\$695,773.96	21.5%	78.5%
IMRF/Social Security	\$505,401.00	\$107,657.17	21.3%	78.7%
Cafeteria	\$349,500.00	\$13,212.84	3.8%	96.2%
Athletics	\$194,675.00	\$14,056.63	7.2%	92.8%
Out of Dist Tuition Costs	\$941,310.00	\$165,929.82	17.6%	82.4%
Operations & Maint	\$2,332,691.00	\$729,327.84	31.3%	68.7%
Transportation	\$535,554.00	\$209,006.47	39.0%	61.0%
Bond Expense	\$1,440,408.00	\$0.00	0.0%	100.0%
Capital Projects	\$0.00	\$0.00	0.0%	0.0%



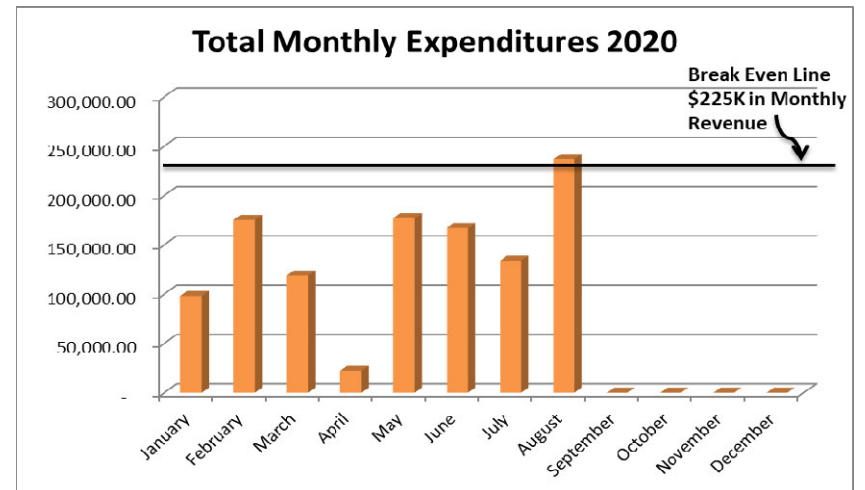
## Investment Report

	<i>Education</i>	<i>Building</i>	<i>Bond &amp; Int</i>	<i>Transportation</i>	<i>IMRF</i>	<i>Working Cash</i>	<i>Life Safety</i>
ISDLAF	\$0.00	\$1,593,777.89	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ISDMAX	\$664,671.83	\$1,326,518.84	\$14,759.16	\$71,958.40	\$7,116.59	\$122,916.82	\$53.18
Heartland IMA 4591	\$1,768,394.53						
Central IL Invest		\$1,893,829.00					
<b>Total</b>	<b>\$2,433,066.36</b>	<b>\$4,814,125.73</b>	<b>\$14,759.16</b>	<b>\$71,958.40</b>	<b>\$7,116.59</b>	<b>\$122,916.82</b>	<b>\$53.18</b>

**Total Investments**  
**\$7,463,996.24**

## Insurance Report thru 8/31

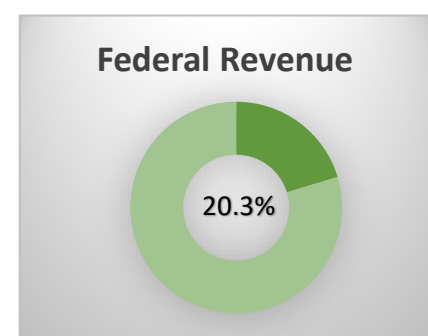
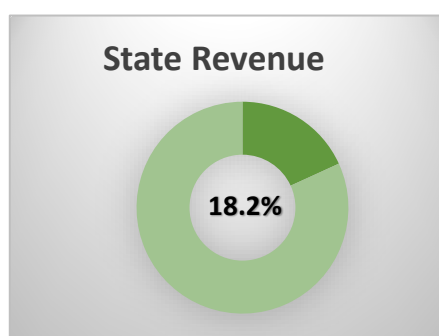
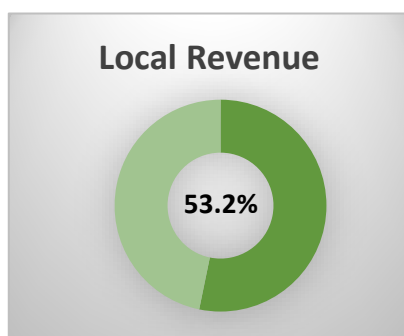
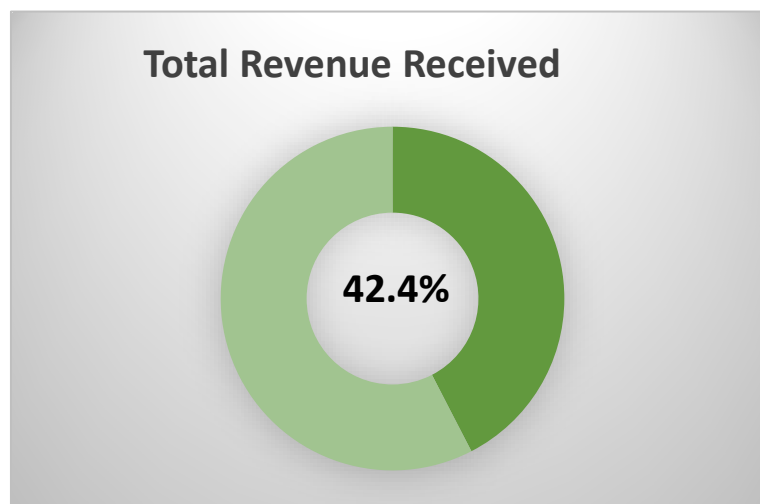
Insurance Costs	Last Year	This year	Difference
Medical	\$1,883,029	\$779,322	-\$1,103,707
Dental	\$55,469	\$66,895	\$11,426
Pharmacy	\$136,381	\$126,398	-\$9,983
Vision	\$3,710	\$2,480	-\$1,230
Reinsur/fees	\$411,002	\$484,961	\$73,960
<b>Total Fixed/Claim</b>	<b>\$2,489,590</b>	<b>\$1,460,056</b>	<b>-\$1,029,534</b>
<b>Less Spec Reimb</b>	<b>\$371,080</b>	<b>\$330,960</b>	<b>-\$40,120</b>
<b>Total Cost</b>	<b>\$2,118,510</b>	<b>\$1,129,096</b>	<b>-\$989,414</b>



**Washington Community High School**  
**2020-2021 Revenue Report**  
**As of September 30, 2020**

<u>Revenue by Fund</u>	<u>Budgeted</u>	<u>Actual</u>	<u>% Received</u>	<u>Remaining</u>
Education Fund - 10	\$15,809,725.00	\$6,306,663.61	39.9%	60.1%
Operations & Maintenance Fund - 20	\$2,385,000.00	\$1,182,696.78	49.6%	50.4%
Bond & Interest Fund - 30	\$1,459,421.00	\$787,088.49	53.9%	46.1%
Transportation Fund - 40	\$753,100.00	\$339,260.46	45.0%	55.0%
IMRF/Social Security Fund - 50	\$586,547.00	\$256,475.46	43.7%	56.3%
Capital Improvements Fund - 60	\$0.00	\$18.93	0.0%	0.0%
Working Cash Fund - 70	\$257,000.00	\$133,006.48	51.8%	48.2%
Tort Immunity Fund - 80	\$31,200.00	\$15,988.57	51.2%	48.8%
Life Safety Fund - 90	\$42,000.00	\$21,316.28	50.8%	49.2%
<b>Totals</b>	<b>\$21,323,993.00</b>	<b>\$9,042,515.06</b>	<b>42.4%</b>	<b>57.6%</b>

<u>Itemized Revenues:</u>	<u>Budgeted</u>	<u>Actual</u>	<u>% Received</u>	<u>% Remaining</u>
General Levy	\$14,706,821.00	\$7,828,109.72	53.2%	46.8%
Special Education	\$300,000.00	\$159,366.13	53.1%	46.9%
Replacement Tax	\$160,000.00	\$40,385.98	25.2%	74.8%
Interest	\$219,900.00	\$4,065.17	1.8%	98.2%
Cafeteria	\$584,400.00	\$7,028.09	1.2%	98.8%
Student Fees	\$89,700.00	\$44,450.00	49.6%	50.4%
Textbook rental	\$134,000.00	\$108,378.67	80.9%	19.1%
Other revenue	\$800,300.00	\$68,379.01	8.5%	91.5%
General State Aid	\$3,085,870.00	\$561,068.00	18.2%	81.8%
State Grants	\$415,463.00	\$57,190.03	13.8%	86.2%
Transp. Spec Ed	\$180,000.00	\$41,552.60	23.1%	76.9%
Federal Grants	\$602,949.00	\$122,541.66	20.3%	79.7%
Transfers	\$0.00	\$0.00	0.0%	0.0%



School Treasurer's Monthly Statement  
To The School Board of Washington School District 308, Tazewell County

8/1/2020	2020	Cash	Education 1	Building 2	B/I 3	Transp 4	IMRF 5	CAP PROJECTS 6	W/ C 7	TIJF 8	L/Safe 9
	Balance	8,826,781.16	4,469,382.48	1,495,202.77	828,594.40	758,928.58	359,126.24	70,166.82	596,154.57	80,112.69	169,112.61
08/03	Miscellaneous	1,026.75	1,026.75								
08/03	Miscellaneous	1,330.00	1,330.00								
08/06	Miscellaneous	638.72	638.72								
08/06	Miscellaneous	1,070.00	1,070.00								
08/06	Miscellaneous	1,394.20	1,394.20								
08/06	Miscellaneous	14,154.00	14,154.00								
08/11	Miscellaneous	1,577.00	1,577.00								
08/12	Miscellaneous	80.00	80.00								
08/12	Miscellaneous	748.65	748.65								
08/12	State Aid	2,595.40				2,595.40					
08/12	State Aid	5,799.41	5,799.41								
08/12	State Aid	38,957.20				38,957.20					
08/12	State Aid	140,267.00	140,267.00								
08/12	Miscellaneous	2,200.00	2,200.00								
08/12	Miscellaneous	2,825.00	2,825.00								
08/12	Miscellaneous	2,285.00	2,285.00								
08/13	Miscellaneous	76.00	76.00								
08/13	Replacement Tax	17,161.78	10,297.07	5,148.53			1,716.18				
08/18	Miscellaneous	785.00	785.00								
08/18	Miscellaneous	820.00	820.00								
08/20	Miscellaneous	98.40	98.40								
08/20	Miscellaneous	500.00	500.00								
08/20	Miscellaneous	5,479.76	5,479.76								
08/24	State Aid	140,267.00	140,267.00								
08/26	Miscellaneous	142.99		142.99							
08/26	Miscellaneous	285.00	285.00								
08/28	Miscellaneous	150.00	150.00								
08/31	Miscellaneous	44.40		44.40							
08/31	Webpay	152,364.39	152,364.39								
08/31	Cafeteria	458.35	458.35								
08/31	Interest	724.47	341.80	115.75	78.19	71.63	30.70	6.62	56.26	7.56	15.96
	Total Receipts	536,305.87	487,318.50	5,451.67	78.19	41,624.23	1,746.88	6.62	56.26	7.56	15.96
08/31	Net Salaries	602,420.55	589,790.81	7,773.05		4,856.69			0.00		0.00
08/31	Expenses	1,085,051.56	746,760.94	266,196.55	0.00	36,598.03	35,496.04	0.00	0.00		0.00
08/31	Total Expenses	1,687,472.11	1,336,551.75	273,969.60	0.00	41,454.72	35,496.04	0.00	0.00	0.00	0.00
08/31	Ending Cash										
08/31	Per Book	7,675,614.92	3,620,149.23	1,226,684.84	828,672.59	759,098.09	325,377.08	70,173.44	596,210.83	80,120.25	169,128.57
08/31	Outstanding Checks	10,556.73	10,536.73		0.00	20.00	0.00	0.00	0.00	0.00	0.00
08/31	Balance Per Bank Statement	7,686,171.65	3,630,685.96	1,226,684.84	828,672.59	759,118.09	325,377.08	70,173.44	596,210.83	80,120.25	169,128.57

8/31/2020	Outstanding checks	Education	Building	B/I	Transp	IMRF	CAP PROJECTS 6	W/ C	TIJF	L/Save
	227316	100.00	100.00							
	227381	50.00	50.00							
	227531	6.95	6.95							
	227540	12.21	12.21							
	227549	68.85	68.85							
	227568	25.55	25.55							
	227586	3.65	3.65							
	227594	1.00	1.00							
	227622	2.15	2.15							
	227637	2.15	2.15							
	227638	46.00	46.00							
	227642	1.33	1.33							
	227652	46.80	46.80							
	227654	1.67	1.67							
	227658	13.15	13.15							
	227674	28.40	28.40							
	227682	5.20	5.20							
	227687	7.20	7.20							
	227701	16.20	16.20							
	227705	60.30	60.30							
	227706	4.60	4.60							
	227708	6.25	6.25							
	227719	3.00	3.00							
	227754	4.25	4.25							
	227773	200.00	200.00							
	227784	110.00	110.00							
	227828	3.60	3.60							
	227847	110.00	110.00							
	227882	7,500.00	7,500.00							
	227943	500.00	500.00							
	14078	555.03	555.03							
	228003	39.05	39.05							
	228021	25.20	25.20							
	228023	6.11	6.11							
	228045	51.47	51.47							
	228068	18.60	18.60							
	228076	24.15	24.15							
	14081	89.80	89.80							
	14083	646.86	646.86							
	14084	160.00	140.00			20.00				
		10,556.73	10,536.73	0.00	0.00	20.00	0.00	0.00	0.00	0.00



# 2020 ILLINOIS REPORT CARD

## Metrics Affected by COVID-19

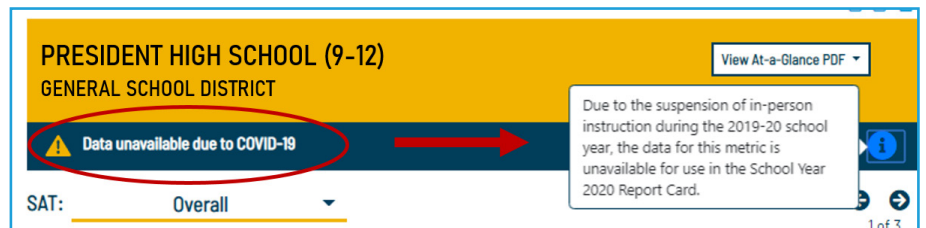


The suspension of in-person instruction during the 2019-20 school year affected multiple Report Card metrics. The Illinois State Board of Education has added data qualifiers to indicate the affected metrics as superintendents view district and school data in the Educator Preview. For some metrics, such as assessments, ISBE collected no data for the 2019-20 school year. For other metrics, such as chronic absenteeism, ISBE collected data, but the suspension of in-person instruction likely impacted the results.

### New data qualifiers on the Illinois Report Card will indicate one of three statuses for metrics affected by the suspension of in-person instruction:

#### 1) Data Unavailable Due to COVID-19

**Description:** Due to the suspension of in-person instruction during the 2019-20 school year, the data for this metric is unavailable for use in the School Year 2020 Report Card.”



- Assessments
  - Illinois Assessment of Readiness (IAR)
  - SAT
  - Dynamic Learning Maps Alternate Assessment (DLM-AA)
  - Illinois Science Assessment (ISA)
- Growth Percentile - IAR
- Assessment Participation Rate
- Assessment Performance Scatterplots
- Achievement Gap
- Climate Survey





# 2020 ILLINOIS REPORT CARD

## Metrics Affected by COVID-19

### 2) Possible Data Impact Due to COVID-19 Calculated with Concern

**Description:** “Users of this report should note that this data may have possibly been affected by the suspension of in-person instruction during the 2019-20 school year. While it was collected in accordance with ISBE data policy and validated through normal procedures, the state environment and policy changes resulting from the suspension of in-person instruction may have possibly affected the results. Thus, please use caution when interpreting results and trends.”

- Chronic Absenteeism
- Chronic Truancy
- Dropout Rate

- Early College Coursework (Grades 9-12)
- Freshman on Track
- Graduation Rate (4, 5, 6 Year Co
- Number of School Days
- Number of School Days
- Student Attendance
- Student Mobility
- Teacher Attendance
- Teacher Evaluation

### 3) Caution Statewide Threshold

**Description:** “Users of this report should note that this data may have possibly been affected by the suspension of in-person instruction during the 2019-20 school year. HOWEVER, based on the data collected and comparisons to historical data, the data collected for this collection cycle does not, in aggregate, exhibit greater variation than is normally observed from year to year.”

- Eighth Graders Passing Algebra I
- Average Days of PE Per Week
- Career and Technical Education Enrollment (CTE)



# Update Memo

Please distribute to board members and appropriate staff.

## Contents

**Instructions**..... p. 1

**PRESS Issue 103 Topic Bundles** ..... p. 1

**PRESS Terminology** ..... p. 2


**Progress Report** ..... p. 4

**Revisions to Policies, Administrative Procedures, and Exhibits (numerical table)**..... p. 5

**Next Issue: Five-Year Reviews**

### Online Instructions

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

1. Go to [www.iasb.com](http://www.iasb.com) and click on the yellow **Member Login** button.  

2. Log in using your email address and password.
  - If you do not know your password, do not create a new account; reset your password using your district email address.
  - 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 logging in to [www.iasb.com](http://www.iasb.com), please contact Kat Barone at [kbarone@iasb.com](mailto:kbarone@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.

Please 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 (PRM)** pages.

The Committee Worksheets, found by selecting a **PRESS Issue** at the top of the **PRESS Online** Table of Contents, show suggested changes to **PRESS** materials by striking out deleted words and underscoring new words.

Updated **PRM** pages can be found in the IASB POLICY REFERENCE MANUAL Table of Contents. For visual instruction about how to download **PRM** pages and use them to update your policy manual, please go to [www.iasb.com/policy/](http://www.iasb.com/policy/) to view the **PRESS** video tutorial located under the header entitled: **PRESS – Policy Reference Education Subscription Service**.

### PRESS Bundles

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., legislation, administrative rules, **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. 5.

Please spend time reviewing the **PRESS Online** Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

#### Have feedback on PRESS materials?

Click on the **PRESS** Feedback Button, located on the header bar of **PRESS Online**. For answers to more immediate questions about **PRESS** content, please contact a **PRESS** editor directly.

## Veto Session Updates

In November 2019, the Illinois General Assembly returned to Springfield for the Fall Veto Session to consider a mix of veto overrides, new proposals, and unfinished business from the spring. What resulted were three major pieces of legislation that impact school boards and the **PRM**.

First, the Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/, was amended by P.A. 101-593, a trailer bill related to the legalization of recreational cannabis, to clarify workplace drug testing and other issues, including protections for Illinois employers' drug testing policies. It clarifies that the CRTA allows employers to maintain zero-tolerance drug-free workplace policies (there was concern because the Right to Privacy in the Workplace Act prohibits employers from disciplining employees for their use of *lawful products off-the-clock*). It also clarifies that employers may do reasonable and nondiscriminatory pre- and post-hiring and random drug tests for cannabis.

Second, Illinois provided a pro-labor response to the United States Supreme Court's June 2018 *Janus* decision (finding that public employees cannot be compelled to pay *fair share* union dues) with legislation amending the following statutes:

1. The Ill. Educational Labor Relations Act (IELRA), 115 ILCS 5/, amended by P.A. 101-620, (a) expands union access to employees during the work day, (b) requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources, (c) prohibits districts from disclosing certain personal information of employees, and (d) requires districts to provide unions notice of any third party requests for such information.
2. The Freedom of Information Act, 5 ILCS 140/7.5, amended by P.A. 101-620, specifically exempts from disclosure the types of employee information now prohibited from disclosure under the IELRA.

Third, 10 ILCS 5/7-42 and 10 ILCS 5/17-15, amended by P.A. 101-624, eff. 6-1-20, provide that beginning on the 15th day before a primary, general, or special election or on the day of any such election, any student who is eligible to vote is entitled to be absent for two hours during the school day to vote. Districts may specify the hours during which eligible students may be absent from their schools.

The following **PRESS** materials make up this important bundle:

- 5:50, Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition
- 5:120-AP1, Statement of Economic Interests for Employees
- 5:150, Personnel Records
- 5:280, Duties and Qualifications
- 6:235, Access to Electronic Networks
- 7:70, Attendance and Truancy
- 7:90, Release During School Hours
- 8:30, Visitors to and Conduct on School Property
- 8:110, Public Suggestions and Concerns

## 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" 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.**

## Grant Accountability & Transparency Act

As part of its grant oversight function, the Ill. State Board of Education (ISBE) plans to conduct field testing in the area of travel expenses under federal and State grants during the 2020-2021 school year. In anticipation of this monitoring activity, the **PRESS** Editors have collaborated with ISBE's Federal and State Monitoring Department to revise existing and develop new **PRESS** materials to ensure they reflect the policy and procedure requirements of the federal uniform guidance for grants and the Grant Accountability and Transparency Act (GATA). The **PRESS** Editors thank ISBE for its continuing collaboration on GATA-related issues.

The following **PRESS** materials are updated:

- 2:125, Board Member Compensation; Expenses
- 2:125-E1, Board Member Expense Reimbursement Form - **REWRITTEN**
- 2:125-E2, Board Member Estimated Expense Approval Form - **REWRITTEN**
- 4:60-AP4, Federal and State Award Procurement Procedures
- 5:60, Expenses
- 5:60-AP, Federal and State Grant Travel Expense Procedures - **NEW**
- 5:60-E1, Employee Expense Reimbursement Form - **REWRITTEN**
- 5:60-E2, Employee Estimated Expense Approval Form - **REWRITTEN**

## Coordinating with Children's Advocacy Centers

As noted in **PRESS** Issue 102, a new School Code provision created by Public Act 101-531, 105 ILCS 5/22-85 (final citation pending), requires that districts within a county served by an accredited Children's Advocacy Center (CAC) coordinate with the CAC when an *alleged incident of sexual abuse* is reported to DCFS. Following consultation with the CAC, we have created new 5:90-AP, *Coordination with Children's Advocacy Center*, to assist districts with compliance. Districts

are encouraged to contact their local CAC to customize this procedure prior to implementation.

The following **PRESS** materials are included in this bundle:

- 2:150-AP, Superintendent Committees
- 5:90-AP, Coordination with Children's Advocacy Center - **NEW**

## Miscellaneous

The following **PRESS** materials are updated due to miscellaneous legislative, administrative rule, clean-up, and/or continuous review changes. These are also detailed in the **Revisions to Policies, Administrative Procedures, and Exhibits Table** in numerical order beginning on p. 5.

The following **PRESS** materials are included in this catch-all bundle:

- 5:35, Compliance with the Fair Labor Standards Act
- 5:35-AP1, Fair Labor Standards Act Exemptions
- 5:210, Resignations
- 6:135, Accelerated Placement Program
- 6:135-AP, Accelerated Placement Program Procedures
- 6:280, Grading and Promotion
- 7:190-E2, Student Handbook Checklist

## 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. These are also detailed in the **Revisions to Policies, Administrative Procedures, and Exhibits Table** in numerical order beginning on p. 5.

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

- 2:160, Board Attorney
- 2:160-E, Checklist for Selecting a Board Attorney - **REWRITTEN**
- 4:50, Payment Procedures
- 4:170-AP6, E1, School Staff AED Notification Letter
- 6:120-AP1, Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities

- 7:130, Student Rights and Responsibilities
- 7:325, Student Fundraising Activities
- 7:325-E, Application and Procedures to Involve Students in Fundraising Activities
- 8:10, Connection with the Community
- 8:30-E1, Letter to Parent Regarding Visits to School by Child Sex Offenders
- 8:30-E2, Child Sex Offender's Request for Permission to Visit School Property
- 8:80, Gifts to the District

Please also spend time reviewing the **PRESS Online** Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

## Progress Report — The contents of this table frequently change.

Topics	Our Response
<p><b>Coronavirus COVID-19</b></p> <p>The Novel Coronavirus (COVID-19) outbreak in China has since spread throughout parts of the world, including the United States. The Centers for Disease Control and Prevention has guidelines on planning, preparing, and responding to COVID-19 for US Childcare Programs and K-12 Schools, found here: <a href="http://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html">www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html</a>. The Ill. Dept. of Public Health also maintains a COVID-19 webpage, with a subpage dedicated to Schools Guidance, at: <a href="http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/schools-guidance">www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/schools-guidance</a>.</p>	<p>Refer to <b>PRESS</b> policy 4:180, <i>Pandemic Preparedness</i>, and its administrative procedures.</p>
<p><b>Title IX Proposed Rules</b></p> <p>The U.S. Dept. of Education proposed revised regulations implementing Title IX of the Education Amendments Act of 1972 (Title IX) and accepted public comment on them through 1-31-19. Those comments are currently under review but there is no deadline by which the proposed regulations must be finalized.</p>	<p>No <b>PRESS</b> materials are affected at this time. We will monitor the situation and update materials when necessary.</p>
<p><b>Implementation Date Delayed for Amendments to 105 ILCS 5/14-8.02f(c)</b></p> <p>In August 2019, 105 ILCS 5/14-8.02f(c), amended by P.A. 101-515, required that no later than three (was five) days prior to an Individualized Education Program meeting, districts must provide parents/guardians with copies of all written material that will be considered during the meeting. During the veto session, 105 ILCS 5/14-8.02f(c), amended by P.A. 101-598, delayed the implementation date to 7-1-20.</p>	<p>No <b>PRESS</b> materials are affected. Ill. Council of School Attorneys <i>Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities</i> (Revised May 2015, published by ICSEA) will be updated mid-2020.</p>
<p><b>Updated Asthma Medication Rules</b></p> <p>105 ILCS 5/22-33, amended by P.A. 100-726, made changes that permit schools to establish a policy providing for the stocking and use of undesignated asthma medication. ISBE responded by updating the rules governing undesignated medications at 23 Ill.Admin.Code §1.540. See 44 Ill. Reg. 1929.</p>	<p>No <b>PRESS</b> materials are affected.</p>
<p><b>Time Out/Seclusion/Restraint</b></p> <p>In November 2019, ISBE issued emergency rules prohibiting the use of isolated time out and physical restraint. In December 2019, ISBE amended the emergency rules to allow the limited use of supine physical restraint. In February 2020, ISBE again amended the emergency rules to allow the limited use of isolated time out. The Special Education Committee of the Ill. Council of School Attorneys collaborated with ISBE on guidance regarding the emergency rules, at: <a href="http://www.isbe.net/Documents/Guidance-FAQs-Time-out-Restraint.pdf">www.isbe.net/Documents/Guidance-FAQs-Time-out-Restraint.pdf</a>.</p> <p>Permanent rules governing the use of time out, isolated time out, and restraint are pending via the administrative rulemaking process, and numerous bills related to time out, seclusion, and restraint are being considered by the General Assembly.</p>	<p>No <b>PRESS</b> materials are affected at this time. We will monitor the situation, collaborate with ISBE, and update materials when necessary.</p>

## Progress Report — *continued*

Topics	Our Response
<p><b>Transgender Task Force Report</b></p> <p>On 1-10-20, the Affirming and Inclusive Schools Task Force delivered a report to the Governor detailing recommended procedures and best practices for K-12 schools to support transgender, nonbinary, and gender nonconforming students. The report is available online at: <a href="http://www2.illinois.gov/HISNews/21019-Affirming_and_Inclusive_Schools_Task_Force_Report.pdf">www2.illinois.gov/HISNews/21019-Affirming_and_Inclusive_Schools_Task_Force_Report.pdf</a>. ISBE non-regulatory guidance documents and resources are available here: <a href="http://www.isbe.net/supportallstudents">www.isbe.net/supportallstudents</a>.</p>	<p>No <b>PRESS</b> materials are affected at this time; please see footnote two of <b>PRESS</b> policy 7:10, <i>Equal Educational Opportunities</i>, for more information specific to this topic. We will monitor the situation, collaborate with ISBE, and update materials if necessary.</p>

### Revisions to Policies, Administrative Procedures, and Exhibits

Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
2:125, Board Member Compensation; Expenses	The policy, Legal References, and footnotes are updated in response to the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/, and in anticipation of grant monitoring activity by the Ill. State Board of Education (ISBE) during the 2020-21 school year. A new subhead, <b>Additional Requirements for Travel Expenses Charged to Federal and State Grants</b> , is added. Continuous improvement updates and minor style changes are also made to the policy and footnotes.	<input type="checkbox"/>
2:125-E1, Board Member Expense Reimbursement Form	<b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.	<input type="checkbox"/>
2:125-E2, Board Member Estimated Expense Approval Form	<b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.	<input type="checkbox"/>
2:150-AP, Superintendent Committees	The procedure is updated to facilitate implementation of 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531, for the reasons discussed below in 5:90-AP, <i>Coordination with Children’s Advocacy Center</i> .	<input type="checkbox"/>
2:160, Board Attorney	The policy and footnotes are updated in response to a five-year review and <b>PRESS</b> Advisory Board (PAB) feedback.	<input type="checkbox"/>
2:160-E, Checklist for Selecting a Board Attorney	<b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:160, <i>Board Attorney</i> , above.	<input type="checkbox"/>
4:50, Payment Procedures	The policy is unchanged. A footnote is updated in response to a five-year review.	<input type="checkbox"/>
4:60-AP4, Federal and State Award Procurement Procedures	The procedure is updated in response to GATA and federal procurement regulations that address the purchase of recovered (recycled) materials. Minor style changes are also made to the procedure.	<input type="checkbox"/>
4:170-AP6, E1, School Staff AED Notification Letter	The procedure is updated in response to a five-year review.	<input type="checkbox"/>
5:35, Compliance with the Fair Labor Standards Act	The policy is updated with minor style changes to align policy titles in the <b>PRM</b> . The footnotes are updated in response to: <ol style="list-style-type: none"> <li>1. 29 C.F.R. Part 541, amended at 84 Fed.Reg. 51230, raising the salary threshold for non-exempt employees under the Fair Labor Standards Act.</li> <li>2. Continuous improvement updates.</li> </ol>	<input type="checkbox"/>

## Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

5:35-AP1, Fair Labor Standards Act Exemptions	The procedure is updated for the reasons discussed in 5:35, <i>Compliance with the Fair Labor Standards Act</i> , above.	<input type="checkbox"/>
5:50, Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition	The policy is unchanged. Footnotes seven and nine are updated in response to the Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/10-35(a)(8), amended by P.A. 101-593. The law clarified several cannabis-legalization concerns that Illinois employers had, including discipline parameters for on and off-duty law enforcement officers. Footnote seven contains directions for boards that employ school resources officers (SROs) (as opposed to entering into contracts with local law enforcement agencies for SRO services) to consult their board attorneys regarding specific policy text that pertains to discipline of the SROs that the board employs. Other additions to the footnotes included reference to the Ill. Vehicle Code's legal presumptions for when an individual is under the influence of tetrahydrocannabinol (THC). See 635 ILCS 5/11-501.2(b-5).	<input type="checkbox"/>
5:60, Expenses	The policy, Legal References, and footnotes are updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.	<input type="checkbox"/>
5:60-AP, Federal and State Grant Travel Expense Procedures	<b>NEW.</b> The procedure is created for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.	<input type="checkbox"/>
5:60-E1, Employee Expense Reimbursement Form	<b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.	<input type="checkbox"/>
5:60-E2, Employee Estimated Expense Approval Form	<b>REWRITTEN.</b> The exhibit is updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.	<input type="checkbox"/>
5:90-AP, Coordination with Children's Advocacy Center	<b>NEW.</b> The procedure is created to facilitate implementation of 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531, which requires districts within a county served by an accredited Children's Advocacy Center (CAC) to coordinate with the CAC when investigating an <i>alleged incident of sexual abuse</i> .	<input type="checkbox"/>
5:120-AP1, Statement of Economic Interests for Employees	The procedure is updated and its footnote deleted in response to 5 ILCS 420/4A-106.5, amended by P.A. 101-617, restoring February 1st as the annual date by which districts must provide to the county clerk a certified list of employees required to file a statement of economic interest. Minor style changes are also made to the procedure.	<input type="checkbox"/>
5:150, Personnel Records	The Legal References are updated. The footnotes are updated in response to the Freedom of Information Act, 5 ILCS 140/7.5(oo), added by P.A. 101-620 (final citation pending), exempting from disclosure specific types of personal information about employees that the Ill. Educational Labor Relations Act (IELRA), 115 ILCS 5/3(d), added by P.A. 101-620, now prohibits from being disclosed to third parties. A Cross Reference is also updated.	<input type="checkbox"/>
5:210, Resignations	The policy is unchanged. Footnote two is updated in response to 105 ILCS 5/24-14, amended by P.A. 101-531, and ISBE non-regulatory guidance on the application of 105 ILCS 5/24-14 to teacher resignations.	<input type="checkbox"/>
5:280, Duties and Qualifications	The Legal References and footnotes are updated in response to amended ISBE rules governing educator licensure and for continuous improvement.	<input type="checkbox"/>
6:120-AP1, Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities	The procedure is updated in response to a five-year review.	<input type="checkbox"/>

## Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

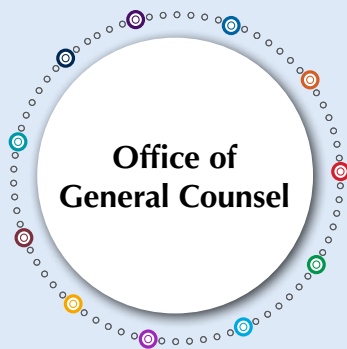
6:135, Accelerated Placement Program	The Legal References and footnotes are updated for continuous improvement and in response to amended ISBE rules implementing the Accelerated Placement Act, 105 ILCS 5/14A.	<input type="checkbox"/>
6:135-AP, Accelerated Placement Program Procedures	The procedure and footnotes are updated for the reasons discussed above in 6:135, <i>Accelerated Placement Program</i> , above.	<input type="checkbox"/>
6:235, Access to Electronic Networks	The policy is unchanged. The footnotes are updated for the reasons discussed in 8:110, <i>Public Suggestions and Concerns</i> , below.	<input type="checkbox"/>
6:280, Grading and Promotion	The policy and footnotes are updated in response to the ISBE discontinuing the <i>Partnership for Assessment of Readiness for College and Careers</i> (PARCC) as the State assessment and accountability measure back in 2019.	<input type="checkbox"/>
7:70, Attendance and Truancy	<p>The policy and Cross References are updated in response to the following laws:</p> <ol style="list-style-type: none"> <li>1. 105 ILCS 5/26-2a, amended by P.A. 100-810, which amended valid causes for absences to include a student’s <u>mental, emotional, or physical</u> health or <u>safety</u>; and</li> <li>2. The Election Code, 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20, which created a valid cause for absence that applies to students who are eligible to vote.</li> </ol> <p>Other continuous improvement updates were made throughout the footnotes.</p>	<input type="checkbox"/>
7:90, Release During School Hours	The policy, Legal References, and footnotes are updated in response to the Election Code, 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20. The policy contains an optional subhead entitled <b>Voting</b> for unit and high school districts that addresses the release of students who are eligible to vote.	<input type="checkbox"/>
7:130, Student Rights and Responsibilities	The policy is unchanged. The footnotes are updated in response to U.S. Dept. of Education guidance on constitutionally protected prayer in public schools, and with minor continuous improvement changes after a five-year review.	<input type="checkbox"/>
7:190-E2, Student Handbook Checklist	The exhibit and footnotes are updated in response to numerous legislative amendments regarding required and recommended notices to students and parents/guardians and for continuous improvement.	<input type="checkbox"/>
7:325, Student Fundraising Activities	The policy is unchanged. Minor five-year review and continuous improvement updates are made to the footnotes.	<input type="checkbox"/>
7:325-E, Application and Procedures to Involve Students in Fundraising Activities	The exhibit is updated with minor continuous improvement changes after a five-year review.	<input type="checkbox"/>
8:10, Connection with the Community	The policy and footnotes are updated in response to a five-year review. Minor changes are made to align with present-day social medial platform usage patterns along with other changes for continuous improvement.	<input type="checkbox"/>
8:30, Visitors to and Conduct on School Property	The policy, Legal References, and footnotes are updated in response to the IELRA, 115 ILCS 5/3(c), added by P.A. 101-620, requiring districts to allow union representatives to meet with employees during the work day, without loss of pay or leave time, for certain reasons. Other continuous improvement updates are also made to the footnotes.	<input type="checkbox"/>

## Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

8:30-E1, Letter to Parent Regarding Visits to School by Child Sex Offenders	The exhibit is updated with minor continuous improvement changes after a five-year review.	<input type="checkbox"/>
8:30-E2, Child Sex Offender's Request for Permission to Visit School Property	The exhibit is updated with minor continuous improvement changes after a five-year review.	<input type="checkbox"/>
8:80, Gifts to the District	The policy is unchanged. The footnotes are updated in response to a five-year review.	<input type="checkbox"/>
8:110, Public Suggestions and Concerns	<p>The policy, Legal References, footnotes, and Cross References are updated in response to:</p> <ol style="list-style-type: none"> <li>1. Ill. Educational Labor Relations Act (IELRA), 115 ILCS 5/14(c-5), added by P.A. 101-620, requiring districts to establish email policies in an effort to prohibit the use of their email systems by third parties.</li> <li>2. Continuous improvement and minor style updates.</li> </ol>	<input type="checkbox"/>

### **PRESS Issue 103 Trivia**

122 PRM pages • 227 footnotes • 28,668 words • 39 PRM materials



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.



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## Acknowledgement to PRESS Advisory Board

The Policy Reference Education Subscription Service (PRESS) Advisory Board consists of a group of distinguished individuals, from the legal and education field. These individuals dedicate and volunteer their time to provide valuable input and suggestions on PRESS Issues. We appreciate their contributions and thank them sincerely.

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**Cathy Talbert**, former IASB Associate Executive Director

**IASB Staff Members**, especially Policy Services Directors and 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.

**Ummehani Faizullahoy**, Office of General Counsel, preparation, formatting, quality assurance, editor

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

**James Wagner**, Office of General Counsel, State and federal regulations monitor, editor



# Update Memo


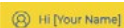
Please distribute to board members and appropriate staff.

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### Online Instructions

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

1. Go to [www.iasb.com](http://www.iasb.com) and click on the yellow **Member Login** button.  

2. Log in using your email address and password.
  - If you do not know your password, do not create a new account; reset your password using your district email address.
  - 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 logging in to [www.iasb.com](http://www.iasb.com), please contact Kat Barone at [kbarone@iasb.com](mailto:kbarone@iasb.com).
  - Click the yellow "Hi [Your Name]," button.  

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.

Please 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 (PRM)** pages.

The Committee Worksheets, found by selecting a **PRESS Issue** at the top of the **PRESS Online** Table of Contents, show suggested changes to **PRESS** materials by striking out deleted words and underscoring new words.

Updated **PRM** pages can be found in the IASB POLICY REFERENCE MANUAL Table of Contents. For visual instruction about how to download **PRM** pages and use them to update your policy manual, please go to [www.iasb.com/policy/](http://www.iasb.com/policy/) to view the **PRESS** video tutorial located under the header entitled: **PRESS – Policy Reference Education Subscription Service**.

## PRESS Bundles

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., legislation, administrative rules, **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. 5.

Please spend time reviewing the **PRESS** online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

### Have feedback on **PRESS** materials?

Click on the **PRESS** Feedback Button, located on the header bar of **PRESS Online**. For answers to more immediate questions about **PRESS** content, please contact a **PRESS** editor directly.

## 2020 COVID-19 Pandemic Issues

The General Assembly, the Ill. State Board of Education (ISBE), Ill. Attorney General, and the U.S. Dept. of Education have taken a number of actions and/or issued guidance documents to address the ongoing COVID-19 pandemic as it affects public school operations and student learning. During the special Illinois legislative session held at the end of May, the legislature codified many of these actions and guidance documents.

The Education Omnibus bill, P.A. 101-643, codifies much of ISBE's actions and guidance, and it is intended to better prepare schools for the 2020-2021 school year so that they may open for learning in time for the start of the school year, even if it cannot be done in person.

During the abbreviated session, the General Assembly also codified the Governor's Executive Orders relaxing the in-person physical quorum requirement under the Open Meetings Act during a disaster declaration related to a public health emergency. See 105 ILCS 120/7, amended by P.A. 101-640.

In sum, while many of the actions taken by government during the pandemic have not been directly tied to policy or procedures, these new pieces of legislation and other agency directives directly impact the **PRM** and require updates.

The following **PRESS** materials are updated or created:

- 2:220, School Board Meeting Procedure
- 2:220-E9, Requirements for No Physical Presence of Quorum and Participation by Audio or Video During Disaster Declaration
- 4:180, Pandemic Preparedness; Management; and Recovery - **RENAMED**
- 4:180-AP3, Grant Flexibility; Payment of Employee Salaries During a Pandemic - **NEW** (pre-released on 5-18-20)
- 6:20-AP, Remote and/or Blended Remote Learning Day Plan(s) - **NEW**

## Student Data Privacy

During the 101st General Assembly, sweeping amendments were made to the Student Online Personal Protection Act (SOPPA), 105 ILCS 85/, eff. 7-1-21, to regulate how school districts must handle online student data, specifically in the areas of transparency, contracting, security, breach notification, and parent access. While certain materials remain on hold pending implementing regulations to be issued by ISBE, a new sample policy, procedures, and related exhibits have been created to assist districts as they work toward implementation of these new requirements.

The following **PRESS** materials are created or updated for this important bundle:

## 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" 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.**

7:190-E2, Student Handbook Checklist  
7:340, Student Records  
7:340, AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records  
7:345, Use of Educational Technologies; Student Data Privacy and Security - **NEW**

7:345-AP, Use of Educational Technologies; Student Data Privacy and Security - **NEW**  
7:345-AP, E1, Student Covered Information Reporting Form - **NEW**  
7:345-AP, E2, Student Data Privacy; Notice to Parents About Educational Technology Vendors - **NEW**  
7:345-AP, E3, Parent Notification Letter for Student Data Breach - **NEW**

## Time Out and Physical Restraint

In late November 2019 and early 2020, in response to investigative journalism articles, ISBE issued emergency rules and subsequent amendments to those emergency rules that significantly limited the use of isolated time out and physical restraint. ISBE adopted permanent rules governing the use of isolated time out, time out, and physical restraint (permitted under limited circumstances and only

until 7-1-21), effective April 9, 2020.

The following **PRESS** materials are updated:

7:190, Student Behavior  
7:190-AP4, Use of Isolated Time Out, Time Out, and Physical Restraint - **RENAMED**

## 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. These are also detailed in the **Revisions to Policies, Administrative Procedures, and Exhibits Table** in numerical order beginning on p. 5.

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

5:170-AP4, Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process

7:40, Nonpublic School Students, Including Parochial and Home-Schooled Students

7:190-AP2, Student Handbook - Gang Activity Prohibited

7:190-AP5, Student Handbook - Electronic Devices

7:220-AP, Electronic Recordings on School Buses

Please also spend time reviewing the **PRESS** online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

## PRESS Issue 104 Trivia

145 PRM pages • 228 footnotes • 32,677 words • 25 PRM materials

## Progress Report — The contents of this table frequently change.

Topics	Our Response
<p><b>Title IX Final Rules</b></p> <p>In May the U.S. Dept. of Education (DOE) released final Title IX rules that, for the first time, impose required responses to reports of sexual harassment that impact a number of existing <b>PRESS</b> materials. Due to the 2020 COVID-19 pandemic, the DOE delayed the effective date until 8-14-20. There are 18 attorneys general, including Illinois', that have sued the DOE to block the final Title IX rules from becoming effective, but as of the date of <b>PRESS</b> Issue 104's publication, the effective date remains 8-14-20.</p>	<p>Unless the 8-14-20 effective date changes, we will update <b>PRESS</b> materials in <b>PRESS</b> Issue 105 and deliver them in early August 2020.</p>
<p><b>Federal School Safety Clearinghouse</b></p> <p>The U.S. Dept. of Education launched a new School Safety Clearinghouse website, <a href="http://www.schoolsafety.gov/">www.schoolsafety.gov/</a>, designed to serve as a "one-stop-shop" of resources for K-12 administrators, educators, parents, and law enforcement to use to prepare for and address various threats related to safety, security, and support in schools. The Clearinghouse has subsections addressing: bullying and cyberbullying; threat assessment and reporting; school security personnel; physical security; training, exercises, and drills; mental health; school climate; emergency planning; and recovery.</p>	<p>No <b>PRESS</b> materials are affected.</p>
<p><b>COBRA FAQ and Model Notices</b></p> <p>On May 1, 2020, the U.S. Dept. of Labor issued a revised model notice and FAQ for the Consolidated Omnibus Budget Reconciliation Act (COBRA), available at <a href="http://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra">www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra</a>. The updated model notice now includes information about the interaction between COBRA and Medicare enrollment. Districts should update their COBRA notices to reflect these updates.</p>	<p>No <b>PRESS</b> materials are affected.</p>

## Revisions to Policies, Administrative Procedures, and Exhibits

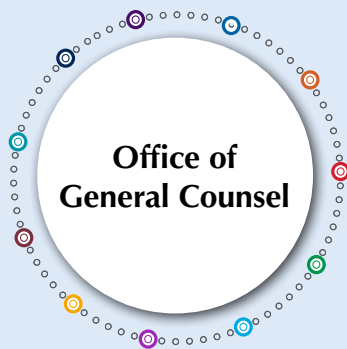
Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
2:150-AP, Superintendent Committees	<p>The procedure and footnotes are updated to include two new, optional administrative committees in response to:</p> <ol style="list-style-type: none"> <li>105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21 creating an optional Educational Technology Committee; and</li> <li>105 ILCS 5/10-30, added by P.A. 101-643, creating a Remote and/or Blended Remote Learning Day Plan Committee.</li> </ol> <p>This procedure will be amended again in <b>PRESS</b> Issue 105 in early August with the new Title IX regulation information.</p>	<input type="checkbox"/>
2:220, School Board Meeting Procedure	<p>The policy, Legal References, Cross References, and footnotes are updated in response to amendments to the Open Meetings Act (OMA), 5 ILCS 120/7(e)(1)-(10), amended by P.A. 101-640. The amendments address board meetings in open or closed sessions by audio or video conference without the physical presence of a quorum as long as the board meets certain statutory conditions.</p>	<input type="checkbox"/>
2:220-E9, Requirements for No Physical Presence of Quorum and Participation by Audio or Video During Disaster Declaration	<p><b>NEW.</b> The exhibit is created to assist boards with meeting the statutory requirements of the amendments to the Open Meetings Act (OMA), 5 ILCS 120/7(e)(1)-(10), amended by P.A. 101-640. Boards are encouraged to consult their attorneys for assistance with this exhibit.</p>	<input type="checkbox"/>
4:180, Pandemic Preparedness; <u>Management</u> ; and <u>Recovery</u>	<p><b>RENAMED.</b> The policy, Legal References, Cross References, and footnotes are updated in response to the General Assembly, the Ill. State Board of Education (ISBE), Ill. Attorney General, and the U.S. Dept. of Education taking a number of actions and/or issuing guidance documents to address the ongoing COVID-19 pandemic as it affects public school operations and student learning. In addition to these general updates throughout the policy and footnotes, some specific new additions to the policy include:</p> <ol style="list-style-type: none"> <li>The OMA amendments of 5 ILCS 120/7(e)(1)-(10), amended by P.A. 101-640 that are discussed above in 2:220, <i>School Board Meeting Procedure</i>;</li> <li>The requirements of the board related to 105 ILCS 5/10-30(3), added by P.A. 101-643 are added and are discussed further in 6:20-AP, <i>Remote and/or Blended Remote Learning Day Plan(s)</i>, below.</li> <li>The reasons explained directly below in 4:180-AP3, <i>Grant Flexibility; Payment of Employee Salaries During a Pandemic</i>.</li> </ol>	<input type="checkbox"/>
4:180-AP3, Grant Flexibility; Payment of Employee Salaries During a Pandemic	<p><b>NEW.</b> The procedure was pre-released to subscribers on 5-18-20 through PRESS Online. It is created in response to a memo issued by the federal Office of Management and Budget during the COVID-19 crisis. The memo temporarily allowed federal agencies (including the U.S. Dept. of Education) to relax certain requirements for grant expenditures, including permitting grant recipients to continue to charge employee salaries to grant funds when the activities of the grant have been suspended in whole or part due to COVID-19.</p>	<input type="checkbox"/>
5:170-AP4, Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process	<p>The procedure and Legal References are updated in response to a five-year review. The procedure details new steps to identify and register a Digital Millennium Copyright Act agent via the U.S. Copyright Office online registration system.</p>	<input type="checkbox"/>

## Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

6:20-AP, Remote and/or Blended Remote Learning Day Plan(s)	<p><b>NEW.</b> The procedure outlines the process required by 105 ILCS 5/10-30, added by P.A. 101-643, for a superintendent to either:</p> <ol style="list-style-type: none"> <li>1. Adapt an e-learning program into a remote and/or blended remote learning day plan(s), or</li> <li>2. If the district does not have an e-learning program, create a remote and/or blended remote learning day plan(s).</li> </ol> <p>It is important for boards to understand that this law will require the “[board] to adopt and the superintendent to approve” these plans upon the following statutory triggers: (1) the governor declaring a disaster pursuant to 20 ILCS 3305/, and (2) the state superintendent of education declaring a requirement for a school district, multiple school districts, a region, or the entire State.</p>	<input type="checkbox"/>
7:40, Nonpublic School Students, Including Parochial and Home-Schooled Students	The procedure is unchanged. The footnotes and Cross References are updated in response to a five-year review.	<input type="checkbox"/>
7:190, Student Behavior	The policy, Legal References, and footnotes are updated in response to new ISBE permanent rules governing the use of isolated time out, time out, and physical restraint. A new line at the end of the policy incorporates by reference 7:190-AP4, <i>Use of Isolated Time Out, Time Out, and Physical Restraint</i> .	<input type="checkbox"/>
7:190-AP2, Student Handbook - Gang Activity Prohibited	The procedure and footnotes are updated in response to a five-year review.	<input type="checkbox"/>
7:190-AP4, Use of Isolated Time out, <u>Time Out</u> , and Physical Restraint	<b>RENAMED.</b> The procedure is updated in response to new ISBE permanent rules governing the use of isolated time out, time out, and physical restraint.	<input type="checkbox"/>
7:190-AP5, Student Handbook - Electronic Devices	The procedure and footnotes are updated in response to a five-year review.	<input type="checkbox"/>
7:190-E2, Student Handbook Checklist	The exhibit is updated to facilitate implementation of 105 ILCS 85/28, amended by P.A. 101-516, eff. 7-1-21, which requires districts to provide a general annual notice to parents and guardians about student data collected by educational technology vendors.	<input type="checkbox"/>
7:220-AP, Electronic Recordings on School Buses	The procedure is unchanged. The footnotes are updated in response to a five-year review.	<input type="checkbox"/>
7:340, Student Records	<p>The policy, Legal References, footnotes, and Cross References are updated. The policy is updated with continuous improvement changes based on feedback from the Ill. Council of School Attorneys. The Legal References are updated to include reference to 105 ILCS 85/. New policy 7:345 <i>Use of Educational Technologies; Student Data Privacy and Security</i>, has been added to the Cross References. The footnotes are updated in response to:</p> <ol style="list-style-type: none"> <li>1. 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21.</li> <li>2. U.S. Dept. of Education (DOE) guidance on the Family Educational Rights and Privacy Act (FERPA) and virtual learning.</li> <li>3. Updated joint guidance issued by the DOE and U.S. Dept. of Health and Human Services on the application of FERPA and the Health Insurance Portability and Accountability Act of 1996 to student health records.</li> </ol>	<input type="checkbox"/>

## Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records	The exhibit is updated in response to the DOE's updated annual FERPA notice, released in April 2020.	<input type="checkbox"/>
7:345, Use of Educational Technologies; Student Data Privacy and Security	<b>NEW.</b> The policy is created to facilitate implementation of 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21, which requires districts to take a number of actions to protect online student data and to share general information about how student data is used.	<input type="checkbox"/>
7:345-AP, Use of Educational Technologies; Student Data Privacy and Security	<b>NEW.</b> The procedure is created for the reason discussed in 7:345, <i>Use of Educational Technologies; Student Data Privacy and Security</i> , above.	<input type="checkbox"/>
7:345-AP, E1, Student Covered Information Reporting Form	<b>NEW.</b> The exhibit is created for the reason discussed in 7:345, <i>Use of Educational Technologies; Student Data Privacy and Security</i> , above.	<input type="checkbox"/>
7:345-AP, E2, Student Data Privacy; Notice to Parents About Educational Technology Vendors	<b>NEW.</b> The exhibit is created for the reason discussed in 7:345, <i>Use of Educational Technologies; Student Data Privacy and Security</i> , above.	<input type="checkbox"/>
7:345-AP, E3, Parent Notification Letter for Student Data Breach	<b>NEW.</b> The exhibit is created for the reason discussed in 7:345, <i>Use of Educational Technologies; Student Data Privacy and Security</i> , above.	<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.



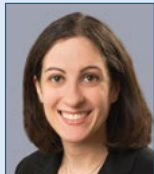
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## Acknowledgement to PRESS Advisory Board

The Policy Reference Education Subscription Service (**PRESS**) Advisory Board consists of a group of distinguished individuals, from the legal and education field. These individuals dedicate and volunteer their time to provide valuable input and suggestions on **PRESS** Issues. We appreciate their contributions and thank them sincerely.

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

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**Wayne Savageau**, former IASB Policy Consultant, and former Superintendent

**Melinda Selbee**, former IASB General Counsel

**Cathy Talbert**, former IASB Associate Executive Director

**IASB Staff Members**, especially Policy Services Directors and 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.

**Ummehani Faizullabhoj**, Office of General Counsel, preparation, formatting, quality assurance, editor

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

**James Wagner**, Office of General Counsel, State and federal regulations monitor, editor



# Update Memo

Please distribute to board members and appropriate staff.

# PRESS

## Policy Reference Education Subscription Service

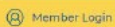
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- Next Issue: Remaining Legislative Updates from Education Omnibus Act P.A. 101-643 & Five-Year Reviews

### Online Instructions

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

1. Go to [www.iasb.com](http://www.iasb.com) and click on the yellow **Member Login** button.



2. Log in using your email address and password.
  - If you do not know your password, do not create a new account; reset your password using your district email address.
  - 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 logging in to [www.iasb.com](http://www.iasb.com), please contact Kat Berger at [kberger@iasb.com](mailto:kberger@iasb.com).
  - Click the yellow “Hi [Your Name],” button.



3. Under **My Account Links**, click on **PRESS Login**.

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 Brofine, 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.

Please 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 (PRM)** pages.

The Committee Worksheets, found by selecting a **PRESS Issue** at the top of the **PRESS Online** Table of Contents, show suggested changes to **PRESS** materials by striking out deleted words and underscoring new words.

Updated **PRM** pages can be found in the IASB POLICY REFERENCE MANUAL Table of Contents. For visual instruction about how to download **PRM** pages and use them to update your policy manual, please go to [www.iasb.com/policy/](http://www.iasb.com/policy/) to view the **PRESS** video tutorial located under the header entitled: **PRESS – Policy Reference Education Subscription Service**.

### IASB Statement on Local School Board Equity Policies

In recent months, member school boards have contacted IASB to request that the Association provide the board with an Equity Policy.

While IASB staff can provide a board with sample policies related to diversity, equity, and inclusion, we believe that providing a policy template can actually be an impediment to boards of education conducting thoughtful, deep conversations around issues of race, diversity, equity, and inclusion.

IASB recognizes that everyone benefits when all students have access to the educational resources and rigor they need, in all times and circumstances. The pursuit of equity, opportunity, and excellence for every child starts with a deep conversation that IASB staff can assist with. The IASB workshop, *Equity: An Education Imperative*, is designed to support boards in this work and to pave the way for the development of a shared definition of “equity.” Boards should also engage community stakeholders to inform them of the development of a local equity policy.

#### Have feedback on **PRESS** materials?

Click on the **PRESS** Feedback Button, located on the header bar of **PRESS Online**. For answers to more immediate questions about **PRESS** content, please contact a **PRESS** editor directly.



School board members share a collective responsibility for determining the strategic priorities of the district that should also reflect a commitment to lead on issues of diversity, equity, and inclusion and for monitoring whether priorities are met.

IASB stands ready to assist school boards along the journey towards equity. Please reach out to your Field Services Director at any time, and also utilize resources on the [equity section of the IASB website](#).

## PRESS Bundles

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., legislation, administrative rules, **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. 6.

Please spend time reviewing the **PRESS** online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

## Title IX Regulation Updates

In May the U.S. Dept. of Education (DOE) released final Title IX regulations at 34 C.F.R. Part 106. They define sexual harassment, require prompt responses to reports of sexual harassment in a district's education program or activity (regardless of whether the complainant files a *formal complaint*), and require districts to implement a detailed grievance process for *formal complaints* of Title IX sexual harassment.

Because Title IX sexual harassment can involve *any* person in the district's education programs or activities – including students, parents/guardians, employees, applicants for employment, and third parties – we created a **NEW** policy in Section 2 of the **PRM**, 2:265, *Title IX Sexual Harassment Grievance Procedure*. It has two administrative procedures and one exhibit.

Related changes are made to existing **PRM** materials, including policy 2:260, *Uniform Grievance Procedure*. It now explicitly directs any sexual harassment complaints involving Title IX to the **NEW** policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. To ensure that districts funnel all potential Title IX sexual harassment reports to the **NEW** policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, the policies in Sections 5 and 7 of the **PRM** involving sexual harassment are similarly updated.

## 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” 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.**

We created this new policy suite and updated various **PRM** materials to incorporate additional Title IX regulation requirements that require districts to:

1. Designate at least one employee as the “Title IX Coordinator;”
2. Notify all applicants for employment, students, parents/guardians, employees, and collective bargaining units of the district’s Title IX policy and contact information for the Title IX Coordinator, via the district’s website and its handbooks;
3. Train individuals designated as Title IX Coordinator(s), investigators, decision-makers, and informal resolution facilitators on the definition of sexual harassment, the scope of the district’s education program or activity, how to conduct an investigation and grievance process, and how to serve impartially;
4. Train individuals designated as investigators on issues of relevance so they can create an investigative report that fairly summarizes relevant evidence;
5. Train individuals designated as decision-makers on issues of relevance of questions and evidence, including when questions/evidence about sexual predisposition or prior sexual behavior are not relevant; and
6. Post, on the district’s website, training materials for any individuals designated as Title IX Coordinator(s), investigators, decision-makers, and informal resolution facilitators.

The final Title IX regulations are eff. 8-14-20; however their complexity and scope means that districts are unlikely to finalize policies until after the effective date. It is important for school officials to discuss Title IX requirements with their board attorneys, to ensure full implementation and to reduce risks based on Title IX’s intersection with local and State laws and regulations.

The following **PRESS** materials are created or updated for this important bundle:

The **PRESS** editors extend their gratitude to the following attorneys for their expert feedback on many pieces of **PRESS** material on Title IX regulation updates: **Emily P. Bothfeld**, Robbins Schwartz; **Amy K. Dickerson**, Franczek, P.C.; **Maureen Anichini Lemon**, Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.; **Jennifer Mueller Rosenberg**, Hodges, Loizzi, Eisenhammer, Rodick & Kohn, LLP; and **Jacqueline Gharapour Wernz**, Franczek, P.C.

- 2:150-AP, Superintendent Committees
- 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records
- 2:260, Uniform Grievance Procedure
- 2:260-AP2, Nondiscrimination Coordinator and Complaint Manager
- 2:265, Title IX Sexual Harassment Grievance Procedure - **NEW**
- 2:265-AP1, Title IX Sexual Harassment Response - **NEW**
- 2:265-AP2, Formal Title IX Sexual Harassment Complaint Grievance Process - **NEW**
- 2:265-E, Title IX Sexual Harassment Glossary of Terms - **NEW**
- 5:10, Equal Employment Opportunity and Minority Recruitment
- 5:20, Workplace Harassment Prohibited
- 5:90-AP, Coordination with Children’s Advocacy Center
- 5:100, Staff Development Program
- 7:10, Equal Educational Opportunities
- 7:10-AP1, Accommodating Transgender Students or Gender Non-Conforming Students
- 7:20, Harassment of Students Prohibited
- 7:20-AP, Harassment of Students Prohibited
- 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment
- 7:185, Teen Dating Violence Prohibited
- 7:190-E2, Student Handbook Checklist

## Legislative Updates

During the 101st General Assembly, P.A. 101-643 codified many of the provisions previously contained in Executive Orders issued by Governor Pritzker along with several provisions in guidance documents and emergency rules that were promulgated by the Ill. State Board of Education (ISBE) during Illinois’ response to the 2020 COVID-19 pandemic. In addition, P.A. 101-642 made numerous changes in the Election Code including designating Nov. 3, 2020 as *2020 Election Day* and requiring schools to close.

The following **PRESS** materials are amended:

- 5:200, Terms and Conditions of Employment and Dismissal
- 5:220, Substitute Teachers
- 5:330, Sick Days, Vacation, Holidays, and Leaves

## Support and Inclusion of Transgender Students Guidance

In 2019, the Governor issued Executive Order 2019-11, which established the Affirming and Inclusive School Task Force (Task Force) to identify strategies and best practices for transgender, non-binary, and gender non-conforming students. In March 2020, following the Task Force's delivery of its report to the Governor, ISBE released non-regulatory guidance and a sample policy and procedures document that reflect the recommendations of the Task Force.

The following **PRESS** materials are amended:

- 7:10, Equal Educational Opportunities
- 7:10-AP1, Accommodating Transgender Students or Gender Non-Conforming Students
- 7:20, Harassment of Students Prohibited

## Miscellaneous

The following **PRESS** material is updated due to a typographical error regarding a compliance timeline under the Student Online Personal Protection Act, 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21:

- 7:345-AP, Use of Educational Technologies; Student Data Privacy and Security

## 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. These are also detailed in the [Revisions to Policies, Administrative Procedures, and Exhibits Table](#) in numerical order beginning on p. 6.

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

- 2:260-AP1, Guidelines for Investigating Complaints [Filed Under Policy 2:260, Uniform Grievance Procedure](#), and Allegations of Misconduct - **RENAMED**

- 4:180-AP1, School Action Steps for Pandemic Influenza or Other Virus/Disease - **RENAMED**
- 4:180-AP2, Pandemic Influenza Surveillance and Reporting

Please also spend time reviewing the **PRESS** Online Committee Worksheets for these materials, which will provide further, more on-the-spot detailed explanations in the footnotes, along with added comment boxes by the **PRESS** Editors when necessary.

## PRESS Issue 105 Trivia

165 PRM pages • 266 footnotes • 41,184 words • 28 PRM materials

## PRESS and ISBE/IDPH Reopening Guidance Update

Following the release of the Ill. State Board of Education (ISBE) and Ill. Dept. of Public Health’s joint guidance for [Starting the 2020-21 School Year](#) on June 23, 2020, a number of **PRESS** subscribers and Ill. Council of School Attorney members have inquired if updates to existing **Policy Reference Manual (PRM)** materials will be made to address instances in the guidance that refer to board policies or administrative procedures, with particular focus on a face mask policy. Those inquiries were largely prompted by language in the joint guidance which states “It is recommended that schools and districts update policies to require the wearing [of] a face covering while on school grounds and handle violations in the same manner as other policy violations.” Subsequently, ISBE released an [FAQ](#) clarifying this language, stating that when it comes to handling individuals who refuse to wear face coverings, “It is recommended that schools and districts examine and communicate which policies apply to the requirement of wearing a face covering while in school buildings and handle violations in the same manner as other similar policy violations.”

Based on the fluidity of the COVID-19 crisis and frequent changes that have been made to State guidance, as well as the fact that existing **PRM** materials already broadly address expectations for students, staff, visitors, and district operations, the **PRESS** Editors determined that no updates to the **PRM** are required at this time. To assist boards as they examine the application of their adopted policies to the joint guidance, IASB has created a reference chart that reviews certain guidance topics, relevant **PRM** materials, and local implementation considerations. The chart can be accessed through **PRESS** Online or at [www.iasb.com/IASB/media/Documents/PRESS\\_Reopening-Guidelines.pdf](http://www.iasb.com/IASB/media/Documents/PRESS_Reopening-Guidelines.pdf).

The **PRESS** Editors fully recognize that some board attorneys may advise a different course of action, and that boards may have additional concerns related to insurance coverage (or lack thereof) for COVID-19 related claims. **The PRESS Editors encourage boards to work with their attorneys to determine how the new safety protocols will be communicated and managed locally, such as through resolution, policy, procedures, handbooks, and/ or other written materials.** The **PRESS** Editors will continue to monitor developments related to COVID-19 and welcome questions or suggestions from subscribers. **PRESS** Editor contact information is found on the last page of this Update Memo.

## Progress Report – The contents of this table frequently change.

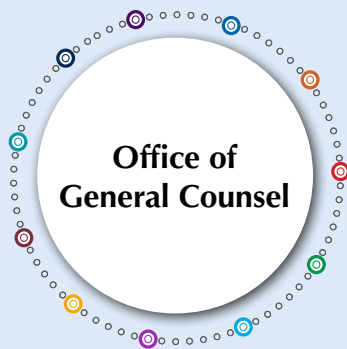
Topics	Our Response
<p><b>Property Tax Code Amendment</b></p> <p>Public Act 101-635 amended the Property Tax Code to allow the chief county assessment officers to approve certain homestead exemptions without application for the 2020 tax year with certain criteria. It also allows county boards, except Cook, to waive penalties and interest on delinquent property tax payments and extends deadlines for scavenger sales and tax sales during 2020.</p>	<p>No <b>PRESS</b> materials are affected.</p>
<p><b>Education Omnibus Bill – Remaining Changes Not Yet Addressed</b></p> <p>Additional legislative updates contained in P.A. 101-643, including provisions addressing criminal background check notification, special education related service logs, and other “odds and ends” related to COVID-19 that did not need to be more urgently addressed in Issues 104 and 105, will be included in <b>PRESS</b> Issue 106 to be released this Fall.</p>	<p>Remaining <b>PRESS</b> materials impacted by P.A. 101-643 will be updated in Issue 106.</p>
<p><b>Temperature Checks and Biometric Student Information</b></p> <p>Some districts may be considering using facial recognition technology that can also scan students from a distance as they enter a school building to detect body temperatures. As a reminder, districts that maintain a biometric screening program must comply with all School Code requirements, including obtaining written parent/guardian consent, and should include in policy 7:340, <i>Student Records</i>, the alternative language noted in footnote 15.</p> <p style="text-align: right;">49</p>	<p>No <b>PRESS</b> materials are affected.</p>

## Revisions to Policies, Administrative Procedures, and Exhibits

Number and Title	Revision Descriptions	<input checked="" type="checkbox"/>
2:150-AP, Superintendent Committees	The <b>Sex Equity Committee</b> subhead of this procedure is updated to reference all relevant <b>PRM</b> policies, including <b>NEW</b> policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> . Footnote 11 is updated for continuous improvement.	<input type="checkbox"/>
2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records	The exhibit is updated in response to: <ol style="list-style-type: none"> <li>1. 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21, requiring districts to post certain information about educational technology vendors, student covered information, and data breaches on their websites.</li> <li>2. 105 ILCS 5/10-30(6), added by P.A. 101-643, requiring districts to post their remote and blended remote learning day plans on their websites.</li> <li>3. 34 C.F.R. §106.8 and 34 C.F.R. §106.45(b)(10)(i)(D), requiring districts to post Title IX Coordinator contact information and training materials on their websites.</li> </ol>	<input type="checkbox"/>
2:260, Uniform Grievance Procedure	The policy, Legal References, Cross References, and footnotes are updated in response to Title IX regulations and to explicitly direct any sexual harassment complaints involving Title IX to <b>NEW</b> policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> . Other continuous improvement updates are also made to the policy and footnotes.	<input type="checkbox"/>
2:260-AP1, Guidelines for Investigating Complaints Filed Under Policy 2:260, Uniform Grievance Procedure, and Allegations of Misconduct	<b>RENAMED.</b> The procedure is updated in response to a five-year review.	<input type="checkbox"/>
2:260-AP2, Nondiscrimination Coordinator and Complaint Manager	The procedure is updated to reference all relevant <b>PRM</b> policies, including <b>NEW</b> policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> . The procedure and its footnote are updated for continuous improvement.	<input type="checkbox"/>
2:265, Title IX Sexual Harassment Grievance Procedure	<b>NEW.</b> The policy is created to facilitate implementation of Title IX regulations, which require districts to take a number of actions to respond to reports of sexual harassment in its education program or activity.	<input type="checkbox"/>
2:265-AP1, Title IX Sexual Harassment Response	<b>NEW.</b> The procedure is created for the reason discussed in 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> , above.	<input type="checkbox"/>
2:265-AP2, Formal Title IX Sexual Harassment Complaint Grievance Process	<b>NEW.</b> The procedure is created for the reason discussed in 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> , above.	<input type="checkbox"/>
2:265-E, Title IX Sexual Harassment Glossary of Terms	<b>NEW.</b> The exhibit is created for the reason discussed in 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> , above.	<input type="checkbox"/>
4:180-AP1, School Action Steps for Pandemic Influenza or Other Virus/Disease	<b>RENAMED.</b> The procedure and footnotes are updated in response to the COVID-19 pandemic guidance and in response to a five-year review.	<input type="checkbox"/>
4:180-AP2, Pandemic Influenza Surveillance and Reporting	The procedure and footnotes are updated in response to a five-year review.	<input type="checkbox"/>
5:10, Equal Employment Opportunity and Minority Recruitment	The policy, Cross References, and footnotes are updated in response to Title IX regulations and to explicitly reference the Title IX Coordinator. Other continuous improvement updates are also made to the policy, Legal References, and footnotes.	<input type="checkbox"/>
5:20, Workplace Harassment Prohibited	The policy, Cross References, and footnotes are updated for the reasons discussed in 2:260, <i>Uniform Grievance Procedure</i> , above. Continuous improvement updates are also made to the Legal References.	<input type="checkbox"/>

## Revisions to Policies, Administrative Procedures, and Exhibits — *continued*

5:90-AP, Coordination with Children’s Advocacy Center	The procedure is updated to reference <b>NEW</b> policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> .	<input type="checkbox"/>
5:100, Staff Development Program	The Legal References, Cross References, Administrative Procedure References, and footnotes are updated in response to Title IX regulations and for continuous improvement. The footnote 4 option for boards to list in-services in their policies is updated in response to Title IX training requirements. Boards that include this option in their adopted policy should update this text.	<input type="checkbox"/>
5:200, Terms and Conditions of Employment and Dismissal	The policy is unchanged. Footnotes are updated in response to: <ol style="list-style-type: none"> <li>1. Changes by the Education Omnibus Law. See 105 ILCS 105 ILCS 5/10-19, 5/10-19.05(a) and (j-5), 5/24-11, 5/24-12, and 5/24A-5, all amended by P.A. 101-643; and</li> <li>2. <i>2020 Election Day</i>. See 10 ILCS 5/2B-10, added by P.A. 101-642 and 105 ILCS 5/24-2 (e), amended by P.A. 101-642, designating <i>2020 Election Day</i> on 11-3-2020 as a legal school holiday for purposes of 105 ILCS 5/24.</li> </ol>	<input type="checkbox"/>
5:220, Substitute Teachers	The policy and footnotes are updated in response to 40 ILCS 5/16-118, amended by P.A. 101-645, extending until June 30, 2021, the limit of 120 paid days or 600 paid hours that a TRS annuitant can work as substitute teacher in a school year. Other minor style updates are also made to the footnotes.	<input type="checkbox"/>
5:330, Sick Days, Vacation, Holidays, and Leaves	The policy and footnotes are updated in response to <i>2020 Election Day</i> designated by 10 ILCS 5/2B-10, added by P.A. 101-642 and 105 ILCS 5/24-2(e), amended by P.A. 101-642 designating 11-3-2020 as a legal school holiday for purposes of 105 ILCS 5/24.	<input type="checkbox"/>
7:10, Equal Educational Opportunities	The policy, Cross References, and footnotes are updated in response to Title IX regulations, to explicitly reference the Title IX Coordinator, and to insert an option in the footnotes for boards to reflect guidance in the Ill. State Board of Education’s <i>Sample District Policy and Administrative Procedures</i> for supporting transgender, non-binary, and gender non-conforming students. Continuous improvement updates are also made to the Legal References.	<input type="checkbox"/>
7:10-AP1, Accommodating Transgender Students or Gender Non-Conforming Students	The procedure is updated in response to Ill. State Board of Education non-regulatory guidance, <i>Supporting Transgender, Nonbinary and Gender Nonconforming Students</i> .	<input type="checkbox"/>
7:20, Harassment of Students Prohibited	The policy, Cross References, and footnotes are updated for the reasons discussed in 7:10, <i>Equal Educational Opportunities</i> , above. Continuous improvement updates are also made to the Legal References.	<input type="checkbox"/>
7:20-AP, Harassment of Students Prohibited	The procedure is updated to reference <b>NEW</b> policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> , and policy 5:90, <i>Abused and Neglected Child Reporting</i> . Continuous improvement updates are also made.	<input type="checkbox"/>
7:180, Prevention of and Response to Bullying, Intimidation, and Harassment	The policy, Cross References, and footnotes are updated in response to Title IX regulations and to reference <b>NEW</b> policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> .	<input type="checkbox"/>
7:185, Teen Dating Violence Prohibited	The policy and Cross References are updated to reference <b>NEW</b> policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> . The Cross Reference is also updated to reference policy 2:260, <i>Uniform Grievance Procedure</i> . Footnote 7 is updated for continuous improvement.	<input type="checkbox"/>
7:190-E2, Student Handbook Checklist	The exhibit is updated for the reasons discussed in 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> , above, and for continuous improvement.	<input type="checkbox"/>
7:345-AP, Use of Educational Technologies; Student Data Privacy and Security	The procedure is updated on pg. 3 to correct the dates of Jan. 31 and July 31.	<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.



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**James Wagner**, Office of General Counsel, State and federal regulations monitor, editor



## Revisions to Policies, Administrative Procedures, and Exhibits

### New Policies:

Number and Title	Revision Descriptions
2:265, Title IX Sexual Harassment Grievance Procedure	<b>NEW.</b> The policy is created to facilitate implementation of Title IX regulations, which require districts to take a number of actions to respond to reports of sexual harassment in its education program or activity.
7:345, Use of Educational Technologies; Student Data Privacy and Security	<b>New.</b> The policy is created to facilitate implementation of 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21, which requires districts to take a number of actions to protect online student data and to share general information about how student data is used.

### Substantial Changes

Number and Title	Revision Descriptions
2:220, School Board Meeting Procedure	The policy, Legal References, Cross References, and footnotes are updated in response to amendments to the Open Meetings Act (OMA), 5 ILCS 120/7(e)(1)-(10), amended by P.A. 101-640. The amendments address board meetings in open or closed sessions by audio or video conference without the physical presence of a quorum as long as the board meets certain statutory conditions.
4:180, Pandemic Preparedness; <u>Management; and Recovery</u>	<b>RENAMED.</b> The policy, Legal References, Cross References, and footnotes are updated in response to the General Assembly, the Ill. State Board of Education (ISBE), Ill. Attorney General, and the U.S. Dept. of Education taking a number of actions and/or issuing guidance documents to address the ongoing COVID-19 pandemic as it affects public school operations and student learning. In addition to these general updates throughout the policy and footnotes, some specific new additions to the policy include: <ol style="list-style-type: none"> <li>1. The OMA amendments of 5 ILCS 120/7(e)(1)-(10), amended by P.A. 101-640 that are discussed above in 2:220, <i>School Board Meeting Procedure</i>;</li> <li>2. The requirements of the board related to 105 ILCS 5/10-30(3), added by P.A. 101-643 are added and are discussed further in 6:20-AP, <i>Remote and/or Blended Remote Learning Day Plan(s)</i>, below.</li> <li>3. The reasons explained directly below in 4:180-AP3, <i>Grant Flexibility; Payment of Employee Salaries During a Pandemic</i>.</li> </ol>
5:20, Workplace Harassment Prohibited	The policy, Cross References and footnotes are updated in response to Title IX regulations and to explicitly reference the Title IX Coordinator. Other continuous improvement updates are also made to the policy, Legal References, and footnotes.
5:60, Expenses	The policy and footnotes are updated for the reasons discussed in 2:125, <i>Board Member Compensation; Expenses</i> , above.
5:220, Substitute Teachers	The policy and footnotes are updated in response to 40 ILCS 5/16-118, amended by P.A. 101-645, extending until June 30 2021, the limit of 120 paid days or 600 paid hours that

	a TRS annuitant can work as substitute teacher in a school year Other minor style updates are also made to the footnotes.
7:20, Harassment of Students Prohibited	The policy, Cross References, and footnotes are updated for the reasons discussed in 7:10, <i>Equal Educational Opportunities</i> , above. Continuous improvement updates are also made to the Legal References.
7:70, Attendance and Truancy	The policy and Cross References are updated in response to the following laws: <ol style="list-style-type: none"> <li>1. 105 ILCS 5/26-2a, amended by P.A. 100-810, which amended valid causes for absences to include a student's <u>mental, emotional, or physical health or safety</u>; and</li> <li>2. The Election Code, 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20, which created a valid cause for absence that applies to students who are eligible to vote.</li> </ol> <p>Other continuous improvement updates were made throughout the footnotes.</p>
7:90, Release During School Hours	The policy, Legal References, and footnotes are updated in response to the Election Code, 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-642, eff. 6-1-20. The policy contains an optional subhead entitled <b>Voting</b> for unity and high school districts that addresses the release of students who are eligible to vote.
7:185, Teen Dating Violence Prohibited	The policy and Cross References are updated to reference <b>NEW</b> policy 2:265, <i>Title IX Sexual Harassment Grievance Procedure</i> . The Cross Reference is also updated to reference policy 2:260, <i>Uniform Grievance Procedure</i> . Footnote 7 is updated for continuous improvement.
7:190, Student Behavior	The policy, Legal References, and footnotes are updated in response to new ISBE permanent rules governing the use of isolated time out, and physical restraint. A new line at the end of the policy incorporates by reference 7:190-AP4, <i>Use of Isolated Time Out, Time Out, and Physical Restraint</i> .

**NEW**

## School Board

### Title IX Sexual Harassment Grievance Procedure 1

Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important District goal. The District does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in the District's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

#### Title IX Sexual Harassment Prohibited

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited. Any person, including a District employee or agent, or student, engages in Title IX Sexual Harassment whenever that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:<sup>2</sup>

1. A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;<sup>3</sup> or

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. §1681 *et seq.*) requires this subject matter be covered by policy and 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. Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy and its companion policy 2:260, *Uniform Grievance Procedure*, are in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

For the sake of consistency and ease of administration, this policy addresses only Title IX sexual harassment grievances, except those contained in collective bargaining agreements. See the cross references for the policies referring to this Title IX sexual harassment grievance procedure policy.

A district must have at least one policy explicitly stating it does not discriminate on the basis of sex in its education programs or activities under Title IX and its implementation regulations (34 C.F.R. Part 106). 34 C.F.R. §106.8(b)(1). Title IX jurisdiction is geographically limited to discrimination against a person in the United States. 34 C.F.R. §106.8(d). Though all complaints of sexual harassment may not constitute sexual harassment under Title IX, Title IX's reach is broad because an alleged complainant or alleged respondent may be *anyone* in the District's educational program or activity in the United States – including applicants for employment, students, parents/guardians, any employee, and third parties.

<sup>2</sup> 34 C.F.R. §106.30. The definition of *sexual harassment* in the policy and in Title IX includes *unwelcome* conduct. *Id.* However, case law does not always distinguish between *welcome* and *unwelcome* conduct. See *Mary M. v. North Lawrence Community Sch. Corp.*, 131 F.3d 1220 (7th Cir. 1997) (8th grade student did not need to show that a school employee's sexual advances were *unwelcome* in order to prove sexual harassment).

<sup>3</sup> 34 C.F.R. §106.30. This behavior is commonly called *quid pro quo* sexual harassment. See 85 Fed. Reg. 30036, *f/n* 94. By using the term *individual*, Title IX regulations do not limit *quid pro quo* sexual harassment to situations where the provision of an aid, benefit or service by an employee is conditioned on a current *student's* participation in unwelcome sexual conduct. By way of example, *quid pro quo* Title IX sexual harassment involving an employee and an individual other than a current student may be implicated when: an employee tells a former student she can only get a letter of recommendation if she participates in unwelcome sexual conduct; an employee selects a volunteer for a coveted field trip chaperone position if he participates in unwelcome sexual conduct; or a supervisory employee subjects a subordinate employee to unwelcome sexual conduct in exchange for a promotion.

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's educational program or activity; or
3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(10), *domestic violence* as defined in 34 U.S.C. §12291(a)(8), or *stalking* as defined in 34 U.S.C. §12291(a)(30).<sup>4</sup>

Examples of sexual harassment include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.

Definitions from 34 C.F.R. §106.30

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.<sup>5</sup>

*Education program or activity* includes locations, events, or circumstances where the District has substantial control over both the *Respondent* and the context in which alleged sexual harassment occurs.<sup>6</sup>

*Formal Title IX Sexual Harassment Complaint* means a document filed by a *Complainant* or signed by the Title IX Coordinator<sup>7</sup> alleging sexual harassment against a *Respondent* and requesting that the District investigate the allegation.<sup>8</sup>

*Respondent* means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.<sup>9</sup>

*Supportive measures* mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent* before or after the filing of a *Formal Title IX Sexual Harassment Complaint* or where no *Formal Title IX Sexual Harassment Complaint* has been filed.<sup>10</sup>

Title IX Sexual Harassment Prevention and Response

The Superintendent or designee will ensure that the District prevents and responds to allegations of Title IX Sexual Harassment as follows:

1. Ensures that the District's comprehensive health education program in Board policy 6:60, *Curriculum Content*, incorporates (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12,<sup>11</sup> and (b) age-appropriate education about

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<sup>4</sup> See sample exhibit 2:265-E, *Title IX Sexual Harassment Glossary of Terms*, for these definitions and other definitions of italicized terms in this policy.

<sup>5</sup> 34 C.F.R. §106.30.

<sup>6</sup> 34 C.F.R. §106.44(a).

<sup>7</sup> See fn 19 in sample policy 2:260, *Uniform Grievance Procedure*.

<sup>8</sup> 34 C.F.R. §106.30.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* See sample administrative procedure 2:265-AP1, *Title IX Sexual Harassment Response*, for further discussion of supportive measures.

<sup>11</sup> Required by 105 ILCS 110/3 and 105 ILCS 5/10-23.13 (*Erin's Law*).

the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12.<sup>12</sup> This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.

2. Incorporates education and training for school staff<sup>13</sup> as recommended by the Superintendent, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager.<sup>14</sup>
3. Notifies applicants for employment,<sup>15</sup> students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District's website, if any, and in each handbook made available to such persons.<sup>16</sup>

### Making a Report

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is comfortable speaking.<sup>17</sup> A person who wishes to make a report may choose to report to a person of the same gender.

School employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>12</sup> Required by *Id.* at 110/3.

<sup>13</sup> For boards that insert optional paragraphs listing trainings in *f/n* 4 of policy 5:100, *Staff Development Program*, insert "pursuant to policy 5:100, *Staff Development Program*, and" after the word staff.

<sup>14</sup> 105 ILCS 110/3. Detailed training requirements exist for Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. 34 C.F.R. §106.45(b)(1)(iii). Title IX rules "[leave districts] discretion to determine the kind of training to other employees that will best enable the [district], and its Title IX Coordinator, to meet Title IX obligations." 85 Fed. Reg. 30114. Many attorneys agree the best practice is to train all district staff about the definition of sexual harassment, the scope of the district's education program or activity, all relevant district policies and procedures, and the necessity to promptly forward all reports of sexual harassment to the Title IX coordinator. See sample procedure 2:265-API, *Title IX Sexual Harassment Response*.

<sup>15</sup> Most school districts are not covered by Subpart C of Title IX, which "applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education." 34 C.F.R. §106.15(d). If your district is covered by Subpart C, amend this to state "applicants for admission or employment."

<sup>16</sup> 34 C.F.R. §106.8. See paragraph 2 of *f/n* 19 in sample policy 2:260, *Uniform Grievance Procedure*. See also sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

<sup>17</sup> Using "or any employee with whom the Complainant is comfortable speaking" ensures Title IX compliance because Title IX deems "any employee" of an elementary or secondary school who has notice of sexual harassment or allegations of sexual harassment to have *actual knowledge*. Therefore, a report to any employee triggers a district's duty to respond. 34 C.F.R. §106.30. This policy contains an item upon which collective bargaining may be required. Any policy that impacts 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 Superintendent shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator. <sup>18</sup>

**Title IX Coordinator:**

Herb Knoblauch  
Name  
115 Bondurant Street, Washington, IL 61571  
Address  
hknoblauch@wacohi.net  
Email  
(309) 444-3167  
Telephone

Processing and Reviewing a Report or Complaint

Upon receipt of a report, the Title IX Coordinator and/or designee will promptly contact the *Complainant* to: (1) discuss the availability of supportive measures, (2) consider the *Complainant's* wishes with respect to *supportive measures*, (3) inform the *Complainant* of the availability of *supportive measures* with or without the filing of a *Formal Title IX Sexual Harassment Complaint*, and (4) explain to the *Complainant* the process for filing a *Formal Title IX Sexual Harassment Complaint*.<sup>19</sup>

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it.<sup>20</sup> For any report received, the Title IX Coordinator shall review Board policies 2:260, *Uniform Grievance Procedure*; 5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 5:120, *Employee Ethics; Conduct; and Conflict of Interest*; <sup>21</sup> 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; 7:185, *Teen Dating Violence Prohibited*; and 7:190, *Student Behavior*, to determine if the allegations in the report require further action.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

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The footnotes are not intended to be part of the adopted policy: they should be removed before the policy is adopted.

<sup>18</sup> Title IX regulations require districts to designate and authorize at least one employee to coordinate its efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX coordinator by name, office address, email address, and telephone number. Id. A district's nondiscrimination coordinator often also serves as its Title IX coordinator. See sample policy 2:260, *Uniform Grievance Procedure*.

While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

<sup>19</sup> Required by 34 C.F.R. §106.44(a) and (b) regardless of whether a formal Title IX sexual harassment complaint is filed.

<sup>20</sup> See sample exhibit 2:265-E, *Title IX Sexual Harassment Glossary of Terms*, for a discussion of Title IX sexual harassment and non-Title IX sexual harassment. Consult the board attorney for further guidance.

<sup>21</sup> See sample administrative procedure 5:120-AP2, *Employee Conduct Standards*.

### Formal Title IX Sexual Harassment Complaint Grievance Process

When a *Formal Title IX Sexual Harassment Complaint* is filed, the Title IX Coordinator will investigate it or appoint a qualified person to undertake the investigation. <sup>22</sup>

The Superintendent or designee shall implement procedures to ensure that all *Formal Title IX Sexual Harassment Complaints* are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45.<sup>23</sup> The District's grievance process shall, at a minimum: <sup>24</sup>

1. Treat *Complainants* and *Respondents* equitably by providing remedies to a *Complainant* where the *Respondent* is determined to be responsible for sexual harassment, and by following a grievance process that complies with 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a *Respondent*.
2. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a *Complainant*, *Respondent*, or witness.
3. Require that any individual designated by the District as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process:
  - a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.
  - b. Receive training on the definition of sexual harassment, the scope of the District's *education program or activity*, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially. <sup>25</sup>

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<sup>22</sup> This policy gives Title IX coordinators the flexibility to appoint another qualified individual to conduct an investigation. This may be appropriate when the neutrality or efficacy of the Title IX coordinator is an issue, and/or where the district wishes to have the expertise that an in-house or outside attorney may afford to an investigation. Alternative appointments are often made in consultation with the superintendent or other district-level administrator (except in cases involving complaints about those individuals) and the board attorney. If a complaint involves the superintendent or other district-level administrator, alternative appointments are often made in consultation with the board and the board attorney.

<sup>23</sup> 34 C.F.R. §106.45(b). See sample administrative procedures 2:265-AP1, *Title IX Sexual Harassment Response*, and 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*.

<sup>24</sup> 34 C.F.R. §106.45(b)(1) lists the basic requirements for a grievance process. While live hearings are only required for postsecondary institutions, elementary and secondary schools may choose to offer them as part of their grievance process. Consult the board attorney if the board wants the district to use a live hearing in its grievance process.

If using a live hearing during the grievance process, amend #5 by inserting the following underscored text: "Require that any individual designated by the District as a decision-maker receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant."

<sup>25</sup> Aside from the general training requirements of 34 C.F.R. §106.45(b)(1)(iii), the DOE gives districts flexibility to determine certain training practices or techniques to best meet training requirements based upon their unique local conditions and resources within their educational community. 85 Fed. Reg. 30120. See also 85 Fed. Reg. 30084 (declining to specify that training of Title IX personnel must include implicit bias training, so long as training provides instruction on how to serve impartially and avoid prejudgment of the facts at issue, conflicts of interest, and bias, and that training materials avoid sex stereotypes).

4. Require that any individual designated by the District as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
5. Require that any individual designated by the District as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant's* sexual predisposition or prior sexual behavior are not relevant.
6. Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. Include reasonably prompt timeframes for conclusion of the grievance process.
8. Describe the range of possible disciplinary sanctions and remedies the District may implement following any determination of responsibility.
9. Base all decisions upon the *preponderance of evidence* standard. <sup>26</sup>
10. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
11. Describe the range of *supportive measures* available to *Complainants* and *Respondents*.
12. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. <sup>27</sup>

#### Enforcement

Any District employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with

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<sup>26</sup> 34 C.F.R. §106.45(b)(1)(vii) requires the Title IX sexual harassment grievance process to state the standard of evidence it will use to determine responsibility of the respondent. The standard of evidence selected must be applied “consistently to formal complaints alleging Title IX sexual harassment regardless of whether the respondent is a student or an employee.” 85 Fed. Reg. 30373. This sample policy uses the *preponderance of the evidence* standard, not the *clear and convincing evidence* standard. *Preponderance of evidence* is a standard used in civil cases. It means “the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force.” See *Black’s Law Dictionary, 11th ed. 2019*. *Preponderance of the evidence* is the standard used in sample policy 2:260, *Uniform Grievance Procedure*. *Clear and convincing* is a higher standard, requiring more than *preponderance of the evidence* but less than proof beyond a reasonable doubt. It means “evidence indicating that the thing to be proved is highly probable or reasonably certain.” See *Black’s Law Dictionary, 11th ed. 2019*. Consult the board attorney regarding the appropriate standard for the district, as well as implications if a different standard is used in this policy than in 2:260, *Uniform Grievance Procedure*. For boards that choose the *clear and convincing evidence* standard, delete “*preponderance-of*” and insert “*clear and convincing*.” Ensure the same standard of evidence is used in 2:265-AP2, *Formal Title IX Sexual Harassment Complaint Grievance Process*.

<sup>27</sup> Examples of legally-recognized privileges include attorney-client privilege, doctor-patient privilege, and spousal privilege. See 85 Fed. Reg. 30277.

student behavior policies.<sup>28</sup> Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.<sup>29</sup>

#### Retaliation Prohibited<sup>30</sup>

The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using Board policy 2:260, *Uniform Grievance Procedure*.<sup>31</sup>

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.: 20 U.S.C. §1681 *et seq.*, Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.  
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).  
Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Conduct, and Conflict of Interest), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior)

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<sup>28</sup> See sample policies 7:190, *Student Behavior*, and 7:230, *Misconduct by Students with Disabilities*. See also sample policies 7:200, *Suspension Procedures*, and 7:210, *Expulsion Procedures*, for due process requirements when student suspension or expulsion is recommended following a determination of responsibility for Title IX sexual harassment.

<sup>29</sup> Examples of rights the district or parties may exercise ancillary to this Title IX sexual harassment grievance procedure include, but are not limited to: disciplinary processes for suspensions and expulsions of students under 105 ILCS 5/10-22.6; tenured teacher dismissal proceedings under 105 ILCS 5/24-12; any other pre-termination process required by an applicable collective bargaining agreement, employment policy or procedure, or employment contract; and student appeal of a sex equity grievance decision under 23 Ill. Admin. Code §200.40 (see sample policy 7:10, *Equal Educational Opportunities*).

<sup>30</sup> 34 C.F.R. §106.71.

<sup>31</sup> Retaliation complaints must be processed under policy 2:260, *Uniform Grievance Procedure*, because they are covered under the district's grievance procedure for resolving non-sexual harassment Title IX complaints. See 34 C.F.R. §106.8(c). Title IX sexual harassment regulations state that "[c]omplaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under §106.8(c)." 34 C.F.R. §106.71.

## Students

### Use of Educational Technologies; Student Data Privacy and Security 1

Educational technologies used in the District shall further the objectives of the District's educational program, as set forth in Board policy 6:10, *Educational Philosophy and Objectives*, align with the curriculum criteria in policy 6:40, *Curriculum Development*, and/or support efficient District operations. The Superintendent shall ensure that the use of educational technologies in the District meets the above criteria.

The District and/or vendors under its control may need to collect and maintain data that personally identifies students in order to use certain educational technologies for the benefit of student learning or District operations.

Federal and State law govern the protection of student data, including school student records and/or *covered information*.<sup>2</sup> The sale, rental, lease, or trading of any school student records or covered information by the District is prohibited.<sup>3</sup> Protecting such information is important for legal compliance, District operations, and maintaining the trust of District stakeholders, including parents, students and staff. <sup>4</sup>

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> The Student Online Personal Protection Act (SOPPA) (105 ILCS 85/), amended by P.A. 101-516, eff. 7-1-21, controls the content of this policy. SOPPA specifically requires boards to adopt a policy for designating which district employees are authorized to enter into agreements with *operators* (see **Operator Contracts** subhead). SOPPA is the State law that governs how educational technology companies, schools, and the Ill. State Board of Education (ISBE) use and protect *covered information* of students. The amendments to SOPPA were intended to strengthen protections for online student data, in part by centralizing the vetting and contracting process within schools, and to give parents ready access to information about how their children's data is being used at school. SOPPA does not, however, require a district to obtain parent opt-in or separate consent for the use of online services or applications, nor is such consent required if the operator is acting as a *school official* pursuant to the delineated exception in the Family Educational Rights and Privacy Act's (FERPA)(20 U.S.C. §1232g) implementing regulations. See 34 C.F.R. §99.3(a).

<sup>2</sup> See policy 7:340, *Student Records*, and its implementing administrative procedure, 7:340-AP1, *School Student Records*, for requirements addressing school student records under federal and State law. SOPPA does not override or otherwise supersede the requirements of FERPA or the Ill. School Student Records Act (ISSRA) (105 ILCS 10/). 105 ILCS 85/30(9), amended by P.A. 101-516, eff. 7-1-21.

*Covered information* is a broader concept than student records, and may include information that does not qualify as a student record. However, even if the covered information is not maintained as a student record, it may still qualify as a *public record* under the Local Records Act (50 ILCS 205/), such that a district would have an obligation to maintain it. Consult the board attorney for guidance on these issues.

<sup>3</sup> 105 ILCS 85/26(1), added by P.A. 101-516, eff. 7-1-21. SOPPA includes a clarification that schools and operators are not prohibited from producing and distributing, free or for consideration, student class photos and yearbooks to the school, students, parents, or others authorized by parents, as long as there is a written agreement between the operator and district. 105 ILCS 85/30(10), amended by P.A. 101-516, eff. 7-1-21.

<sup>4</sup> SOPPA permits, but does not require, districts to designate an appropriate staff person as a Privacy Officer, who may also be an official records custodian under ISSRA, to carry out the duties and responsibilities assigned to schools and to ensure a district's compliance with the requirements of SOPPA. 105 ILCS 85/27(f), added by P.A. 101-516, eff. 7-1-21. For boards that wish to designate a Privacy Officer, add the below sentence to the end of the paragraph. Boards may designate an individual other than the Superintendent to serve in the capacity of Privacy Officer, such as a Business Manager, IT Director, or District Records Custodian.

The Board designates the Superintendent to serve as Privacy Officer, who shall ensure the District complies with the duties and responsibilities required of it under the Student Online Personal Protection Act, 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21.

## Definitions <sup>5</sup>

*Covered information* means personally identifiable information (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student's parent/guardian in the course of the student's or parent/guardian's use of the operator's site, service or application; (2) created by or provided to an operator by an employee or agent of the District; or (3) gathered by an operator through the operation of its site, service, or application.

*Operators* are entities (such as educational technology vendors) that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes. <sup>6</sup>

*Breach* means the unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of covered information maintained by an operator or the District. <sup>7</sup>

## Operator Contracts

The Superintendent or designee designates which District employees are authorized to enter into written agreements with operators for those contracts that do not require separate Board approval.<sup>8</sup> Contracts between the Board and operators shall be entered into in accordance with State law and Board policy 4:60, *Purchases and Contracts*, and shall include any specific provisions required by State law. <sup>9</sup>

## Security Standards

The Superintendent or designee shall ensure the District implements and maintains reasonable security procedures and practices that otherwise meet or exceed industry standards designed to protect covered information from unauthorized access, destruction, use, modification, or disclosure.<sup>10</sup> In the event the District receives notice from an operator of a breach or has determined a breach has

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<sup>5</sup> 105 ILCS 85/5, amended by P.A. 101-516, eff. 7-1-21. See fn 3 above for more discussion about *covered information*.

<sup>6</sup> SOPPA specifically provides that it does not apply to general audience websites, online services, online applications, or mobile applications, even if login credentials are required to access the general audience sites, services, or applications. 105 ILCS 85/30(3), amended by P.A. 101-516, eff. 7-1-21. Consult the board attorney for guidance regarding whether certain applications that may be widely used by schools, but which may not have been originally marketed to K-12 (e.g., certain video conference applications), come within the scope of SOPPA.

<sup>7</sup> Operators must notify districts of a breach of covered information within the most expedient time possible and without reasonable delay, but no later than 30 calendar days after the determination that a breach has occurred. 105 ILCS 85/15(5), added by P.A. 101-516, eff. 7-1-21.

<sup>8</sup> This statement is required by 105 ILCS 85/27(b), added by P.A. 101-516, eff. 7-1-21. SOPPA provides that any agreement entered into in violation of SOPPA "is void and unenforceable as against public policy." *Id.* SOPPA does not provide for a private right of action against school districts; the Ill. Attorney General has enforcement authority under SOPPA through the Consumer Fraud Deceptive Trade Practices Act. 105 ILCS 85/35.

<sup>9</sup> SOPPA requires specific provisions be included in a contract with any operator that seeks to receive covered information from a school district. 105 ILCS 85/15(4), added by P.A. 101-516, eff. 7-1-21. See 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for details.

<sup>10</sup> 105 ILCS 85/27(e), added by P.A. 101-516, eff. 7-1-21. SOPPA does not provide specifics regarding security procedures or practices, nor is there a formal, nationalized standard specific to K-12. However, SOPPA requires ISBE to make available on its website guidance for schools pertaining to reasonable security procedures and practices. 105 ILCS 85/28, added by P.A. 101-516, eff. 7-1-21. ISBE, the U.S. Dept. of Education (DOE) and other experts in the field agree that training of all staff with access to a school's network is important to protecting schools against cyber threats, although such training is not currently mandated in Illinois. ISBE's grant-funded program, the Learning Technology Center of Illinois, offers cybersecurity training to administrators and educators throughout the State. See [www.ltc.org](http://www.ltc.org). The U.S. Dept. of Education has also issued multiple guidance documents on security best practices for schools, available at [www.studentprivacy.ed.gov/topic/security-best-practices](http://www.studentprivacy.ed.gov/topic/security-best-practices).

occurred, the Superintendent or designee shall also ensure that the District provides any breach notifications required by State law. 11

LEGAL REF.: 20 U.S.C. §1232g, Family and Educational Rights and Privacy Act, implemented by 34 C.F.R. Part 99.  
105 ILCS 10/, Ill. School Student Records Act.  
105 ILCS 85/, Student Online Personal Protection Act.

CROSS REF.: 4:15 (Identity Protection), 4:60 (Purchases and Contracts), 6:235 (Access to Electronic Networks), 7:340 (Student Records)

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11 In the event of a breach of covered information of students, SOPPA requires school districts to provide two types of notices: (1) individual notices to the parents of students whose covered information was involved in the breach and (2) a more general notice about the breach on the district's website (or at the district administrative office, if it does not maintain a website) if the breach involved 10% or more of the district's student enrollment. 105 ILCS 85/27(a)(5) & (d), added by P.A. 101-516, eff. 7-1-21. See 7:345-AP, *Use of Educational Technologies; Student Data Privacy and Security*, for details about the required notices.

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**SUBSTANTIAL**

## School Board

### School Board Meeting Procedure 1

#### Agenda

The School Board President is responsible for focusing the Board meeting agendas on appropriate content.<sup>2</sup> The Superintendent shall prepare agendas in consultation with the Board President. The President shall designate a portion of the agenda as a consent agenda for those items that usually do not require extensive discussion before Board action. Upon the request of any Board member, an item will be withdrawn from the consent agenda and placed on the regular agenda for independent consideration.<sup>3</sup>

Each Board meeting agenda shall contain the general subject matter of any item that will be the subject of final action at the meeting.<sup>4</sup> Items submitted by Board members to the Superintendent or the President shall be placed on the agenda for an upcoming meeting.<sup>5</sup> District residents may suggest inclusions for the agenda.<sup>6</sup> The Board will take final action only on items contained in the posted agenda; items not on the agenda may still be discussed. <sup>7</sup>

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<sup>1</sup> State law requires boards to have a policy concerning: (1) the public’s right to record meetings (5 ILCS 120/2.05), and (2) if applicable, attendance by video or audio means (5 ILCS 120/7, amended by P.A. 101-640). Boards are not mandated to have a policy on the remaining topics covered in this policy. The following items are matters of local discretion: agenda preparation and contents, process for board members to have items placed on agenda, receipt and handling of residents’ requests for agenda inclusions, and order of business.

<sup>2</sup> Appropriate agenda content includes: establishing board processes, clarifying the district’s purpose, delegating authority, defining operating limits, monitoring district progress, and taking legally required board action. See *IASB Foundational Principles of Effective Governance*.

<sup>3</sup> To comply with the Open Meetings Act’s (OMA’s) mandate that minutes contain a “summary of discussion on all matters proposed, deliberated, or decided,” a board should include a list of consent items in the agenda. OMA also requires that any final action “be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.” 105 ILCS 120/2(e). Some level of explanation of the consent agenda items must be verbally given before a board votes to approve a consent agenda. The Ill. Supreme Court has held that “the recital must announce the nature of the matter under consideration, with sufficient detail to identify the particular transaction or issue, but need not provide an explanation of its terms or its significance.” *Bd. of Education of Springfield Sch. Dist. No. 186 v. Atty. Gen. of Ill.*, 77 N.E.3d 625 (Ill. 2017).

<sup>4</sup> 5 ILCS 120/2.02(c). The Ill. Appellate Court held that OMA prohibits a board from voting on a matter at a regular meeting that is not on the pre-meeting published agenda. *Rice v. Board of Trustees of Adams County*, 326 Ill.App.3d 1120 (4th Dist. 2002).

<sup>5</sup> An alternative follows:

Any Board member may submit suggested agenda items to the Board President for his or her consideration.

<sup>6</sup> See policy 2:230, *Public Participation at School Board Meetings and Petitions to the Board*. In districts governed by a board of school directors, an appointed board official must give a person requesting consideration of a matter by the board a formal written response no later than 60 days after receiving the request. The response must establish a meeting before the board or list the reasons for denying the request. 105 ILCS 5/10-6.

Options follow to restrict the addition of new agenda items; the phrases between [ ] may be used together, separately, or eliminated.

Discussion items may be added to the agenda [at the beginning of a regular meeting] [upon unanimous approval of those Board members present].

<sup>7</sup> An opinion from the Ill. Public Access Counselor found no violation of the OMA when a board removed an item from the agenda within the 48-hour notice time period. PAO 14-3. Removals inform the public that the board does not plan to proceed on the topic.

The Superintendent shall provide a copy of the agenda, with adequate data and background information, to each Board member at least 48 hours before each meeting, except a meeting held in the event of an emergency.<sup>8</sup> The meeting agenda shall be posted in accordance with Board policy 2:200, *Types of School Board Meetings*.

The Board President shall determine the order of business at regular Board meetings. Upon consent of a majority of members present, the order of business at any meeting may be changed.

### Voting Method

Unless otherwise provided by law, when a vote is taken upon any measure before the Board, with a quorum being present, a majority of the votes cast shall determine its outcome.<sup>9</sup> A vote of *abstain* or *present*, or a vote other than *yea* or *nay*, or a failure to vote, is counted for the purposes of determining whether a quorum is present. A vote of *abstain* or *present*, or a vote other than *yea* or *nay*, or a failure to vote, however, is not counted in determining whether a measure has been passed by the Board, unless otherwise stated in law. The sequence for casting votes is rotated. <sup>10</sup>

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<sup>8</sup> State law does not require this, except that 105 ILCS 5/10-16 requires members to receive a written notice of a special meeting that includes the meeting's purpose.

<sup>9</sup> In most situations, the failure of a member to vote has the effect of acquiescence or concurrence with the majority of votes cast. *Prosser v. Village of Fox Lake*, 438 N.E.2d 134 (Ill. 1982); *People v. Bertrand*, 978 N.E.2d 681 (1st Dist. 2012). For example, a motion passes with a vote of two *yeas*, one *nay*, and four *abstentions*. A motion fails with a vote of two *yeas*, three *nays*, and two *abstentions*. A motion fails with a vote of three *yeas*, three *nays*, and one *abstain* because there is no majority. Exceptions include when a statute requires the *affirmative vote* of a majority or extra. Statutory exceptions include the following board actions:

1. Dismissing a teacher for any reason other than reduction of staff or elimination of that position requires approval by the majority of all members. 105 ILCS 5/24-12.
2. Directing the sale of district real property or buildings thereon must be approved by at least 2/3 of the board members (105 ILCS 5/5-22), unless the sale is residential property constructed or renovated by students as part of a curricular program, in which case, the board could engage the services of a licensed real estate broker to sell the property for a commission not to exceed 7%, contingent upon the public listing of the property on a multiple listing service for a minimum of 14 calendar days and a sale of the property happens within 120 days.
3. Making or renewing a lease of school property to another school district or municipality or body politic and corporate for a term longer than ten years, or to alter the terms of such a lease whose unexpired term exceeds 10 years, requires approval by at least 2/3 of the board's full membership. 105 ILCS 5/10-22.11.
4. Leasing any building, rooms, grounds, and appurtenances to be used by the district for school or administration purposes for a term longer than ten years, or to alter the terms of such a lease whose unexpired term exceeds ten years, requires approval by at least 2/3 of the board's full membership. 105 ILCS 5/10-22.12.
5. Obtaining personal property by lease or installment contract requires approval by an affirmative vote of at least 2/3 of the board members. *Personal property* includes computer hardware and software and all equipment, fixtures, and improvements to existing district facilities to accommodate computers. 105 ILCS 5/10-22.25a.
6. Adopting a supplemental budget after a successful referendum requires approval by a majority of the full board. 105 ILCS 5/17-3.2.
7. Petitioning the circuit court for an emergency election requires approval by a majority of the members. 10 ILCS 5/2A-1.4.
8. Expending funds in emergency situation in the absence of required bidding requires approval by at least 3/4 of the board. 105 ILCS 5/10-20.21.
9. Exchanging school building sites requires approval by at least a 2/3 majority of the board. 105 ILCS 5/5-23.
10. Waiving the administrative cost cap requires approval by an affirmative vote of at least 2/3 of the board. 105 ILCS 5/17-1.5.
11. Authorizing an advisory question of public policy to be placed on the ballot at the next regularly scheduled election requires approval by a majority of the board. 105 ILCS 5/9-1.5.

<sup>10</sup> Voting sequence is at the board's discretion. A board may indicate how frequently it changes the voting sequence by adding *after each vote*, *monthly*, or *annually* to the end of the sentence. All board members, including officers, may make motions and vote.

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board's minutes. An individual Board member may request that a roll call vote be taken on any other matter; the President or other presiding officer may approve or deny the request but a denial is subject to being overturned by a majority vote of the members present. 11

### Minutes

The Board Secretary shall keep written minutes of all Board meetings (whether open or closed), which shall be signed by the President and the Secretary.<sup>12</sup> The minutes include: 13

1. The meeting's date, time, and place;
2. Board members recorded as either present or absent;
3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
4. On all matters requiring a roll call vote, a record of who voted *yea* and *nay*;
5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting, and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act (OMA) authorizing the closed meeting;
7. A record of all motions, including individuals making and seconding motions;
8. Upon request by a Board member, a record of how he or she voted on a particular motion;<sup>14</sup> and
9. The type of meeting, including any notices and, if a reconvened meeting, the original meeting's date.

The minutes shall be submitted to the Board for approval or modification at its next regularly scheduled open meeting. Minutes for open meetings must be approved within 30 days after the meeting or at the second subsequent regular meeting, whichever is later. 15

At least semi-annually in an open meeting, the Board: (1) reviews minutes from all closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require

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<sup>11</sup> This paragraph's first sentence contains the requirements in 105 ILCS 5/10-7. The second sentence is optional and may be deleted or amended. Other optional provisions include:

**Option 1:** Any Board member may include a written explanation of his or her vote in the District file containing individual Board member statements; the explanation will not be part of the minutes.

**Option 2:** Any Board member may request that his or her vote be changed before the President announces the result.

<sup>12</sup> 105 ILCS 5/10-7 and 5 ILCS 120/2.06. The minutes are the only record showing that the board took official action, including necessary prerequisites to make such action legally sufficient. A non-member recording secretary or clerk may be given these responsibilities. 105 ILCS 5/10-14.

<sup>13</sup> All items listed are required to be recorded in minutes except items 7-9; other items may be included at the board's discretion. 5 ILCS 120/2.06 and 120/2a; 105 ILCS 5/10-7. The Ill. Public Access Counselor (PAC) found a board's vague reference to a *personnel matter* insufficient to meet the requirements of #3. PAO 13-07.

<sup>14</sup> The intent behind this optional item is to give an individual member a means of recording his or her support or opposition to a motion that was taken by oral vote; it will record that the individual took an alternative position to that of the majority without having the minutes recite unnecessary detail.

<sup>15</sup> Required by 5 ILCS 120/2.06(b).

confidential treatment and are available for public inspection.<sup>16</sup> The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release.<sup>17</sup> The Board's meeting minutes must be submitted to the Board Treasurer at such times as the Treasurer may require.<sup>18</sup>

The official minutes are in the custody of the Board Secretary.<sup>19</sup> Open meeting minutes are available for inspection during regular office hours within 10 days after the Board's approval;<sup>20</sup> they may be inspected in the District's main office, in the presence of the Secretary, the Superintendent or designee, or any Board member.

Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection, except that Board members may access closed session minutes not yet released for public inspection (1) in the District's administrative offices or their official storage location, and (2) in the presence of the Recording Secretary, the Superintendent or designated administrator, or any elected Board member.<sup>21</sup> The minutes, whether reviewed by members of the public or the Board, shall not be removed from the District's administrative offices or their official storage location except by vote of the Board or by court order.<sup>22</sup>

The Board's open meeting minutes shall be posted on the District website within ten days after the Board approves them; the minutes will remain posted for at least 60 days.<sup>23</sup>

#### Verbatim Record of Closed Meetings

The Superintendent, or the Board Secretary when the Superintendent is absent, shall audio record all closed meetings.<sup>24</sup> If neither is present, the Board President or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location. The Superintendent shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed

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<sup>16</sup> Required by 5 ILCS 120/2.06(c). While board notes from closed sessions may be confidential under the Freedom of Information Act (FOIA), they may be discoverable by the opposing party in a lawsuit. *Bobkoski v. Cary School Dist.*, 26, 141 F.R.D. 88 (N.D. Ill. 1992).

The failure to strictly comply with the semi-annual review does not cause the written minutes or related verbatim record to become public, provided that the board, within 60 days of discovering its failure to strictly comply, reviews the closed session minutes and reports the result of that review in open session. 5 ILCS 120/2.06.

<sup>17</sup> 5 ILCS 120/2 allows boards to discuss the confidentiality needs of closed meeting minutes in closed meetings.

<sup>18</sup> Required by 105 ILCS 5/10-7.

<sup>19</sup> Optional provision: "A copy of the minutes is kept in a secure location appropriate for valuables."

<sup>20</sup> Required by 5 ILCS 120/2.06(b).

<sup>21</sup> 5 ILCS 120/2.06(e). The listed individuals in the statute are matched to the titles in the IASB Policy Reference Manual. If the board wishes to mirror the statutory language, delete: ~~the Recording Secretary, the Superintendent or designated administrator, or any elected Board member~~ and replace with: "a records secretary, an administrative official of the public body, or any elected official of the public body."

See the discussion in paragraph two of *f/n* 27 below about what *in the presence of* means.

<sup>22</sup> *Id.*

<sup>23</sup> Posting on the website is required *only if* the district has a website that is maintained by a full-time staff member; if not, this sentence may be omitted. 5 ILCS 120/2.06(b).

<sup>24</sup> Boards must keep a verbatim record of their closed meetings in the form of an audio or video recording. 5 ILCS 120/2.06. This sample policy uses audio recording only; a board that uses a video recording should amend this policy and exhibit 2:220-E1, *Board Treatment of Closed Meeting Verbatim Recordings and Minutes*.

The interests of continuity, efficiency, and ease of holding someone accountable suggest that the superintendent be made responsible for making and storing the verbatim recordings. If the superintendent is not present, e.g., during discussions concerning the superintendent's contract, the tasks should be given to a board member.

meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board's regular meeting location. 25

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: (1) its destruction, and (2) minutes of the particular closed meeting. 26

Individual Board members may access verbatim recordings in the presence of the Recording Secretary, the Superintendent or designated administrator, or any elected Board member.<sup>27</sup> Access to the verbatim recordings is available at the District's administrative offices or the verbatim recording's official storage location.<sup>28</sup> Requests shall be made to the Superintendent or Board President. While a Board member is listening to a verbatim recording, it shall not be re-recorded or removed from the District's main office or official storage location, except by vote of the Board or by court order. 29

Before making such requests, Board members should consider whether such requests are germane to their responsibilities, service to District, and/or Oath of Office in policy 2:80, *Board Member Oath and Conduct*. In the interest of encouraging free and open expression by Board members during closed

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25 Alternatively, use: "is maintained within the District's administrative offices or their official storage location."

26 This paragraph paraphrases 5 ILCS 120/2.06(c). No notification to, or the approval of, a records commission or the State Archivist is needed if a recording is destroyed under the conditions listed.

27 5 ILCS 120/2.06(e). The listed individuals align with the other titles used in the IASB Policy Reference Manual. If the board wishes to mirror the statute, delete: ~~the Recording Secretary, the Superintendent or designated administrator, or any elected Board member~~ and replace with: "a records secretary, an administrative official of the public body, or any elected official of the public body."

The intent of the *in the presence of* language is meant to protect both (1) the verbatim recordings/closed session minutes (see f/n 21 above), and (2) the board members requesting access to them. It ensures that a school district official is present at all times when a requesting board member accesses the verbatim recording/closed session minutes. The requirement is meant to prevent misuse and removal of the verbatim recording/closed session minutes from the district offices or official storage location. It is also meant to protect the board member who requests the access from being alone and in a situation where he or she could potentially be accused of tampering with or taking the verbatim recording/closed session minutes.

Consult the board attorney about:

1. The practice of sending an *appointed* board member to be present with a board member who requests access to verbatim recordings/closed session minutes. 5 ILCS 120/2.06(e) states, "any *elected* member of the Board;" appointed is not listed but is mentioned elsewhere in the language of this section of the law;
2. Access to verbatim recordings/closed session minutes by other officials employed by the district, e.g., superintendent or other high-level administrators and even the board attorney; and
3. How this law affects the sharing of closed session minutes with board members prior to a meeting at which the closed session minutes will be approved.

The intent of P.A. 99-515, which amended 5 ILCS 120/2.06(e), was to manage a board member's *individual* request for access to these items in his or her individual capacity (see 2:80, *Board Member Oath and Conduct*), not change prior practices in regard to other officials and board attorneys or the required work of school boards under various laws. While many attorneys do not interpret the new law to restrict access or change procedures for these other high-level school officials and attorneys employed by the district, some attorneys do and it is important to obtain legal advice on this specific issue.

28 *Id.*

29 *Id.*

meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections. 30

#### Quorum and Participation by Audio or Video Means 31

A quorum of the Board must be physically present at all Board meetings. A majority of the full membership of the Board constitutes a quorum.

Provided a quorum is physically present, a Board member may attend a meeting by video or audio conference if he or she is prevented from physically attending because of: (1) personal illness or disability, (2) employment or District business, or (3) a family or other emergency. If a member wishes to attend a meeting by video or audio means, he or she must notify the recording secretary or Superintendent at least 24 hours before the meeting unless advance notice is impractical. The recording secretary or Superintendent will inform the Board President and make appropriate arrangements. A Board member who attends a meeting by audio or video means, as provided in this policy, may participate in all aspects of the Board meeting including voting on any item.

#### No Physical Presence of Quorum and Participation by Audio or Video; Disaster Declaration 32

The ability of the Board to meet in person with a quorum physically present at its meeting location may be affected by the Governor or the Director of the Ill. Dept. of Public Health issuing a disaster

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30 This paragraph is optional. It provides boards an opportunity to discuss and encourage each member to carefully think about purposes for their requests to listen to verbatim recordings, which historically has been and should continue to be to “access information relevant to the exercise of duties” for the public body. Intra-board conflicts may escalate if the recording is used to confirm or dispute who-said-what. Prior to P.A. 99-515, OMA did (and still does) allow boards to release these types of information. 5 ILCS 120/2.06(e). Further, Ill. Atty. Gen. Op. 32, 1996, opined that board members cannot be denied access to information relevant to the exercise of his or her duties. Board members should evaluate whether their requests under 5 ILCS 120/2.06(e) are “relevant to the exercise of their duties” before making such requests. Confirming or disputing who-said-what diverts resources away from operations of the district in educating its students. Additional considerations in listening to verbatim recordings may include personnel and student records confidentiality issues, which should be discussed with the board attorney.

31 5 ILCS 120/2.01 and 120/7, amended by P.A. 101-640. See also 105 ILCS 5/10-6 and 5/10-12. In order to allow attendance by video or audio means, a board must adopt a policy conforming to the restrictions in OMA. The statute requires the board member who wishes to attend remotely to notify the “recording secretary or clerk of the public body.” The policy includes the superintendent as a possible person to receive the notice. Everything in this section is required aside from provisions on the length of notification that is given the secretary and the process for accommodating the request. Alternatively, a board may: (1) prohibit members from participating by video or audio means by omitting this section, (2) add other requirements, or (3) alter the 24 hour notification. Note that the statute does not contemplate someone either approving or denying a request, only that the request be accommodated if the notification is provided.

In a non-binding opinion, the PAC found a public body violated OMA when it allowed a board member to join a closed session meeting remotely without first taking action at that particular meeting in open session to approve the remote participation. 2019 PAC 57660. Therefore, even with the adoption of this policy to approve remote participation, best practice is to ensure the public is informed of any board members that are participating remotely for a particular board meeting. Consult the board attorney for advice on whether the board should take action every time it wishes to permit a member to participate remotely or in those instances where a board member objects to such participation.

32 5 ILCS 120/2.01 and 120/7(e)(1)-(10), amended by P.A. 101-640. See also 105 ILCS 5/10-6 and 5/10-12. During the 2020 COVID-19 pandemic, Ill. Gov. Pritzker issued Executive Order (EO) 2020-07 pursuant to 20 ILCS 3305/7 (disaster proclamation due to public health emergency) that temporarily suspended OMA’s physical quorum requirement. The Governor extended this OMA relief through subsequent Executive Orders as the crisis continued. See EOs 2020-18, 2020-33, and 2020-39. During the period covered by EO 2020-39, 5 ILCS 120/120/7(e), amended by P.A. 101-640 was enacted, immediately requiring public bodies to meet a number of conditions before suspending the physical quorum requirement.

Boards must remember that public comment is still required when a quorum is not physically present at the meeting location. See Public Comment section of the Ill. Atty. Gen.’s guidance entitled *Guidance to Public Bodies on the Open Meetings Act and the Freedom of Information Act During the COVID-19 Pandemic* on p. 5 at:

[www.foia.illattorneysgeneral.net/pdf/OMA\\_FOIA\\_Guide.pdf](http://www.foia.illattorneysgeneral.net/pdf/OMA_FOIA_Guide.pdf)

declaration related to a public health emergency.<sup>33</sup> The Board President or, if the office is vacant or the President is absent or unable to perform the office's duties, the Vice President determines that an in-person meeting or a meeting conducted under the **Quorum and Participation by Audio or Video Means** subhead above, is not practical or prudent because of the disaster declaration; if neither the President nor Vice President are present or able to perform this determination, the Superintendent shall serve as the duly authorized designee for purposes of making this determination.<sup>34</sup>

The individual who makes this determination for the Board shall put it in writing, include it on the Board's published notice and agenda for the audio or video meeting and in the meeting minutes,<sup>35</sup> and ensure that the Board meets every OMA requirement for the Board to meet by video or audio conference without the physical presence of a quorum.<sup>36</sup>

### **Rules of Order**

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use **Robert's Rules of Order, Newly Revised** (11th Edition), as a guide when a question arises concerning procedure.<sup>37</sup>

### **Broadcasting and Recording Board Meetings**

Any person may record or broadcast an open Board meeting.<sup>38</sup> Special requests to facilitate recording or broadcasting an open Board meeting; such as seating, writing surfaces, lighting, and access to electrical power, should be directed to the Superintendent at least 24 hours before the meeting.

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<sup>33</sup> The phrase "due to public health emergency" aligns with Ill. Emergency Act (IEMA), 20 ILCS 3305/4 and 7, which provides the governor with the power to declare a disaster. 5 ILCS 120/7(e)(1), amended by P.A. 101-640, uses the phrase "related to public health concerns because [the governor has declared] a disaster" and while not aligning with IEMA text, means "public health emergency." For ease of understanding and alignment with IEMA, this policy uses "public health emergency."

To avoid confusion, note that the triggers under 5 ILCS 120/7(e), amended by P.A. 101-640, for when a school board may conduct its meetings by audio or video conference without the physical presence of a quorum are a bit more broad than the School Code's triggers to implement remote and/or blended remote learning days (RLD/BLRDs). OMA states (1) the "governor or the director of IDPH has issued a disaster declaration of a disaster as defined in 20 ILCS 3305/ ... ." This means that it is possible for the board to meet remotely if the director of IDPH declares a disaster under OMA, but that may not mean a district must implement RLD/BLRDs because the School Code states that the governor must declare the disaster.

<sup>34</sup> 5 ILCS 120/7(e)(2), amended by P.A. 101-640 states "the head of the public body as defined in [the Freedom of Information Act (FOIA), 5 ILCS 140/2(e), FOIA]." FOIA defines head of the public body to mean the president or "such person's duly authorized designee." 5 ILCS 140/2(e). Policy 2:110, *Qualifications, Term, and Duties of Board Officers*, designates the vice president to perform the duties of the president if that office is vacant or he or she is absent or unable to perform the office's duties.

For practical purposes if a disaster is declared due to a public health concern, this policy designates the superintendent as "[the president or vice president's] duly authorized designee" pursuant to the authority of 5 ILCS 140/2(e) for the board to move forward with the required determination to meet by audio or video with no physical presence of a quorum.

<sup>35</sup> While this phrase of the sentence is not required in OMA, many attorneys agree that transparency best practices in this situation include the individual making the determination to: (1) put it in writing referring to the specific disaster declaration applicable to the board's jurisdiction and the public health concern/public health emergency that applies to not having an in-person meeting; and (2) include that written determination (a) on the board's published notice and agenda for the audio or video meeting, and (b) in the meeting minutes.

<sup>36</sup> See 2:220-E9, *Requirements for No Physical Presence of Quorum and Participation by Audio or Video During Disaster Declaration*.

<sup>37</sup> Boards are not required to follow any particular rules of order. Rules, however, must be in writing and available for public inspection, in order to have any legal effect. 105 ILCS 5/10-20.5.

<sup>38</sup> The public's right to record meetings must be addressed in board policy. 5 ILCS 120/2.05. However, a provision requiring advance notice to record a meeting is invalid. PAO 12-10.

Recording meetings shall not distract or disturb Board members, other meeting participants, or members of the public. The Board President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

LEGAL REF.: 5 ILCS 120/2a, 120/2.02, 120/2.05, ~~and 120/2.06~~, and 120/7.  
105 ILCS 5/10-6, 5/10-7, 5/10-12, and 5/10-16.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:150 (Committees), 2:200 (Types of School Board Meetings), ~~2:150 (Committees)~~, 2:210 (Organizational School Board Meeting), 2:230 (Public Participation at School Board Meetings and Petitions to the Board)

## Operational Services

### Pandemic Preparedness, Management, and Recovery <sup>1</sup>

The School Board recognizes that the District will play an essential role along with the local health department and emergency management agencies in protecting the public's health and safety ~~if during an influenza pandemic occurs.~~ <sup>2</sup>

~~A Pandemic influenza is a worldwide global outbreak of disease. Pandemics happen when a new virus emerges to infect individuals and, because there is little to no pre-existing immunity against the~~

**Commented [KS1]:** The former last paragraph of this footnote is moved to the second sentence of the second paragraph.  
The fourth paragraph was moved to footnote 3.

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<sup>1</sup> ~~Certain subheads of this policy are required: specifically Suspension of In-Person Instruction; Remote and/or Blended Remote Learning Day Plan(s) (see fn 12, below), and depending upon the specific terms of government orders and/or guidance issued during a pandemic, if a district wishes to continue to charge employee salaries and benefits to a grant during an extended school closure. Payment of Employee Salaries During Emergent School Closures (see fn 11, below). Other subheads and text in this policy are optional. Its purpose is to establish board direction about pandemic preparedness, management, and recovery issues and inform provide information to the community about the board's role during an influenza pandemic.~~

Boards are authorized to adopt a policy on pandemic preparedness even though State and federal law provide little guidance. ~~On 3-11-20, the World Health Organization (WHO) characterized the COVID-19 outbreak as a pandemic. See www.who.int/de/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19--11-march-2020. Before the COVID-19 pandemic, most research and guidance around pandemics was specific to influenza, but the same principles for influenza pandemics were applied to the management of the COVID-19 pandemic.~~ State law grants boards broad authority to formulate, adopt, and modify school board policies, at the board's sole discretion, subject only to mandatory collective bargaining agreements and State and federal law. 105 ILCS 5/10-20.5 and 115 ILCS 5/1 et seq. See 2:20, Powers and Duties of the School Board; Indemnification, and also 2:240, Board Policy Development.

Information similar to this policy's content may also be a part of a district's safety plans, which the superintendent uses to implement the board's direction in this policy.

~~See fn 3, below for a definition of A pandemic, is a worldwide outbreak of a disease for which there is little or no natural immunity. During an influenza pandemic, a new influenza virus will cause thousands or even millions of people to contract the disease and, in turn, spread the illness to others because people have not been previously exposed to the new virus. Seasonal influenza viruses are similar to those already circulating among people. See School Guidance During an Influenza Pandemic, December 2006; Illinois State Board of Education opening letter to School Officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker. This letter may be found at: www.idph.state.il.us/pandemic-flu/school\_guidance\_letter.pdf.~~

According to the Centers for Disease Control and Prevention (CDC) guidance, schools serve as an "amplification point" of flu epidemics. School Superintendent's Insider, April 2007. School officials should be preparing for the flu pandemic as a U.S. Health and Human Services Pandemic Influenza Plan estimates that about 30 percent of the general population would become ill in a pandemic. The agency estimates among school-aged children the figure would be higher, about 40 percent. Sources: NSBA and School Board News, 3/14/2006. ~~Boards are authorized to adopt a policy on pandemic preparedness even though State and federal law provide little guidance. State law grants boards broad authority to formulate, adopt, and modify school board policies, at the board's sole discretion, subject only to mandatory collective bargaining agreements and State and federal law. 105 ILCS 5/10-20.5 and 115 ILCS 5/1 et seq. See 2:20, Powers and Duties of the School Board; Indemnification, and also 2:240, Board Policy Development.~~

<sup>2</sup> Multiple stakeholders ~~at many levels and in many groups~~ have important roles in ~~effective pandemic influenza preparedness, management, and recovery efforts~~ response. Stakeholders include federal departments and agencies, public health organizations, State and local health departments and laboratories, private health care organizations, influenza vaccine and antiviral manufacturers, and vaccine distributors and vaccinators. ~~Effective response to an influenza pandemic requires planning, infrastructure, and action at many levels and by many groups. Illinois Pandemic Influenza Preparedness and Response Plan, Version 2.055.0, October 10, 2006 May 2014, Concept of Operations 2.0, page 3836, which is located at: www.idph.state.il.us/pandemic\_flu/planning.htm.~~

~~new virus, it spreads sustainably for which there is little or no natural immunity and no vaccine; it spreads quickly to people who have not been previously exposed to the new virus.~~<sup>3</sup>

To prepare the School District community for a pandemic, the Superintendent or designee shall:<sup>4</sup> (1) learn and understand ~~how~~ the roles that the federal, State, and local government ~~function would play in an epidemic~~; (2) form a pandemic planning team consisting of appropriate District personnel and community members to identify priorities and oversee the development and implementation of a comprehensive pandemic ~~influenza~~-school action plan; and (3) build awareness of the final plan among staff, students, and community.

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<sup>3</sup> This paragraph embodies the CDC's pandemic definition. See [www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html](http://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html). The Illinois Pandemic Influenza Preparedness and Response Plan, Version 5.0, May 2014, also defines pandemic at page 9; however, that definition is specific to influenza. The new COVID-19 coronavirus is not an influenza virus yet was characterized as a pandemic by the World Health Organization. At the time of publication during the 2020 COVID-19 pandemic, it was not clear whether this Illinois resource's definition will be amended. [www.dhs.gov/sites/default/files/publications/illnessandpandemicguidance.pdf](http://www.dhs.gov/sites/default/files/publications/illnessandpandemicguidance.pdf)

Prior to the COVID-19 pandemic, literature discussed that during an influenza pandemic, a new influenza virus will cause thousands or even millions of people to contract the disease and, in turn, spread the illness to others because people have not been previously exposed to the new virus. Seasonal influenza viruses are similar to those already circulating among people. See School Guidance During an Influenza Pandemic, December 2006; Illinois State Board of Education (ISBE) opening letter to School Officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker. This letter may be found at: [www.idph.state.il.us/pandemic flu/school\\_guide/sppg\\_letter.pdf](http://www.idph.state.il.us/pandemic flu/school_guide/sppg_letter.pdf).

<sup>4</sup> 105 ILCS 5/10-16.7. The school board directs, through policy, the superintendent in his or her charge of the district's administration.

## Emergency School Closing <sup>5</sup>

In the case of a pandemic, the Governor may declare a disaster due to a public health emergency that may affect any decision for an emergency school closing. Decisions for an emergency school closing will be made by the Superintendent in consultation with and, if necessary, at the direction of the Governor, Ill. Dept. of Public Health, District's local health department, emergency management agencies, and/or Regional Office of Education. <sup>6</sup>

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<sup>5</sup> In times of emergency, the functions of different levels of State and federal government often become cloudy, and determining what governmental entity has powers to take a particular action can be confusing. The concept of federalism, or the coexistence of federal and state governments with their own local powers, was utilized during the response to the 2020 COVID-19 pandemic. Federalism is premised on the Constitutional limits of federal power. See U.S. Const. Art. I, Sec. 8 (limiting powers of Congress providing only those powers enumerated). Generally, during the 2020 COVID-19 pandemic, Illinois and other states were left with these remaining powers of government to respond to the crisis. In general, President Trump's administration set broad national policy, particularly with respect to international travel and the approval of treatments, and suggested guidance that States could follow regarding mitigation measures. The states' governors and local leaders made other state-specific or locality-specific decisions based upon the local conditions in each community. Depending upon the federal administration in power at the time of a pandemic, the federal government may seek to play a greater or lesser role in the management of a pandemic.

Local health departments, emergency medical agencies, and the Regional Office of Education may direct a school to close during a pandemic. See School Guidance During an Influenza Pandemic, December 2006; Illinois State Board of Education ISBE opening letter to school officials dated November 2006 from Dr. Randy J. Dunn and Dr. Eric Whitaker. This letter is at: [www.idph.state.il.us/pandemic flu/school\\_guide/spng\\_letter.pdf](http://www.idph.state.il.us/pandemic flu/school_guide/spng_letter.pdf).

The Ill. Dept. of Public Health (IDPH) is also authorized to order a place to be closed and made off-limits to the public to prevent the probable spread of a dangerously contagious or infectious disease. 20 ILCS 2305/2(b).

The Governor also has emergency powers upon his or her declaration of a disaster, which includes among other things public health emergencies. 20 ILCS 3305/4 and 3305/7. Upon such proclamation, the Governor has, and may exercise for a period not to exceed 30 days, several emergency powers. Id.

Since ~~this~~ the 2006 School Guidance During an Influenza Pandemic letter was written, several Illinois schools faced an H1N1 outbreak in 2009, and all Illinois schools faced the 2020 COVID-19 pandemic.

During the 2009 H1N1 outbreak, ISBE directed schools with a statement titled Closing School in Response to H1N1 that outlined "the decision to close school must be made locally by the school district and in conjunction and support with the relevant local public health department. The impact of a pandemic outbreak may vary from region to region. Therefore, it is crucial that district administrators rely on the advice and recommendations of their local public health department." See [www.isbe.net/Documents/SP42-2009-school-dismissals.pdf](http://www.isbe.net/Documents/SP42-2009-school-dismissals.pdf).

During the 2020 COVID-19 pandemic, the Governor and ISBE issued many directives and/or guidance, including reliance upon the advice and recommendations of local public health departments. See [www.isbe.net/Documents/ISBE-Guidance-to-School-Coronavirus.pdf](http://www.isbe.net/Documents/ISBE-Guidance-to-School-Coronavirus.pdf). And see other 2020 COVID-19 guidance documents as follows:

Ill. Gov. Pritzker, ISBE, Ill. Association of School Admin., Ill. Principals' Assoc., Ill. Ed. Assoc., and Ill. Fed. of Teachers Joint Statement:

[www.isbe.net/Documents/Joint-Statement-Updated-11-20-20.pdf](http://www.isbe.net/Documents/Joint-Statement-Updated-11-20-20.pdf).

IDPH-ISBE joint schools guidance:

[www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/schools-guidance](http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/schools-guidance)

IDPH-ISBE joint workplace health and safety guidance:

[www.dph.illinois.gov/covid19/community-guidance/workplace-health-and-safety-guidance](http://www.dph.illinois.gov/covid19/community-guidance/workplace-health-and-safety-guidance)

Restore Illinois Plan:

[www2.illinois.gov/dceo/Pages/RestoreILP3.aspx](http://www2.illinois.gov/dceo/Pages/RestoreILP3.aspx).

During the 2020 COVID-19 pandemic, several protests occurred and many lawsuits were filed challenging Ill. Gov. Pritzker's extensions of disaster declaration emergency power under IEMA, 20 ILCS 3305/7. See the 2020 COVID-19 Executive Orders (EO) at: [coronavirus.illinois.gov/resources-for-executive-orders](http://coronavirus.illinois.gov/resources-for-executive-orders). Controversies existed across party and regional lines with all branches of government looking to balance the need to protect human life against the desire to preserve personal liberty. Gov. Pritzker's EOs faced unsettled challenges in both the courts of law and public opinion as a five-phased plan to re-open Illinois was also being introduced a/k/a Restore Illinois Plan ([coronavirus.illinois.gov/restore-illinois-introduction](http://coronavirus.illinois.gov/restore-illinois-introduction)).

<sup>6</sup> Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center." P.A. 96-893 ~~abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.~~

**Commented [KS2]:** PRESS Subscribers:

The third and fourth paragraphs are moved up. The third paragraph is now the second paragraph and the fourth paragraph is now the third paragraph.

Then the applications of these laws through recent Illinois history is addressed.

**Commented [KS3]:** PRESS Subscribers:

The intent with this additional text is to acknowledge what fn 5 had always informed subscribers re: IEMA statute – but including in the policy text also informs the community (and others who will rarely read the footnotes).

During an emergency school closing, the Board President and the Superintendent may, to the extent the emergency situation allows, examine existing Board policies pursuant to Policy 2:240, Board Policy Development, and recommend to the Board for consideration any needed amendments or suspensions to address mandates that the District may not be able to accomplish or implement due to a pandemic. f

**Board Meeting Procedure: No Physical Presence of Quorum and Participation by Audio or Video 2**

A disaster declaration related to a public health emergency<sup>10</sup> may affect the Board's ability to meet in person and generate a quorum of members who are physically present at the location of a meeting. Policy 2:220, School Board Meeting Procedure, governs Board meetings by video or audio conference without the physical presence of a quorum.

**Payment of Employee Salaries During Emergency School Closures 11**

The Superintendent shall consult with the Board to determine the extent to which continued payment of salaries and benefits will be made to the District's employees, pursuant to Board policies 3:40, Superintendent, 3:50, Administrative Personnel Other Than the Superintendent, 5:35, Compliance with the Fair Labor Standards Act, 5:200, Terms and Conditions of Employment and Dismissal, and 5:270, Employment At-Will, Compensation, and Assignment, and consistent with: (1) applicable laws, regulations, federal or State or local emergency declarations, executive orders, and agency directives; (2) collective bargaining agreements and any bargaining obligations; and (3) the terms of any grant under which an employee is being paid.

**Suspension of In-Person Instruction; Remote and/or Blended Remote Learning Day Plan(s)**

When the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7, and the State Superintendent of Education declares a requirement for the District to use Remote

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<sup>7</sup> For a board that prefers its policy committee to engage in this work, delete Board President and the Superintendent and insert: Board Policy Committee. See policies 2:150, Committees and 2:240, Board Policy Development. This sample policy uses the board president and superintendent as the default user because during a pandemic, it may be difficult for a board policy committee to meet pursuant to executive orders that are issued, etc.

<sup>8</sup> For an example of some issues that arose during the 2020 COVID-19 pandemic, see paragraph six of the 12, below.

<sup>9</sup> 5 ILCS 120/3.01 and 120/7(c), amended by P.A. 101-640. See also 105 ILCS 5/10-6 and 5/10-12.

<sup>10</sup> While 5 ILCS 120/7(e)(1), amended by P.A. 101-640, uses the phrase "related to public health concerns," the text "due to public health emergency" aligns with the Emergency Act (EMA), 20 ILCS 3305/4 and 7, the governing statute of disaster declarations. For ease of understanding and alignment with EMA, this policy uses "public health emergency." For more discussion, see the 33 in sample policy 2:220, School Board Meeting Procedure.

<sup>11</sup> Required if a district wishes to continue to observe employee salaries and benefits to a grant during an extended school closure, depending upon the specific terms of government orders and/or guidance issued during a pandemic. 2 C.F.R. Part 200 (see [www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf), extended until 9-30-20 by [www.whitehouse.gov/wp-content/uploads/2020/06/M-20-26.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/06/M-20-26.pdf)) and 30 ILCS 708/. See sample procedure 4:180-AP3, Grant Flexibility: Payment of Employee Salaries During a Pandemic, and its footnotes.

During the 2020 COVID-19 pandemic, Gov. Pritzker and ISBE issued directives and/or guidance regarding payment of school district employees that may impact a board's decision regarding continued payment of employees during an extended closure. ISBE and the Governor suspended in-person learning and issued a Joint Statement (JS) with other school administrator and union groups, which purported to mandate that all school district employees on the district's payroll be paid as if districts were functioning normally and they were performing their normal work. See [www.isbe.net/Documents/Issued-Statement-Undated%203-27-20.pdf](http://www.isbe.net/Documents/Issued-Statement-Undated%203-27-20.pdf). The JS cited no specific authority for the payment mandate. Additionally, changes to wages, hours, terms and conditions of employment, even when made during an extraordinary circumstance such as a pandemic, remain subject to collective bargaining obligations.

Learning Days or Blended Remote Learning Days, the Superintendent shall approve and present to the Board for adoption a Remote and/or Blended Remote Learning Day Plan<sup>12</sup> (Plan) that: 13

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12 105 ILCS 5/10-30(3), added by P.A. 101-643, requires the "[board] to adopt and the superintendent to approve" these plans upon the following statutory triggers: (1) the governor declaring a disaster pursuant to 20 ILCS 3305/, and (2) the state superintendent of education declaring a requirement for a school district, multiple school districts, a region, or the entire State. See sample administrative procedure 6:20-AP, Remote and/or Blended Remote Learning Day Plan(s) for the specifics of implementing Remote Learning Days (RLDs) and/or Blended Remote Learning Days (BLRDs).

Implementing a plan under this subhead contains items on which collective bargaining may be required. Any policy that impacts wages, hours, or 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 subhead of the policy concerns an area in which the law is unsettled. See 105 ILCS 5/10-30(7), added by P.A. 101-643 (stating that it does not increase or diminish any collective bargaining rights under existing law, and that aspects of the plan that impact the wages or other terms or conditions of employment will need to be bargained with the exclusive bargaining representative(s)).

To avoid confusion, note that the triggers under the Open Meetings Act (OMA), 5 ILCS 120/7, amended by P.A. 101-640, for when a school board may conduct its meetings by audio or video conference without the physical presence of a quorum are a bit more broad: (1) the "governor or the director of IDPH has issued a disaster declaration as defined in 20 ILCS 3305/, and (2) all or part of the jurisdiction of the [school board] is covered by the disaster area. This means that it is possible for the board to meet remotely under OMA if the director of IDPH declares a disaster, but the School Code requires the governor to be the one to declare the disaster under 20 ILCS 3305/ in order for the state superintendent of education to declare that a district implement RLD/BLRDs.

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

If the board has adopted an e-learning program pursuant to 105 ILCS 5/10-20.56, added by P.A. 101-12, add the following text to number two after 105 ILCS 5/10-30:

2. \_\_\_\_\_ by adapting into a Plan the District's e-learning program implemented pursuant to 105 ILCS 5/10-20.56

See policies 6:20, School Year Calendar and Day, 6:300, Graduation Requirements, 6:310, High School Credit for Non-District Experiences; Course Substitutions, Re-Entering Students, and Executive Order 2020-31 (addressing the statutory minimum state graduation requirements (not local requirements that exceed the State-identified minimums)) and allowing local school boards to amend policies to reflect any local graduation requirements adopted in excess of the minimum requirements specified in School Code that school districts were unable to complete during the 2019-20 school year due to the suspension of in-person instruction and/or the Stay-at-Home orders issued in response to the 2020 COVID-19 pandemic). Executive Order 2020-31 provided the following proclamations:

Section 8. The following provisions of the Illinois School Code, 105 ILCS 5/1-1 et seq., requiring certain assessments and courses for twelfth grade students, are suspended:

- a. 105 ILCS 5/2-3.64a-5(c) (requirement to take State assessments),
- b. 105 ILCS 5/27-3 (requirement to pass a satisfactory examination on patriotism and the principles of representative government),
- c. 105 ILCS 5/27-6(a) (requirement to engage in a course of physical education for a minimum of 3 days per 5-day week), and
- d. 105 ILCS 5/27-12.(a) (requirement to be taught consumer education).

Section 9. The provision of the Illinois School Code, 105 ILCS 5/10-22.43a, requiring the successful completion of a foreign language proficiency examination for students whose foreign language credit is met through an approved ethnic school program, is suspended.

Section 10. The provision of the Illinois School Code, 105 ILCS 5/27-6.5, requiring physical assessments, is suspended.

Section 11. The provision of the Illinois School Code, 105 ILCS 5/27-22(e), requiring the successful completion of certain courses as a prerequisite to receiving a high school diploma, is suspended for twelfth grade students who are unable to complete such coursework as a result of the suspension of in-person instruction due to COVID-19.

1. Recommends to the Board for consideration any suspensions or amendments to curriculum-related policies to reduce any Board-required graduation or other instructional requirements in excess of minimum curricular requirements specified in School Code that the District may not be able to provide due to the pandemic; 14
2. Implements the requirements of 105 ILCS 5/10-30; and
3. Ensures a plan for periodic review of and/or amendments to the Plan when needed and/or required by statute, regulation, or State guidance.

LEGAL REF.: 105 ILCS 5/10-16.7, and 5/10-20.5, 5/10-20.56, and 5/10-30.  
4 ILCS 120/2.01 and 120/7(c), Open Meetings Act.  
 Ill. Dept. of Public Health Act (Part 1), 20 ILCS 2305/2(b), Ill. Dept. of Public Health Act (Part 1).  
 Ill. Emergency Management Agency Act, 20 ILCS 3305/, Ill. Emergency Management Agency Act.  
 Ill. Educational Labor Relations Act, 115 ILCS 5/, Ill. Educational Labor Relations Act.

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:20 (Powers and Duties of the School Board; Indemnification), 2:220 (School Board Meeting Procedure), 2:240 (Board Policy Development), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:70 (Succession of Authority), 4:170 (Safety), 5:35 (Compliance with the Fair Labor Standards Act), 5:200 (Terms and Conditions of Employment and Dismissal), 5:270 (Employment At-Will, Compensation, and Assignment), 6:20 (School Year Calendar and Day), 6:60 (Curriculum Content), 6:300 (Graduation Requirements), 7:90 (Release During School Hours), 8:100 (Relations with Other Organizations and Agencies)

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Section 12. The provision of the Illinois School Code, 105 ILCS 5/27-21, requiring eight grade students to demonstrate evidence of having a comprehensive knowledge of the history of the United States as a prerequisite to eight grade graduation, is suspended.

Section 13. Twelfth grade students shall not be denied credit for apprenticeship or vocational or technical education courses allowed to be substituted for graduation requirements under the Illinois School Code, 105 ILCS 5/27-27.05, due to the student's inability to complete those course substitutions as a result of the suspension of in-person instruction due to COVID-19.

Section 14. The Illinois State Board of Education shall file emergency rules as needed to effectuate the intent of this Executive Order, including to suspend any regulatory provision related to: (1) student graduation requirements; or (2) student teaching, supervised field experience, or internship requirements for professional educator licenses or endorsements.

13 105 ILCS 5/10-30(3), added by P.A. 101-043 states, "the district shall adopt a remote and blended remote learning day plan approved by the district superintendent." For ease of administration, to avoid confusion during implementation, and to align with the IASB Foundational Principles of Effective Governance ([www.iasb.com/principles\\_remote.cfm](http://www.iasb.com/principles_remote.cfm)), this policy assigns the duty to adopt the remote and blended remote learning day plan (plan) by "the district" to the board. In alignment with this policy, administrative procedure 6:30-AP, Remote and/or Blended Remote Learning Day Plans, requires the superintendent to approve the plan and present it to the board for adoption prior to district-wide implementation and posting on the district's website.

14 105 ILCS 5/10-30(8), added by P.A. 101-043 does not excuse districts from completing all statutory and regulatory curricular mandates and offerings.

## **General Personnel**

### **Workplace Harassment Prohibited <sup>1</sup>**

The School District expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's actual or perceived race, color, religion<sup>2</sup>, national origin, ancestry, sex, sexual orientation, age, citizenship status, disability, pregnancy, marital status, order of protection status, military status, or unfavorable discharge from military service, nor shall they engage in harassment or abusive conduct on the basis of an individual's other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students,

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<sup>1</sup> State or federal law controls this policy's content. Federal law requires districts to take action to prevent sexual harassment and to disseminate a policy regarding its prohibition of sex discrimination. 29 C.F.R. §1604.11(f); 34 C.F.R. §106.2(b)(6). State law requires districts to establish a policy to prohibit sexual harassment. 5 ILCS 43070-5(a), amended by P.A.s 100-554 and 101-221. See ¶n 3 below. Harassment based on a protected status is a form of discrimination that violates many State and federal laws (see the policy's Legal References).

Workplace harassment policies have typically focused on sexual harassment since it receives the most attention. However, the broad prohibitions against discrimination in State and federal civil rights laws will cover harassing conduct that is motivated by animus against any protected status. See *Porter v. Erie Foods International, Inc.*, 576 F.3d 629 (7th Cir. 2009) (recognizing a cause of action for race harassment). For a list of protected statuses, see ~~sample~~ policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. This policy prohibiting harassment has a separate section on sexual harassment because of the extensive statutory and case law regarding it.

Under the Ill. Human Rights Act (IHRA), harassment is unlawful if it has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. 775 ILCS 5/2-101(E-1), added by P.A. 101-221, ~~eff. 1-1-20~~. Working environment is not limited to a physical location to which an employee is assigned. *Id.* Harassment is unlawful on the basis of the specifically-listed categories in this policy whether that status is actual or perceived. *Id.*

An employer is liable under Title VII of the Civil Rights Act of 1964 (Title VII) for an employee's harassment of a co-worker if the employer was negligent with respect to the offensive behavior by, for example, failing to take remedial action when it knew or should have known about the harassment. 42 U.S.C. §2000e et seq. An employer is liable under the IHRA for harassment by its nonmanagerial and nonsupervisory employees if it becomes aware of the conduct and fails to take reasonable corrective measures. 775 ILCS 5/2-102(A), amended by P.A. 101-221, ~~eff. 1-1-20~~. However, when the perpetrator is the victim's supervisor, the employer will be vicariously liable for the supervisor's actions. Lack of knowledge of a supervisor's misconduct is no defense. *Burlington Industries v. Ellerth*, 524 U.S. 742 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998). A supervisor is someone who has the authority to demote, discharge, or take other negative job action against the victim. *Vance v. Ball State University*, 133 S.Ct. 2434 (2013). Note that the IHRA, (775 ILCS 5/2-102(D)) imposes strict liability on the employer when an employee has been sexually harassed by supervisory personnel regardless of whether the harasser has any authority over the complainant. *Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n*, 233 Ill.2d 125 (Ill. 2009). Additionally, under the IHRA, an employer is liable for the harassment of nonemployees by nonmanagerial and nonsupervisory employees if it becomes aware of the conduct and fails to take reasonable corrective measures. 775 ILCS 5/2-102(A-10) and (D-5), added by P.A. 101-221, ~~eff. 1-1-20~~. Nonemployees are those who are directly performing services for an employer pursuant to a contract, such as contractors or consultants. *Id.*

Not all harassing conduct is unlawful discrimination, even if it is disruptive and hurtful. If a board wants to include language in this policy prohibiting employees from engaging in intimidating or offensive conduct that is not a civil rights violation, it should consult the board attorney.

<sup>2</sup> Section 2-102 of the IHRA, amended by P.A. 100-100, contains a religious discrimination subsection. It expressly prohibits employers from requiring a person to violate a sincerely held religious belief to obtain or retain employment unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business. Religious beliefs include, but are not limited to: the wearing of any attire, clothing, or facial hair in accordance with the requirements of his/her religion. 775 ILCS 5/2-102(E-5). Employers may, however, enact a dress code or grooming policy that restricts attire, clothing, or facial hair to maintain workplace safety or food sanitation. *Id.*

including, but not limited to, sexual harassment, is prohibited by Board policies 2:260, Uniform Grievance Procedure; 2:265, Title IX Sexual Harassment Grievance Procedure; 7:20, Harassment of Students Prohibited; 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment; and 7:185, Teen Dating Violence Prohibited.

The District will take remedial and corrective action to address unlawful workplace harassment, including sexual harassment.

### Sexual Harassment Prohibited<sup>3</sup>

The ~~School~~ District shall provide a workplace environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. The District provides annual sexual harassment prevention training in accordance with State law.<sup>4</sup>

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection

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<sup>3</sup> The IHRA (775 ILCS 5/2-102(D)) provides that sexual harassment is a civil rights violation:

For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by non-employees or non-managerial and non-supervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

*See sample policy 2:265, Title IX Sexual Harassment Grievance Procedure, for the definition of Title IX sexual harassment (20 U.S.C. §1681 et seq.) and use fn 3 of it for examples of employee sexual harassment that may violate Title IX. Title IX's reach is broad because an alleged complainant or alleged respondent may be anyone in the district's educational program or activity. This includes applicants for employment, students, parents/guardians, any employee, and third parties. Districts are liable for Title IX sexual harassment when any district employee has actual knowledge of sexual harassment or allegations of sexual harassment against anyone in the district (except when the only employee with knowledge is the supervisor of the alleged sexual harassment). 34 C.F.R. §106.30.*

The State Officials and Employees Ethics Act (SOEEA) (5 ILCS 430/70-5(a), amended by P.A.s 100-554 and 101-221) requires governmental entities (including school districts) to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment. Unlike the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *polities*. 105 ILCS 5/10-20.5. Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. 105 ILCS 5/10-20.

The policy must include, at a minimum: (1) a prohibition on sexual harassment; (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights (IDHR); (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the SOEEA, the Whistleblower Act (740 ILCS 174), and the IHRA (775 ILCS 5/); (4) the consequences: (a) of a violation of the prohibition on sexual harassment and (b) for knowingly making a false report; and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit. 5 ILCS 430/70-5(a), amended by P.A.s 100-554 and 101-221. ~~Sample policy 2:105, Ethics and Gift Ban, covers item (5) of this list.~~

<sup>4</sup> 775 ILCS 5/2-109, added by P.A. 101-221, ~~eff. 1-1-20~~. See sample policy 5:100, Staff Development Program, at fn 4. Districts may use a free, online model program to be offered by the Ill. Dept. of Human Rights (IDHR), develop their own program, or utilize a combination of the two, as long as it includes the following, at a minimum: (1) an explanation of sexual harassment consistent with the IHRA, (2) examples of conduct that constitutes unlawful harassment, (3) a summary of relevant federal and State law concerning sexual harassment and remedies available to victims of sexual harassment, and (4) a summary of responsibilities of employers in the prevention, investigation, and corrective measures of sexual harassment. Id. at 5/2-109(B), added by P.A. 101-221, ~~eff. 1-1-20~~. For IDHR's online model program, see its Model Sexual Harassment Prevention Training Program page at: <https://www2.illinois.gov/IDHR/Training/Pages/State-of-Illinois-Sexual-Harassment-Prevention-Training-Model.aspx>. Employers that fail to comply with this training requirement may face financial penalties. Id. Training on other types of workplace harassment is not required by law, however it is best practice.

of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.<sup>5</sup> Sexual harassment prohibited by this policy includes, but is not limited to, verbal, physical, or other conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

#### Making a Report or Complaint

Employees and *nonemployees*<sup>6</sup> (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors, and consultants) are encouraged to promptly report information regarding violations of this policy. Individuals may choose to report to a person of the individual's same gender. Every effort should be made to file such reports or complaints as soon as possible, while facts are known and potential witnesses are available.

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<sup>5</sup> This definition is from State and federal law. 775 ILCS 5/2-101(E) and 29 C.F.R. §1604.11. *Working environment* is not limited to a physical location to which an employee is assigned. 775 ILCS 5/2-101(E), amended by P.A. 101-221, eff. 1-1-20. The harassing conduct must be severe or pervasive so as to alter the conditions of the employee's work environment by creating a hostile or abusive situation. *Williams v. Waste Management*, 361 F.3d 1021 (7th Cir. 2004). The surrounding circumstances, expectations, and relationships will distinguish between teasing or rough-housing and conduct that a reasonable person would find severely hostile or abusive. In addition, while same-sex gender harassment claims are actionable, the victim must show that s/he suffered disadvantageous employment conditions to which members of the other sex were not exposed. *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998).

<sup>6</sup> 775 ILCS 5/2-102(A-10) and (D-5), added by P.A. 101-221. See also fn 1, above, for discussion regarding nonemployees.

5:20

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Aggrieved individuals, if they feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

Whom to Contact with a Report or Complaint <sup>7</sup>

An employee should report claims of harassment, including making a confidential report, to any of the following: his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager. <sup>8</sup>

Employee may also report claims using Board policy 2:260, *Uniform Grievance Procedure*. If a claim is reported using Board policy 2:260, then the Complaint Manager shall process and review the ~~complaint~~claim according to that policy, in addition to any response required by this policy.

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator. <sup>9</sup>

**Nondiscrimination Coordinator:**

Same as per policy 2:260

Name

Address

Email

Telephone

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<sup>7</sup> ~~While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. Title IX regulations require districts to identify the name, address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. A policy should not be adopted with a person's name in it; rather, the identifying information can be added and amended as necessary.~~

<sup>8</sup> 5 ILCS 430/70-5(a), amended by P.A. 100-554, 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 an ethics officer. 5 ILCS 430/20-23 defines *ethics officers* as being designated by State agencies under the jurisdiction of the Executive Ethics Commission. School districts are not State agencies (5 ILCS 430/1-5) and do not have ethics officers; thus, this sample policy substitutes Complaint Manager for ethics officer. Note also that the IDHR has established a Sexual Harassment Hotline Call Center and website to help the public find resources and assistance for the filing of sexual harassment complaints. The hotline can be reached Monday through Friday with the exception of State holidays, between the hours of 8:30 a.m. and 5:00 p.m., at 1-877-236-7703. See [www2.illinois.gov/sites/sexualharassment/Pages/default.aspx](http://www2.illinois.gov/sites/sexualharassment/Pages/default.aspx). All communications received by the IDHR are exempt from disclosure under the Freedom of Information Act (FOIA).

<sup>9</sup> ~~Title IX regulations require districts to identify the name, office address, email address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator," and supplement the previous sentence to state "The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers." Then list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.~~

**Complaint Managers:**

Same as per policy 2:260	Same as per policy 2:260
_____ Name	_____ Name
_____ Address	_____ Address
_____ Email	_____ Email
_____ Telephone	_____ Telephone

**Investigation Process**

~~Supervisors, Building Principals, or administrators~~Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager.<sup>10</sup> ~~Any employee-supervisor or administrator~~ who fails to promptly forward a report or complaint may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain a workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment.~~The District shall investigate alleged workplace harassment when the Nondiscrimination Coordinator or a Complaint Manager becomes aware of an allegation, regardless of whether a written report or complaint is filed.~~

~~For any report or complaint alleging sexual harassment that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), the Nondiscrimination Coordinator or designee<sup>11</sup> shall consider whether action under policy 2:265, Title IX Sexual Harassment Grievance Procedure, should be initiated.~~

~~For any other alleged workplace harassment that does not require action under policy 2:265, Title IX Sexual Harassment Grievance Procedure, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under policy 2:260, Uniform Grievance Procedure, and/or 5:120, Employee Ethics: Conduct, and Conflict of Interest,<sup>12</sup> should be initiated, regardless of whether a written report or complaint is filed.~~

**Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel<sup>13</sup>**

~~An alleged incident of sexual abuse is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor~~

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>10</sup> ~~If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, supplement this sentence to state "Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator, Title IX Coordinator, or a Complaint Manager."~~

<sup>11</sup> ~~"Nondiscrimination Coordinator or designee" is used where Title IX is potentially implicated. In contrast, if Title IX is likely not implicated then "Nondiscrimination Coordinator or a Complaint Manager or designee" is used (see next paragraph in policy text). If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, delete "Nondiscrimination" and insert "Title IX" in its place.~~

<sup>12</sup> ~~See administrative procedure 5:120-AP2, Employee Conduct Standards.~~

<sup>13</sup> ~~Required for districts located within a county served by an accredited Children's Advocacy Center (CAC). Delete this subhead if your school district is within a county not served by an accredited CAC. 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531 (governing the investigation of an alleged incident of sexual abuse of any child within any Illinois counties served by a CAC). For further discussion see fn 14 in sample policy 5:90, Abused and Neglected Child Reporting.~~

or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to policy 5:90, *Abused and Neglected Child Reporting*. In addition to reporting the suspected abuse, the complaint shall also be processed under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, or policy 2:260, *Uniform Grievance Procedure*.

#### Enforcement<sup>14</sup>

A violation of this policy by an employee may result in discipline, up to and including discharge.<sup>15</sup> A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, *i.e.*, vendor, parent, invitee, etc. Any ~~person~~ employee making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, which for an employee that may be up to and including discharge.<sup>16</sup>

Commented [MB1]: Formerly footnote 9.

Commented [MB2]: Formerly footnote 10.

Commented [MB3]: Formerly footnote 11.

#### Retaliation Prohibited

An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing ~~bona fide~~ complaints or providing information about harassment is prohibited (see Board policy 2:260, *Uniform Grievance Procedure*), and depending upon the law governing the complaint, whistleblower protection may be available under the State Officials and Employees Ethics Act (5 ILCS 430/), the Whistleblower Act (740 ILCS 174/), and the Ill. Human Rights Act (775 ILCS 5/).<sup>17</sup>

Commented [MB4]: Formerly footnote 12.

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>14</sup> See *Berry v. Delta Airlines*, 260 F.3d 803, 811 (7th Cir. 2001) ("If an employer takes reasonable steps to discover and rectify the harassment of its employees ... it has discharged its legal duty.")

In addition to violating other civil rights laws, a school district violates the *public accommodations* article in the IHRA if it fails to take corrective action to stop severe or pervasive harassment. 775 ILCS 5/5-102 and 5/5-102.2.

<sup>15</sup> 5 ILCS 430/70-5(a), amended by P.A. 100-554 (consequences of a violation of the prohibition on sexual harassment). When discharge is the penalty, examine 50 ILCS 205/3c, added by P.A. 100-1040. It requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as defined by the IHRA or Title VII. *Id.* Additionally, under the Workplace Transparency Act (WTA), employers may not require confidentiality clauses in settlement or termination agreements involving alleged unlawful employment practices under federal or State civil rights laws, except under specific conditions. 820 ILCS 96/1-30, added by P.A. 101-221, ~~08-1-1-30~~.

Prior to the passage of 50 ILCS 205/3c, added by P.A. 100-1040, and the WTA, members of the public could already access copies of severance agreements between school districts and their former employees under FOIA. The Ill. Atty. Gen. Public Access Counselor (PAC) directed a public body to release a settlement agreement that arose out of claims of sexual harassment. PAO 14-4. The PAC noted that the public body could not withhold the entire settlement agreement under 5 ILCS 140/7(1)(c), which exempts personal information that would constitute a clearly unwarranted invasion of privacy. Instead, it could redact personal information from the agreement, such as the complainants' names in order to protect their privacy. *Id.* However, data regarding settlement agreements involving allegations of sexual harassment or other unlawful discrimination that an employer must report to IDHR under 775 ILCS 5/2-108 is categorically exempt from FOIA. 5 ILCS 140/7.5(oo), added by P.A. 101-221, ~~08-1-1-30~~. See ¶ 6 in ~~annex~~ policy 2:260, *Uniform Grievance Procedure*, for more discussion about reconciling 50 ILCS 205/3c, added by P.A. 100-1040, with another new law, the Government Severance Pay Act (GSPA) (5 ILCS 415/10(a)(1), added by P.A. 100-895), which prohibits school district employees with contract provisions for severance pay to receive any severance pay if they are fired for *misconduct* by the board.

<sup>16</sup> 5 ILCS 430/70-5(a), amended by P.A. 100-554 (consequences for knowingly making a false report of sexual harassment).

<sup>17</sup> *Id.* (prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the SOEEA, the Whistleblower Act (740 ILCS 174/), and the IHRA (775 ILCS 5/)).

*Crawford v. Metro. Gov't of Nashville & Davidson County*, 555 U.S. 271 (2009) (holding the anti-retaliation provision in EEOA protects an employee who spoke out about harassment, not only on his or her own initiative, but also in answering questions during an employer's internal investigation).

An employee should report allegations of retaliation to his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

Employees who retaliate against others for reporting or complaining of violations of this policy or for participating in the reporting or complaint process will be subject to disciplinary action, up to and including discharge.

Recourse to State and Federal Fair Employment Practice Agencies<sup>18</sup>

The District encourages all employees who have information regarding violations of this policy to report the information pursuant to this policy. The following government agencies are available to assist employees: the Ill. Dept. of Human Rights and the U.S. Equal Employment Opportunity Commission.

The Superintendent shall also use reasonable measures to inform staff members, applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and including this policy in the appropriate handbooks.<sup>19</sup>

Commented [M85]: Formerly footnote 13.

Commented [M86]: Formerly footnote 14.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>18</sup> 5 ILCS 430/70-5(a), amended by P.A. 100-554, (how an individual can report an allegation of sexual harassment, including options for making a confidential report to the Inspector General or the IDHR). This sample policy does not reference the Inspector General because the Inspector General does not have jurisdiction over public school districts. 5 ILCS 430/1. School districts must also annually disclose to IDHR certain data about *adverse judgment or administrative rulings* made against them where there was a finding of sexual harassment or unlawful discrimination under federal, State, or local laws. 775 ILCS 5/2-108, added by P.A. 101-221, ~~eff. 1-1-20~~.

<sup>19</sup> A district must notify employees of the grievance procedure and the person(s) designated to coordinate the district's compliance with Title IX. 34 C.F.R. §106.8(a). The nondiscrimination coordinator can be the same individual for both this policy and policy 7:10, *Equal Educational Opportunities*, as well as the complaint manager in policy 2:260, *Uniform Grievance Procedure*. A comprehensive faculty handbook can provide required notices, along with other important information to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. Any *working conditions* contained in the handbook may be subject to mandatory collective bargaining.

Informing nonemployees is not required by law. However, given the potential for employer liability under the IHRA for harassment of nonemployees, best practice is to publicize this policy to those individuals as well.

5:20

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LEGAL REF.: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq., implemented by 29 C.F.R. §1604.11.  
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., implemented by 34 C.F.R. Part 106.  
State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a).  
Ill. Human Rights Act, 775 ILCS 5/2-101(E) and (E-1), 5/2-102(A), (A-10), (D-5), 5/2-102(E-5), 5/2-109, 5/5-102, and 5/5-102.2.  
56 Ill. Admin. Code Parts 2500, 2510, 5210, and 5220.  
Burlington Industries v. Ellerth, 524 U.S. 742 (1998).  
Crawford v. Metro. Gov't of Nashville & Davidson County, 555 U.S. 271 (2009).  
Faragher v. City of Boca Raton, 524 U.S. 775 (1998).  
Franklin v. Gwinnett Co. Public Schools, 503 U.S. 60 (1992).  
Harris v. Forklift Systems, 510 U.S. 17 (1993).  
Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005).  
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).  
Oncale v. Sundowner Offshore Services, 523 U.S. 75 (1998).  
Porter v. Erie Foods International, Inc., 576 F.3d 629 (7th Cir. 2009).  
Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n, 233 Ill.2d 125 (Ill. 2009).  
Vance v. Ball State University, 133 S. Ct. 2434 (2013).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:60 (Purchases and Contracts), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics: Conduct and Conflict of Interest), 7:20 (Harassment of Students Prohibited), 8:30 (Visitors to and Conduct on School Property)

## General Personnel

### Expenses <sup>1</sup>

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution.<sup>2</sup> Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee,<sup>3</sup> (2) anyone's personal expenses,<sup>4</sup> or (3) entertainment expenses.<sup>5</sup> Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event.<sup>6</sup> The District is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District's negligence.<sup>7</sup> Employees must submit the appropriate itemized, signed, standardized form(s) to support any requests for expense advancements, reimbursements, or purchase orders that show the following: <sup>8</sup>

*The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.*

<sup>1</sup> State law controls this policy's content. 105 ILCS 5/10-9, 5/10-10, and 5/22-1 (no compensation allowed, conflicts of interest prohibited); 105 ILCS 5/10-22.32 (expense advancements); 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~ (regulation of employee expenditures under the Ill. Wage Payment and Collection Act)(WPCA), ~~and the Local Government Travel Expense Control Act (ECA) 50 ILCS 150/10, added by P.A. 99-604 (regulation of travel expenses), and the Grant Accountability and Transparency Act (GATA), 30 ILCS 708/130 (regulation of travel expenses under grants)~~. See ~~the third paragraph in f/n 13 of policy 2:125, Board Member Compensation; Expenses.~~

105 ILCS 5/10-22.32 states that "[t]he school board may advance to teachers and other certified employees the anticipated actual and necessary expenses incurred in attending meetings that are related to that employee's duties and will contribute to the professional development of that employee." This policy expands beyond those two categories (105 ILCS 5/10-20) of employees, and the limited purpose of attending meetings, to reimburse all employees for approved expenses necessary for the employee to perform his or her duties.

The WPCA, 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~, defines *necessary expenditures* as all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of the employer.

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. If a local collective bargaining agreement contains a provision on expenses, consult the board attorney about how this policy may impact it.

<sup>2</sup> 50 ILCS 150/10, ~~added by P.A. 99-604~~. See f/ns 4 through 8 in policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

For a sample resolution, see 2:125-E3, *Resolution to Regulate Expense Reimbursements*.

<sup>3</sup> 105 ILCS 5/10-22.32. The final paragraph of this law prohibits money for expenses to be advanced or reimbursed to any person other than a board member or employee of the district.

<sup>4</sup> Optional. *Personal expenses* are not defined in 50 ILCS 150/25, ~~added by P.A. 99-604~~ or 105 ILCS 5/10-22.32. Consult the board attorney about this term and delete it only at the direction of the board attorney. Excluding personal expenses from advancements, reimbursements, and purchase orders is a generally-accepted best practice. The practice also aligns well with the State's widely-accepted transparency movement. Reimbursing personal expenses is also a magnet for the media.

<sup>5</sup> 50 ILCS 150/25, ~~added by P.A. 99-604~~.

<sup>6</sup> *Id.*

<sup>7</sup> Optional. 820 ILCS 115/9.5, added by P.A. 100-1094, ~~eff. 1-1-19~~. The purpose of this sentence is to provide information to employees and the community about WPCA exclusions from reimbursable expenses.

<sup>8</sup> 50 ILCS 150/20, ~~added by P.A. 99-604~~. The School Code uses the term *voucher* for expense advancements (105 ILCS 5/10-22.32); the ECA requires submission of itemized, signed, standardized forms. Both 5:60-E1, *Employee Expense Reimbursement Form*, and 5:60-E2, *Employee Estimated Expense Approval Form* incorporate *voucher* into the ECA's requirement to use standardized forms. See f/n 12 below, and see also f/n 20 of policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and title of the employee who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants. <sup>9</sup>
3. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended. <sup>10</sup>
4. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended. <sup>11</sup>

### Advancements

The Superintendent may advance expenses to teachers and other licensed employees for the anticipated actual and necessary expenses to be incurred while attending meetings that are related to their duties and will contribute to their professional development,<sup>12</sup> provided they fall below the maximum allowed in the Board's expense regulations. <sup>13</sup>

Expense advancement requests must be submitted to the Superintendent or designee on the District's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the District's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts.<sup>14</sup> Any portion of an expense advancement not used must be returned to the District.<sup>15</sup> Expense advancements and vouchers shall be presented to the Board in its regular bill process.

### Reimbursements and Purchase Orders

Expense reimbursements and purchase orders may be issued by the Superintendent or designee to employees, along with other expenses necessary for the performance of their duties, provided the expenses fall below the maximum allowed in the Board's expense regulations.

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Additionally, while the WPCA (820 ILCS 115/9.5(a)) allows employees to submit a signed statement regarding any receipts when supporting documentation is nonexistent, missing, or lost, 820 ILCS 115/9.5(b) outlines that employers are not liable for expenditure amounts that exceed the specifications or guidelines the employer has established for necessary expenditures. The ECA requires districts to establish such specifications and guidelines. 50 ILCS 150/10 and 20, ~~added by P.A. 99-604~~ (regulation of travel expenses).

<sup>9</sup> 50 ILCS 150/20(2) and (3). This sentence mirrors the statute. The term *offices* is not defined. Consult the board attorney about whether inserting *job titles* would be sufficient for this requirement.

<sup>10</sup> *Id.* at (4).

<sup>11</sup> *Id.*

<sup>12</sup> 105 ILCS 5/10-22.32 authorizes advancements for the listed items. This statute addresses expense advancements for certain activities; its language pre-dates the ECA and is narrower than the ECA. This policy seeks to reconcile the differences by separating advancements into a separate subhead. See *f/n* 8 above, and see also *f/n* 20 of policy 2:125, *Board Member Compensation; Expenses*, for more discussion.

<sup>13</sup> 50 ILCS 150/10 and 20, ~~added by P.A. 99-604~~. This phrase recognizes that while advancements are allowed in these situations, they should remain below the MARA set by the board.

<sup>14</sup> 50 ILCS 150/20, ~~added by P.A. 99-604~~.

<sup>15</sup> This paragraph's provisions are required by 105 ILCS 5/10-22.32.

Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses<sup>16</sup> by providing an estimation of expenses on the District's standardized estimated expense approval form for employees, except in situations when the expense is diminutive. When pre-approval is not sought, employees must seek reimbursement on the District's standardized expense reimbursement form for employees. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

#### Use of Credit and Procurement Cards

Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.

#### Exceeding the Maximum Allowable Expense Amount(s) <sup>17</sup>

All requests for expense advancements, reimbursements, and purchase orders exceeding the maximum allowed in the Board's expense regulations may only be approved when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting. <sup>18</sup>

#### Registration <sup>19</sup>

When possible, registration fees will be paid by the District in advance.

#### Travel

The least expensive method of travel will be used, provided that no hardship will be caused to the employee. Employees will be reimbursed for:

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<sup>16</sup> Optional. Consult the board attorney to determine whether a pre-approval process is appropriate for the district. Neither 105 ILCS 5/10-22.32 (expense advancements) nor 50 ILCS 150/ (expense reimbursements and estimates) address expense *pre-approvals*. 50 ILCS 150/20 states: "an *estimate* if expenses have not been incurred ..." or "a *receipt* ... if the expenses have already been incurred," suggesting no pre-approval is necessary. However, pre-approval is a best practice, and an employee who incurs expenses without pre-approval may run the risk that his or her expenses will not be approved. On the other hand, submitting estimated expenses for approval begs a pre-approval process, and some attorneys may read the law to require pre-approval of expenses. The pre-approval process also provides school officials with better information for financial planning.

Consult the board attorney to determine whether a pre-approval process is appropriate for the district. If it is required, ensure that 2:125-E3, *Resolution to Regulate Expense Reimbursements*, reflects the district's specific pre-approval requirements. For an example of a standardized *estimated* expense form that could be used as a form of pre-approval, see 5:60-E2, *Employee Estimated Expense Approval Form*. The form provides three methods for employees to submit estimated expenses: providing estimated expenses (50 ILCS 150/), expense advancements for the specific activities (105 ILCS 5/10-22.32), or a purchase order.

<sup>17</sup> 50 ILCS 150/ does not define *maximum allowable reimbursement amount* (MARA). Consult the board attorney to assist with a conversation about how much authority the board wishes to delegate to the superintendent for purposes of setting the MARA. Topics for these conversations are listed in f/n 8 of policy 2:125, *Board Member Compensation; Expenses*.

<sup>18</sup> 50 ILCS 150/10 and 15. See f/n 13 in policy 2:125, *Board Member Compensation; Expenses* for more discussion.

<sup>19</sup> Amend the language in subheads **Registration**, **Travel**, **Meals**, **Lodging**, and **Miscellaneous Expenses** to align with the MARA defined in the board's expense regulation resolution. See 2:125-E3, *Resolution to Regulate Expense Reimbursements*, for a sample resolution.

See f/n 4 and 8 in policy 2:125, *Board Member Compensation; Expenses*, for further discussion about the board's power to set the expense regulations by policy (105 ILCS 5/10-20) and clarify considerations and unanswered questions surrounding its statutorily-imposed duty to set a MARA (50 ILCS 150/10, ~~added by P.A. 99-604~~).

1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Fees for the first checked bag will be reimbursed.<sup>20</sup> Copies of airline tickets and baggage receipts must be attached to the expense form.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
5. Taxis, airport limousines, ride sharing services, or other local transportation costs.

#### Meals

Meals charged to the District should represent mid-fare selections for the hotel/meeting facility or general area.<sup>21</sup> Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

#### Lodging

Employees should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Employees should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.

#### Miscellaneous Expenses

Employees may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

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<sup>20</sup> Optional. This language reflects the standard for expenses permitted for federal awards. 41 C.F.R. §301-12.2. If the board does not reimburse baggage fees, delete this sentence and and baggage receipts from the next sentence.

<sup>21</sup> Alternatively, a board could set a daily limit on meal costs, such as:

Employees will be reimbursed for meal costs and tips up to \$\_ per day consistent with the maximum reimbursement amount(s) set by the Board.

But see also f/n 8 of policy 2:125, Board Member Compensation; Expenses, and ensure this amount is consistent with the MARA set by the board resolution.

## Additional Requirements for Travel Expenses Charged to Federal and State Grants 22

All grant-related travel expenses must be pre-approved by the Superintendent or designee. 23

Expenses for travel, including expenses for transportation, lodging, meals, and related items incurred by employees and charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must also meet the following requirements:

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award. 24
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy. 25
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official *travel status*<sup>26</sup> for more than 12 hours.<sup>27</sup> However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours. 28
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip. 29

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

22 30 ILCS 708/130. Boards are required to follow this subhead when they use grant money to reimburse employee travel expenses charged to federal pass-through grants and State grants covered by GATA. This policy is designed to be used in conjunction with 5:60-AP, *Federal and State Grant Travel Expense Procedures* to achieve compliance.

GATA adopts the uniform federal guidance for State grants, including for travel costs. 2 C.F.R. §200.474. Additionally, under GATA, boards may charge travel expenses to grants based on their own policy, provided the policy does not exceed federal travel regulations. 30 ILCS 708/130; 41 C.F.R. Chapters 300-304 (federal travel regulations). With regard to lodging, meals, and incidentals specifically, boards not only must keep costs at or below the federal standards, but they also cannot allow costs to exceed those normally allowed by the Governor's Travel Control Board (GTCB). 30 ILCS 708/130. The federal travel regulations and the rules of the GTCB are comprehensive. This policy addresses the most common areas of travel expenses and applies the strictest standard between the State and federal travel rules. To the extent this policy does not cover certain specific types of travel expenses, GATA provides that the GTCB Rules must be followed, provided they do not exceed federal travel regulations. The federal rules are laid out in detail in a Q&A format at: [www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-fttr](http://www.gsa.gov/policy-regulations/regulations/federal-travel-regulation-fttr). The GTCB Rules are at: [www.ilga.gov/commission/jcar/admincode/080/08002800sections.html](http://www.ilga.gov/commission/jcar/admincode/080/08002800sections.html). Regardless of the federal and State rules, travel expenses must still comply with the MARA set by the Board, unless approved by the board in accordance with this policy.

In GATA and throughout the IASB Policy Reference Manual, the terms *award* and *grant* are used interchangeably. The federal regulations define and use the term *federal award* (2 C.F.R. §200.38), but awards are more commonly referred to as grants.

23 Federal travel regulations state that requests for authorization for actual expense reimbursement should be made *in advance* of travel. 2 C.F.R. §301-11.302, 5:60-E2, *Employee Estimated Expense Approval Form*, can be used as a form for pre-approval.

24 2 C.F.R. §§200.474, 200.474(b)(1).

25 2 C.F.R. §200.474(b)(2).

26 *Travel status* is not specifically defined in the federal travel regulations or in the GTCB rules, however, the Governor's Travel Council Regulation Rules, which apply to State employees and members of State boards, provide that an employee is on *travel status* while away on official business. *Travel status* begins when an employee leaves his or her work location or, if reporting directly to a destination, from the employee's residence or other location. It ends when an employee returns to his or her work location or, if reporting directly from the original destination, to the employee's residence or other location at the completion of the authorized travel. 80 Ill.Admin.Code §3000.140.

27 41 C.F.R. §301-11.1.

28 41 C.F.R. §301-10.300-10.310 are the federal regulations that address mileage reimbursement and related expenses.

29 2 C.F.R. §200.474(a).

6. Commercial airfare costs in excess of the least expensive coach or economy class are prohibited except when such accommodations would: (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Qualifying circumstances must be explained on the expense form, and Board approval of the additional expense is required. 30
7. Per diem rates and actual reimbursement amounts for mileage, meals, and lodging may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less.<sup>31</sup> These limits do not apply when: (1) an employee stays in the lowest-priced room available at or near a hotel where a conference or seminar is located or in accommodations arranged by the conference/seminar organization, or (2) lodging at or below the established rate is unavailable.<sup>32</sup> In those cases, the employee will be reimbursed for actual lodging expenses with prior approval, but in no case will the reimbursement exceed 300% of the applicable maximum per diem rate.<sup>33</sup> If a conference fee includes a meal, the meal or per diem allowance will be reduced by the actual value of the meal or the applicable meal allowance, whichever is less. 34
8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved.<sup>35</sup> The Board does not reimburse employees for collision damage waiver or theft insurance. 36
9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

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<sup>30</sup> 2 C.F.R. §200.474(e).

<sup>31</sup> To determine the lesser applicable amount, compare the State rates, available at: [www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx](http://www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx), with the federal per diem rates, available at: [www.gsa.gov/travel/plan-book/per-diem-rates](http://www.gsa.gov/travel/plan-book/per-diem-rates).

<sup>32</sup> 80 Ill.Admin.Code §2800.400; 41 C.F.R. §301-11.30.

<sup>33</sup> 41 C.F.R. §301-11.30. 300% is the maximum reimbursement amount permitted under federal travel expense regulations and may be adjusted down by the board. The board may not reimburse over the MARA even if the expense is under the 300% threshold, unless it meets the requirements of the ECA. See f/n 17, above. See 5:60-AP, *Federal and State Award Travel Expense Procedures*, for details on lodging requirements, including excessive lodging requests.

<sup>34</sup> 80 Ill.Admin.Code §2800.500.

<sup>35</sup> See 41 C.F.R. §301-10.450 for a list of authorized exceptions.

<sup>36</sup> 41 C.F.R. §301-10.451. Federal regulations prohibit reimbursement for collision damage waiver and theft insurance in part because the government has negotiated full insurance coverage into its agreements with rental companies. Similarly, the State has negotiated the cost of damage collision waivers into its preferred vendor agreement. Districts may wish to pursue similar arrangements for additional coverage. Employees will often have coverage for rental car damage through their own personal auto policies. The federal regulations permit employees on official business to be reimbursed for their out-of-pocket deductibles. Id.

LEGAL REF.: [2 C.F.R. §200.474.](#)  
[30 ILCS 708/130, Grant Accountability and Transparency Act.](#)  
50 ILCS 150/, Local Government Travel Expense Control Act.  
105 ILCS 5/10-22.32.  
820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

CROSS REF.: 2:125 (Board Member Compensation; Expenses), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards)

DRAFT

## Professional Personnel

### Substitute Teachers <sup>1</sup>

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold either a valid teaching or substitute license or short-term substitute license<sup>1</sup> and may teach in the place of a licensed teacher who is under contract with the Board.<sup>2</sup> There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows:<sup>3</sup>

1. A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 paid school days in any one school term.
2. A teacher holding a Professional Educator License<sup>4</sup> or Educator License with Stipulations<sup>5</sup> may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 paid school days.
3. A short-term substitute teacher holding a short-term substitute teaching license may teach for any one licensed teacher under contract with the District only for a period not to exceed five consecutive school days.<sup>6</sup>

The Illinois Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year, but

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<sup>1</sup> State law controls this policy's content. Policy 5:30, *Hiring Process and Criteria*, contains the requirements for pre-employment investigations, e.g., a fingerprint based criminal history records check. See also 5:30-AP2, *Investigations*. Each board may require new substitute teacher employees to furnish evidence of physical fitness to perform duties assigned and must require new substitute teacher employees to furnish evidence of freedom from communicable disease. 105 ILCS 5/24-5(b-5), added by P.A. 100-855. Evidence may consist of a physical examination, which must be performed within 90 days before the time it is presented to the board, and the substitute teacher bears the cost of the physical examination. *Id.* A new or existing substitute teacher may also be subject to additional health examinations as required by the Ill. Dept. of Public Health or by order of a local public health official. *Id.*

<sup>2</sup> 23 Ill.Admin.Code §1.790(a)(2), added by 41 Ill.Reg. 6924, requires that any individual who serves as a substitute teacher for driver's education be endorsed for driver's education pursuant to 23 Ill.Admin.Code §25.100(k), amended at 42 Ill.Reg. 8824.

<sup>3</sup> Substitute teaching licenses are governed by 105 ILCS 5/21B-20(3), amended by P.A. 100-596; 23 Ill.Admin.Code §1.790, amended at 42 Ill.Reg. 11551; and 23 Ill.Admin.Code §25.520, amended at 42 Ill.Reg. 8930.

<sup>4</sup> Professional educator licenses are governed by 105 ILCS 5/21B-20(1) and 23 Ill.Admin.Code Part 25, amended at 42 Ill.Reg. 8830.

<sup>5</sup> Educator licenses with stipulations are governed by 105 ILCS 5/21B-20(2), amended by P.A. 100-596, and 23 Ill.Admin.Code Part 25, amended at 42 Ill.Reg. 8830. 105 ILCS 5/21B-20(2)(E), amended by P.A. 100-13, permits an individual who holds a valid career and technical educator endorsement on an Educator License with Stipulations but who does not hold a bachelor's degree to substitute teach in career and technical education classrooms. Similarly, 105 ILCS 5/21B-20(2)(F), amended by P.A. 100-13, permits an individual who holds a provisional or part-time provisional career and technical educator endorsement on an Educator License with Stipulations but who does not hold a bachelor's degree to substitute teach in career and technical education classrooms.

<sup>6</sup> 105 ILCS 5/21B-20(4), added by P.A. 100-596. Districts may not hire a short-term substitute teacher for teacher absences lasting six or more days. *Id.*

not more than 100 paid days in the same classroom. Beginning July 1, 2021~~0~~, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.<sup>7</sup>

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.<sup>8</sup>

#### Short-Term Substitute Teachers<sup>9</sup>

A short-term substitute teacher must hold a valid short-term substitute teaching license and have completed the District's short-term substitute teacher training program.<sup>10</sup> Short-term substitutes may teach no more than five consecutive school days for each licensed teacher who is under contract with the Board.<sup>11</sup>

#### Emergency Situations<sup>12</sup>

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education within five business days after the employment of a substitute teacher in an emergency situation.

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<sup>7</sup> 40 ILCS 5/16-118, amended by P.A.s 100-596 and 101-645 (specifying permissible paid days and hours for TRS annuitants), and 16-150.1, amended by P.A. 101-49 (TRS annuitants may return to teaching in a subject shortage area until 6-30-21). Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center."

<sup>8</sup> If a board provides substitute teachers other benefits, it may consider listing them here.

<sup>9</sup> 105 ILCS 5/21B-20(4), added by P.A. 100-596, governs Short-Term Substitute Teaching Licenses, which may be issued from 7-1-18 until 6-30-23. Short-Term Substitute Teaching Licenses are not eligible for endorsements. *Id.* Applicants for a Short-Term Substitute Teaching License must hold an associate's degree or have completed at least 60 credit hours from a regionally accredited institution of higher education. Individuals who have had their Professional Educator License or Educator License with Stipulations suspended or revoked are not eligible to be short-term substitutes. *Id.* Short-term substitutes may not be hired for teacher absences lasting six or more days. *Id.* 105 ILCS 5/21B-20(4) repeals on 7-1-23.

<sup>10</sup> 105 ILCS 5/10-20.68, added by P.A. 100-596, requires boards to conduct this training. This requirement provides an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for a short-term substitute teacher training program that provides individuals who hold a Short-Term Substitute Teaching License with information on curriculum, classroom management techniques, school safety, and district and building operations. See also 5:220-AP, *Substitute Teachers*, and *f/n* 3 in 5:220-AP. These expectations will be most effective when they reflect local conditions and circumstances. Training and curriculum for a short-term substitute teacher training program may be subjects of mandatory collective bargaining, therefore consulting with the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new programs for staff without first offering to negotiate them with the applicable exclusive bargaining representative.

School boards may choose to also offer this training program to individuals who hold a Substitute Teaching License and/or substitute teachers holding a Professional Educator License. This provision repeals on 7-1-23.

<sup>11</sup> See *f/n* 6.

<sup>12</sup> 105 ILCS 5/21B-20(3). An *emergency situation* is defined as one where an unforeseen vacancy has occurred and (i) a teacher is unable to fulfill his or her contractual duties, or (ii) the district's teacher capacity needs exceed previous indications and the district is actively engaged in advertising to hire a fully licensed teacher for the vacant position.

Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

LEGAL REF.: 105 ILCS 5/10-20.68, 5/21B-20(2), 5/21B-20(3), and 5/21B-20(4).  
23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teaching License).

CROSS REF.: 5:30 (Hiring Process and Criteria)

## Students

### Harassment of Students Prohibited 1

#### Bullying, Intimidation, and Harassment Prohibited

No person, including a ~~School~~ District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity<sup>2</sup>; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of

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<sup>1</sup> State or federal law requires this subject matter be covered by policy, controls this policy's content, and 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-531, requires that every two years, each district within an Illinois county served by an accredited Children's Advocacy Center review all its existing sexual abuse investigation policies and procedures to ensure consistency with 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531. Each district must also have a policy on bullying, 105 ILCS 5/27-23.7, amended by P.A. 100-137; see ~~sample policy~~ 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

This policy's list of protected classifications is identical to the list in 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. The protected classifications are found in 105 ILCS 5/27-23.7(a); 775 ILCS 5/1-103, amended by P.A. 101-221, ~~eff. 4-1-20~~; and 23 Ill.Admin.Code §1.240.

The list of protected classifications in sample policy 7:10, *Equal Educational Opportunities*, is different – it does not contain the classifications that are exclusively identified in the bullying statute, 105 ILCS 5/27-23.7.

The Ill. Human Rights Act (IHRA) and an ISBE rule prohibit schools from discriminating against students on the basis of sexual orientation and gender identity, 775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240. *Sexual orientation* is defined as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). *Gender identity* is included in the definition of sexual orientation in the Act. The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103. 775 ILCS 5/1-102(A), added *order of protection status* to its list of protected categories. The IHRA's jurisdiction is specifically limited to: (1) failing to enroll an individual, (2) denying access to facilities, goods, or services, or (3) failing to take corrective action to stop severe or pervasive harassment of an individual. 775 ILCS 5/5-102.2.

<sup>2</sup> See ~~Item 2~~ in sample policy 7:10, *Equal Educational Opportunities*, for a discussion about Executive Order (EO) 2019-11 establishing the Affirming and Inclusive Schools Task Force (Task Force) that made policy and administrative procedure recommendations to the Ill. State Board of Education (ISBE) that are discussed in a file publication *Sample District Policy and Administrative Procedures* at [www.isbe.net/supportforstudents](http://www.isbe.net/supportforstudents).

For boards that want to incorporate ISBE's sample policy recommendation, insert the following in place of "gender identity": gender; gender identity (whether or not traditionally associated with the student's sex assigned at birth).

If the board inserts this option, it must also insert the options in ~~Items 2 and 7~~ of policy 7:10, *Equal Educational Opportunities*. BUT NOTE THE PROTECTED STATUSES LIST IN THIS POLICY IS DIFFERENT AND SHOULD NOT BE COPIED FROM HERE INTO 7:10, *EQUAL EDUCATIONAL OPPORTUNITIES*.

property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.<sup>3</sup>

Commented [MB1]: Formerly footnote 2.

#### Sexual Harassment Prohibited

The District shall provide an educational environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. Sexual harassment of students is prohibited.<sup>4</sup> See policies 2:265, Title IX Sexual Harassment Grievance Procedure, and 2:260, Uniform Grievance Procedure.

Commented [MB2]: Formerly footnote 3.

Any person, including a district employee or agent, or student, engage in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and/or engages in other verbal or physical conduct, including sexual violence, of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or

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<sup>3</sup> This list of examples of prohibited conduct is optional. While hate speech is not specifically mentioned in this paragraph, any hate speech used to harass or intimidate is banned. Hate speech without accompanying misconduct may be prohibited in response to actual incidences when hate speech interfered with the educational environment. West v. Derby Unified Sch. Dist., 206 F.3d 1358 (10th Cir. 2000).

<sup>4</sup> Two laws apply to sexual harassment of students in Illinois. Title IX of the Education Amendments of 1972 (Title IX) and the IHRA prohibits discrimination on the basis of sex and sexual harassment in any educational program or activity receiving federal financial assistance. 20 U.S.C. §1681. Title IX defines sexual harassment as conduct on the basis of sex that meets one or more of the following: (1) a district employee conditions the providing of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it denies a person equal access to the District's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in federal law, 34 C.F.R. §106.30. For purposes of Title IX, sexual harassment of students includes acts of sexual violence. See sample policy 2:265, Title IX Sexual Harassment Grievance Procedure, and sample policy 2:260-11, Title IX Sexual Harassment Grievance of Terms. Consult the board attorney to ensure the non-discrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon sexual violence under Title IX's sexual harassment umbrella. Guidance: See sample procedure 2:265-AP1, Title IX Sexual Harassment Response, and 2:265-AP2, Revised Title IX Sexual Harassment Complaint Grievance Process. Documents highlight appropriate responses to sexual violence under Title IX. See also 7 in policy 2:260, Uniform Grievance Procedure for a listing and links to these documents.

The sample policy's definition of sexual harassment does not distinguish between welcome and unwelcome behavior—each is prohibited if it has a result described in our paragraph 1 or 3. See Mary M. v. North Lawrence Community Sch. Corp., 181 F.3d 1226 (7th Cir. 1999) (An eighth-grade student did not need to show that a school employee's sexual advances were unwelcome in order to prove sexual harassment).

The IHRA prohibits any district employee or agent from sexually harassing a student, and defines sexual harassment as any unwelcome sexual advances or requests for sexual favors made to a student, or any conduct of a sexual nature toward a student, when: (1) such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or (2) the district employee or agent either explicitly or implicitly makes the student's submission to or rejection of such conduct as a basis for making various educational-related determinations. 775 ILCS 5/5A-201(A).

School districts are liable for damage awards for an employee's sexual harassment of a student in limited situations. Liability occurs only when a district official who, at a minimum, has authority to institute corrective action, has actual notice of and is deliberately indifferent to the employee's misconduct. Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998). Schools are liable in student-to-student sexual harassment cases when school agents are deliberately indifferent to sexual harassment, of which they have actual knowledge that is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school. Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999). The Ill. Dept. of Human Rights investigates charges of sexual harassment in violation of the IHRA, and it is a civil rights violation whenever the jurisdiction over allegations that a school district failed to take corrective or disciplinary action against an employee the district has an obligation to stop severe or pervasive sexual harassment of an individual based upon a protected category. 775 ILCS 5/5A-102.2.

2. Has the purpose or effect of:

- a. Substantially interfering with a student's educational environment;
- b. Creating an intimidating, hostile, or offensive educational environment;
- c. Depriving a student of educational aid, benefits, services, or treatment; or
- d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms *intimidating*, *hostile*, and *offensive* include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. The term *sexual violence* includes a number of different acts. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

#### Making a Report or Complaint

Students are encouraged to promptly report claims or incidences of bullying, intimidation, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member/employee with whom the student is comfortable speaking.<sup>5</sup> A student may choose to report to an employee/person of the student's same sex/gender.

Commented [MB3]: Formerly footnote 4.

~~An allegation that a student was a victim of any prohibited conduct perpetrated by school personnel, including a school vendor or volunteer, shall be processed and reviewed according to policy 5:90, *Abused and Neglected Child Reporting*, in addition to any response required by this policy. Reports under this policy will be considered a report under Board policy 2:260, *Uniform Grievance Procedure*, and/or Board policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. The Nondiscrimination Coordinator and/or Complaint Manager shall process and review the report according to the appropriate grievance procedure.~~<sup>6</sup>

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>5</sup> Using "or any ~~staff member/employee~~ with whom the student is comfortable speaking" is consistent with 21CS0, *Prevention of and Response to Bullying, Intimidation, and Harassment*, ~~which complies with Title IX regulations providing that "any employee" of an elementary or secondary school who has notice of sexual harassment or allegations of sexual harassment is deemed to have actual knowledge which triggers a district's duty to respond.~~ 34 C.F.R. §106.30. By including "any ~~staff member/employee~~" in this list, 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.

<sup>6</sup> ~~If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, supplement this sentence to state "The Nondiscrimination Coordinator, Title IX Coordinator, and/or Complaint Manager shall process and review the report according to the appropriate grievance procedure."~~

~~7 At least one of these individuals will be female, and at least one will be male. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator. 8~~

Commented [MB4]: Formerly footnote 5.

**Nondiscrimination Coordinator:**

Same as per policy 2:260

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Email \_\_\_\_\_  
Telephone \_\_\_\_\_

**Complaint Managers:**

Same as per policy 2:260

Same as per policy 2:260

Name _____	Name _____
Address _____	Address _____
Email _____	Email _____
Telephone _____	Telephone _____

The Superintendent shall use reasonable measures to inform staff members and students of this policy by including:

1. For students, age-appropriate information about the contents of this policy in the District's student handbook(s), on the District's website, and, if applicable, in any other areas where policies, rules, and standards of conduct are otherwise posted in each school. 9

Commented [MB5]: Formerly footnote 7.

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~~7 Title IX regulations require districts to identify the person, address, and telephone number of the individual responsible for coordinating the district's compliance efforts. The U.S. Dept. of Education's Office for Civil Rights prefers that school districts make Title IX information and coordinator visible to the community, and it has provided materials designed to remind schools of their obligation to designate a Title IX coordinator. Those materials include: (a) a Dear Colleague Letter on Title IX Coordinators; (b) a Letter to Title IX Coordinators that provides them with more information about their role; and (c) a Title IX Resource Guide that includes an overview of Title IX's requirements with respect to several key issues. See [www2.ed.gov/policy/rights/guid/ce/title-ix-coordinators.html](http://www2.ed.gov/policy/rights/guid/ce/title-ix-coordinators.html).~~

While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

Each district must communicate its bullying policy to students and their parents/guardians. 105 ILCS 5/27-23.7, amended by P.A. 100-137; see [sample policy 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment](#).

~~8 Title IX regulations require districts to identify the name, office address, email address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator." supplement the previous sentence to state "The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers." Then, list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.~~

7:20

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2. For staff members, this policy in the appropriate employee handbook(s), if applicable, and/or in any other areas where policies, rules, and standards of conduct are otherwise made available to staff.

#### Investigation Process

~~Supervisors, Building Principals, or administrators~~ Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager.<sup>10</sup> ~~Any employee-supervisor or administrator~~ who fails to promptly comply may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational environment that is productive, respectful, and free of unlawful discrimination, including harassment.

~~The District shall investigate alleged harassment of students when the Nondiscrimination Coordinator or a Complaint Manager becomes aware of an allegation, regardless of whether a written report or complaint is filed.~~

~~For any report or complaint alleging sexual harassment that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. 61681 et seq.), the Nondiscrimination Coordinator or designee<sup>11</sup> shall consider whether action under policy 2:265, Title IX Sexual Harassment Grievance Procedure, should be initiated.~~

~~For any other alleged student harassment that does not require action under policy 2:265, Title IX Sexual Harassment Grievance Procedure, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under policies 2:260, Uniform Grievance Procedure, and/or 7:190, Student Behavior, should be initiated regardless of whether a written report or complaint is filed.~~

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>9</sup> In addition to notifying students of ~~the policies 2:260, Uniform Grievance Procedure, and 2:265, Title IX Sexual Harassment Grievance Procedure~~, a district must notify them of the ~~name, office address, email address, and telephone number of district's Title IX Coordinator~~ ~~person(s) designated to coordinate the district's compliance with Title IX~~. 34 C.F.R. ~~Part 106.8(a)~~, 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-418, ~~eff. 1-1-20~~, requires districts to maintain and implement an age-appropriate policy on sexual harassment that is included in the school district's student handbook, as well as on a district's website and, if applicable, other areas where such information is posted in each school. The law does not expressly state that the age-appropriate policy is for students; however, that is the most logical interpretation. In practice, most districts maintain a student handbook for each building. Because the law only requires one policy, this policy manages the age-appropriate requirement by directing age-appropriate explanations of the policy be included in the building-level student handbook(s). Student handbooks can be developed by the building principals, but should be reviewed and approved by the superintendent and school board.

The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: [www.ilprincipals.org/resources/model-student-handbook](http://www.ilprincipals.org/resources/model-student-handbook).

<sup>10</sup> ~~If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, supplement this sentence to state "Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator, Title IX Coordinator, or a Complaint Manager."~~

<sup>11</sup> ~~"Nondiscrimination Coordinator or designee" is used where Title IX is potentially implicated. In contrast, if Title IX is likely not implicated then "Nondiscrimination Coordinator or a Complaint Manager or designee" is used (see next paragraph in policy text). If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, delete "Nondiscrimination" and insert "Title IX" in its place.~~

Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel<sup>12</sup>

Commented [MB6]: Formerly footnote 8.

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.<sup>13</sup>

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to policy 5:90, *Abused and Neglected Child Reporting*, in addition to reporting the suspected abuse, the complaint shall also be processed under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, or policy 2:260, *Uniform Grievance Procedure* any response required by this policy.

Enforcement

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any third party who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the behavior policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Retaliation Prohibited

Retaliation against any person for bringing complaints or providing information about harassment is prohibited (see policies 2:260, *Uniform Grievance Procedure*, and 2:265, *Title IX Sexual Harassment Grievance Procedure*).

Students should report allegations of retaliation to the Building Principal, an administrator, the nondiscrimination coordinator, and/or a Complaint Manager.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>12</sup> Required for districts located within a county served by an accredited Children's Advocacy Center (CAC). Delete this subhead if your school district is within a county not served by an accredited Children's Advocacy Center (CAC). 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531, governs the investigation of an alleged incident of sexual abuse of any child within any Illinois counties served by a CAC. For a map of accredited CACs, and to identify a CAC that may serve your district, see [www.childrensadvocacycentersofillinois.org/about/amp](http://www.childrensadvocacycentersofillinois.org/about/amp). For further discussion see fn 14 in policy 5:90, *Abused and Neglected Child Reporting*.

<sup>13</sup> 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531. For further discussion see fn 14 in policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.: 20 U.S.C. §1681 *et seq.*, Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.  
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.  
775 ILCS 5/1-101 *et seq.*, Illinois Human Rights Act.  
23 Ill.Admin.Code §1.240 and Part 200.  
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).  
Franklin v. Gwinnett Co. Public Schs., 503 U.S. 60 (1992).  
Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).  
West v. Derby Unified Sch. Dist. No. 260, 206 F.3d 1358 (10th Cir. 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), **2:265 (Title IX Sexual Harassment Grievance Procedure)**, 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:240 (Conduct Code for Participants in Extracurricular Activities)

## Students

### Attendance and Truancy 1

#### Compulsory School Attendance 2

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age.

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to policy 7:90, Release During School Hours (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical safety or health or safety, or other reason as approved by the Superintendent or designee. 3

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> State law requires boards to adopt a policy covering some of the topics herein and controls this policy's content. 105 ILCS 5/26-13 requires a policy identifying supportive services and available resources for *truants* and *chronic truants* (defined in 105 ILCS 5/26-2a, amended by P.A. 100-918). 23 Ill.Admin.Code §1.290 requires the same plus that the policy contain a definition of *valid cause* for absence in accordance with 105 ILCS 5/26-2a and a description of diagnostic procedures to identify the cause(s) of unexcused student absenteeism.

<sup>2</sup> 105 ILCS 5/26-2, amended by P.A. 100-825, addresses enrolled students below or over set compulsory attendance ages. The law also requires any persons having custody or control of a child who is enrolled in grades kindergarten through 12 in the public school to cause the child to attend school.

105 ILCS 5/26-1 contains the compulsory school age exemptions. Each listed exception is specifically included in the statute, except the reference to *home school*. See 7:40, *Nonpublic School Students, Including Parochial and Home-Schooled Students*, regarding assigning students who enroll from a non-public school. See 6:150, *Home and Hospital Instruction*, regarding providing instruction to a pregnant student or other student who is medically unable to attend school.

<sup>3</sup> These reasons are in 105 ILCS 5/26-2a, amended by P.A. 100-810, except that (1) "other reason as approved by the Superintendent," and (2) absences for students to vote authorized by 10 ILCS 5/7-42 and 5/17-15, amended by P.A. 101-624, eff. 6-1-20 were added. An Ill. State Board of Education (ISBE) rule requires that the absenteeism and truancy policy defines valid causes for absence. 23 Ill.Admin.Code §1.290.

For elementary districts, delete the following phrase from the second sentence of this paragraph: "voting pursuant to policy 7:90, Release During School Hours (10 ILCS 5/7-42 and 5/17-15)," and delete 7:90, Release During School Hours, from the Cross References.

For high school and unit districts that do not wish to include the Voting subhead in policy 7:90, Release During School Hours, amend the second sentence of this paragraph as follows: "-policy 7:90, Release During School Hours (the Election Code, 10 ILCS 5/7-42 and 5/17-15.)" and delete 7:90, Release During School Hours from the Cross References.

## Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified. <sup>4</sup>
2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran. <sup>5</sup>
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. <sup>6</sup>
4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification. <sup>7</sup>
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in [the School Code, Section 105 ILCS 5/26-2a](#).
6. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem. <sup>8</sup>

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<sup>4</sup> Any child "necessarily and lawfully employed" may be exempted from attendance by the superintendent "on certification of the facts by and the recommendation of the school board." 105 ILCS 5/26-1. The policy's language serves to delegate this "certification of the facts" to the superintendent or designee. The following option allows a board to consider and include specific criteria in the policy:

A student may be excused, at the Superintendent's discretion, when: (1) the student has a last period study hall, (2) the parent/guardian provides written permission, (3) the student's employer provides written verification of employment, (4) the student provides evidence of a valid work permit, or (5) other reason deemed justifiable by the Superintendent.

Child Labor laws include: 29 C.F.R. Part 570 (minimum age standards, occupations, conditions, etc.); 820 ILCS 205/ (child labor laws); 56 Ill.Admin.Code Part 250 (child labor regulations).

<sup>5</sup> 105 ILCS 5/26-1, ~~amended by P.A. 99-804~~. A student must notify the building principal or other administrator at least two days prior to the absence providing the date, time, and location of the military honors funeral. This requirement may be waived if the student did not receive notice at least two days in advance, but the student shall notify the administration as soon as possible of the absence.

A student whose absence is excused to sound *Taps* shall be counted in attendance for purposes of calculating the average daily attendance of students in the district. The district must allow the student reasonable time to make up school work and if school work is satisfactorily completed, the day of absence is counted as an attendance day for the student.

<sup>6</sup> 105 ILCS 5/26-1, amended by P.A. 100-185. Such a student must be granted five days of excused absences in any school year and, at the board's discretion, may be granted additional excused absences to visit the student's parent/guardian. The student and his/her parent/guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his/her return to school from the excused absence period. *Id.*

<sup>7</sup> This notification is required by 105 ILCS 5/26-3b.

<sup>8</sup> 23 Ill.Admin.Code §1.290(b)(2).

~~105 ILCS 5/10-20.63, added by P.A. 100-163, requires school districts to make feminine hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in the bathrooms of school buildings serving students in grades 6 through 12. The General Assembly found this requirement necessary because "when students do not have access to affordable feminine hygiene products, they may miss multiple days of school every month." 105 ILCS 5/10-20.63(a)(3).~~

7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, or information about community agency services.<sup>9</sup> See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.
8. Reasonable efforts to provide ongoing professional development to teachers, administrators, Board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement. <sup>10</sup>
9. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered. <sup>11</sup>
10. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records. <sup>12</sup>

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<sup>9</sup> 23 Ill.Admin.Code §1.290(b)(3). The School Code references to dropout prevention include: 105 ILCS 5/26-3a (regional superintendent activities and annual report); 105 ILCS 5/10-20.25a (annual report by boards); and 105 ILCS 5/1A-4(E) (ISBE report).

<sup>10</sup> 105 ILCS 5/26-18, added by P.A. 100-156, requires ~~that, beginning 7-1-18,~~ districts to collect and review chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. 105 ILCS 5/26-18(c). The review must include an analysis of chronic absence data from each attendance center. *Id.* Districts are also encouraged to: (1) provide a system of support to students at risk of reaching or exceeding chronic absence levels, i.e., those available through the Illinois Multi-tiered Systems of Support Network; and (2) make resources available to families, i.e., those available through ISBE's Family Engagement Framework, to support and engage students and their families. 105 ILCS 5/26-18(d). *Chronic absence* means "absences that total 10% or more of school days of the most recent school year, including absences with and without valid cause, as defined in Section 26-2a of this Code, and out-of-school suspensions for an enrolled student." 105 ILCS 5/26-18(a). In contrast, a *chronic or habitual truant* is "a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days." 105 ILCS 5/26-2a.

<sup>10</sup> 105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810, ~~eff 1-1-19~~.

<sup>11</sup> Use this alternative for districts in suburban Cook County: replace "Regional Office of Education" with "appropriate Intermediate Service Center."

<sup>12</sup> 105 ILCS 5/26-9 requires school officers and superintendents to assist truant officers. A minor who is reported by the regional superintendent as a chronic truant may be adjudicated a "truant minor in need of supervision" if the minor declines or refuses to fully participate in truancy intervention services. 705 ILCS 405/3-33.5.

Counties may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 10 years of age, on the parent or custodian. 55 ILCS 5/5-1078.2. Municipalities may regulate truants by ordinance and impose fines and/or community services on truants or, if the truant is under 13 years of age, on the parent or custodian. 65 ILCS 5/11-5-9. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under 65 ILCS 5/11-5-9, or that work with school districts to address truancy problems, are designated as: (a) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (b) *juvenile authorities* within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Ill. School Student Records Act, (105 ILCS 10/6(a)(6.5)). *Id.* A superintendent should consult with the board attorney before disclosing school student records to non-district entities. See 7:340-AP1, *School Student Records*, for a sample procedure for release of such records to juvenile authorities.

11. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student. <sup>13</sup>
12. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies. <sup>14</sup>

[For high school and unit districts only]

13. A process for a 17-year-old resident to participate in the District's various programs and resources for truants.<sup>15</sup> The student must provide documentation of his/her dropout status for the previous six months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, ~~Students School Admissions and Student Transfers To and From Non-District Schools~~.
14. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student. <sup>16</sup>

LEGAL REF.: 105 ILCS 5/26-1 through 16.  
705 ILCS 405/3-33.5, Juvenile Court Act of 1987.  
23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious

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<sup>13</sup> 105 ILCS 5/26-12, amended by P.A. 100-825, prohibits punitive action "unless available supportive services and other school resources have been provided to the student." In addition, "a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available support services, compel the student to return to school." *Id.*

<sup>14</sup> 105 ILCS 5/26-3a requires the district to "establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship."

This statute also requires the "clerk or secretary" of the board to quarterly report to the regional superintendent and Secretary of State the identity of students who were removed from the regular attendance roll, exclusive of transferees, because they were expelled; have withdrawn; left school; withdrew due to extraordinary circumstances; have re-enrolled in school since their names were removed from the attendance rolls; were certified to be chronic or habitual truants; or were previously certified as chronic or habitual truants who have resumed regular school attendance. The statute provides that the status of a driver's license or instructional permit will be jeopardized for a student who is the subject of this notification because of non-attendance unless the non-attendance is due to extraordinary circumstances as determined by the local district. State Superintendent Koch announced in his *Weekly Message*, 8-28-07, see **Funding & Disbursements** subhead, p.2, at: [www.isbe.net/Documents\\_Superintendent\\_Weekly\\_Message/message\\_082807.pdf](http://www.isbe.net/Documents_Superintendent_Weekly_Message/message_082807.pdf), that ISBE is delaying implementing this statute based upon legal guidance from the U.S. Dept. of Education's Family Policy Compliance Office that its implementation would violate the federal Family Educational Rights and Privacy Act.

<sup>15</sup> A district must allow this participation; the length of the drop-out period and the documentation requirement contained in the next sentence are permissive. 105 ILCS 5/26-14.

<sup>16</sup> Optional, but provided in 105 ILCS 5/26-2(c)(3), amended by P.A. 100-825; ISBE's rule controls the appeal process, 23 Ill.Admin.Code §1.242.

| Instruction/Observance), [7:90 \(Release During School Hours\)](#), 7:190 (Student Behavior), 7:340 (Student Records)

DRAFT

| 7:70

## Students

### Release During School Hours 1

For safety and security reasons, a prior written or oral consent of a student’s custodial parent/guardian is required before a student is released during school hours: (1) at any time before the regular dismissal time or at any time before school is otherwise officially closed, and/or (2) to any person other than a custodial parent/guardian.

### Early Dismissal Announcement

The Superintendent or designee shall make reasonable efforts to issue an announcement whenever it is necessary to close school early due to inclement weather or other reason.

[For high school and unit districts only]

### Voting 2

The Superintendent or designee shall specify the hours during which students who are entitled to vote at a primary, general, or special election, or any election at which propositions are submitted to a popular vote in Illinois, may be absent from school for a period of two hours to vote. Students are entitled to be absent from school to vote beginning the 15th day before the primary, general, or

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**1** This sample policy and its contents are discretionary with each school board. Sample PRESS policy 4:170, *Safety*, authorizes the Superintendent to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property.

Planning for unforeseen early dismissals furthers a positive parent-school relationship and reduces the possibility of unsupervised children. According to this sample policy’s introductory section, the school does not need prior parental consent before releasing students for an early dismissal even when it is unforeseen. The second section, however, requires the superintendent or designee to use *reasonable efforts* to announce an early dismissal. The *reasonable efforts* could be satisfied, for example, by a website posting, telephone chain notification, or recorded message on the school’s telephone.

**2** Optional. While 10 ILCS 5/7-42(b) and 5/17-15(b), amended by P.A. 101-624, eff. 6-1-20, do not require this information to be in policy, including it aligns with best practice (ensuring compliance and aligning with good governance principles).

Including it also serves several policy functions and purposes: ensuring legal compliance, directing or authorizing the superintendent or staff members, and/or providing information.

To implement this law, each board and superintendent may wish to engage in a conversation about balancing the students’ right to be absent from school with the district’s attendance and safety and security goals and its right to minimize disruption to the educational process and/or ensure orderly operation of a school. Factors affecting implementation will depend upon a board’s local conditions and the community expectations that may include, but not be limited to: (1) the board attorney’s recommendations, (2) the district’s budget parameters, if any, for any increased security needs during the 15 days before and the day of the qualifying elections, (3) each individual building’s unique needs, and (4) the community’s expectations.

The superintendent and building principal may implement this policy differently in different buildings. Once the board and superintendent or designee determine implementation logistics, these should be communicated in student handbooks. A comprehensive student handbook can provide notice of the school’s conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Ill. Principals Association maintains a handbook service that coordinates with PRESS material. *Online Model Student Handbook (MSH)*, at: [www.ilprincipals.org/resources/model-student-handbook](http://www.ilprincipals.org/resources/model-student-handbook).

For high school and unit districts not wanting to include this subhead, delete it and the Legal Reference to it in this policy, delete it from the Cross References in policy 7:70, *Attendance and Truancy*, and follow the instructions listed in paragraph three of fn 3 of policy 7:70, *Attendance and Truancy*.

special election, or any election at which propositions are submitted to a popular vote in Illinois, or on the day of such election.

LEGAL REF.: 10 ILCS 5/7-42(b) and 5/17-15(b). Election Code.

**CROSS REF.: 4:170 (Safety)**

DRAFT

## Students

### Teen Dating Violence Prohibited 1

Engaging in teen dating violence that takes place at school, on school property, at school-sponsored activities, or in vehicles used for school-provided transportation is prohibited.<sup>2</sup> For purposes of this policy, the term *teen dating violence* occurs whenever a student who is 13 to 19 years of age uses or threatens to use physical, mental, or emotional abuse to control an individual in the dating relationship; or uses or threatens to use sexual violence in the dating relationship.<sup>3</sup>

The Superintendent or designee shall develop and maintain a program to respond to incidents of teen dating violence that:<sup>4</sup>

1. Fully implements and enforces each of the following Board policies:<sup>5</sup>
  - a. 2:260, Uniform Grievance Procedure. This policy provides a method for any student, parent/guardian, employee, or community member to file a complaint if he or she believes that the School Board, its employees, or its agents have violated his or her rights under the State or federal Constitution, State or federal statute, Board policy, or various enumerated bases.
  - b. 2:265, Title IX Sexual Harassment Grievance Procedure. This policy prohibits any person from engaging in sexual harassment in violation of Title IX of the Education Amendments of 1972. Prohibited conduct includes but is not limited to sexual assault, dating violence, domestic violence, and stalking.
  - a-c. 7:20, Harassment of Students Prohibited. This policy prohibits any person from harassing, intimidating, or bullying a student based on the student's actual or perceived characteristics of sex; sexual orientation; gender identity; and gender-related identity or expression (this policy includes more protected statuses).

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> All school boards must have a policy on teen dating violence. 105 ILCS 110/3.10. This sample policy is designed to align with a district's already-existing procedures for reporting bullying and school violence. See *f/n 7*. The curriculum components for teen dating violence education, which apply to districts with students enrolled in grades 7 through 12, are listed in 6:60-AP, *Comprehensive Health Education Program*.

<sup>2</sup> 105 ILCS 110/3.10(b)(1). School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus conduct is much more limited than incidents that occur on school grounds. However, school officials may generally: (1) remove a student from extracurricular activities when the conduct code for participation requires students to conduct themselves at all times as good citizens and exemplars of the school (see *sample policy 7:240, Conduct Code for Participants in Extracurricular Activities*); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations.

<sup>3</sup> 105 ILCS 110/3.10(a). For districts that wish to broaden the ages (e.g., perhaps include 11-12 year olds in a middle school setting), delete the following phrase from the first sentence: "~~who is 13 to 19 years of age~~". The law defines *dating* or *dating relationship* as an "ongoing social relationship of a romantic or intimate nature between two persons." The terms do not include "a casual relationship or ordinary fraternization between two persons in a business or social context."

<sup>4</sup> Required by 105 ILCS 110/3.10(b)(3).

<sup>5</sup> Be sure the referenced board policies, as adopted locally, contain the language paraphrased in this policy. If not, either substitute similar language from the locally adopted board policies on the same topics, or just insert the titles from relevant locally adopted policies.

The statutory content requirements for a teen dating policy include "establish[ing] procedures for the manner in which employees of a school are to respond to incidents of teen dating violence." This policy fulfills this requirement by incorporating by reference the following administrative procedure: 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying*. This means that 7:180-AP1 should be considered to be part of this policy.

- b.d. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. This policy prohibits students from engaging in bullying, intimidation, and harassment at school, school-related events and electronically. Prohibited conduct includes threats, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.
2. Encourages anyone with information about incidents of teen dating violence to report them to any of the following individuals: 6
    - a. Any school staff member. School staff shall respond to incidents of teen dating violence by following the District's established procedures for the prevention, identification, investigation, and response to bullying and school violence. 7
    - b. The Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager identified in policy 7:20, *Harassment of Students Prohibited*. 8
  3. Incorporates age-appropriate instruction in grades 7 through 12, in accordance with the District's comprehensive health education program in Board policy 6:60, *Curriculum Content*. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*. 9
  4. Incorporates education for school staff, as recommended by the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager. 10
  5. Notifies students and parents/guardians of this policy. 11

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>6</sup> 105 ILCS 110/3.10(b)(4), requires the policy to identify by job title which school officials are responsible for receiving reports related to teen dating violence.

<sup>7</sup> *Id.* at f/ns 5 ~~and~~ 6. Sexual violence is one listed component of teen dating violence. 105 ILCS 110/3.10(a). Sexual violence has also been found by the Ill. Gen. Assembly to be a component of bullying and school violence. 105 ILCS 5/27-23.7. Thus, identifying *any school staff member* is consistent with 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying*, which uses the student-friendly reporting system outlined in 7:180-AP1, E2, *Be a Hero by Reporting Bullying*.

<sup>8</sup> *Id.* Under any reporting system, a report involving bullying and school violence that is based upon a protected status (often teen dating violence will involve conduct based upon the target's sex) must be referred to the district's Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager (7:20, *Harassment of Students Prohibited*). Customize this list to reflect local conditions. These individuals may also take reports directly from students.

<sup>9</sup> Required by 105 ILCS 110/3.10(b)(2). The curriculum-specific components for teen dating violence education are listed in 6:60-AP, *Comprehensive Health Education Program*.

<sup>10</sup> *Id.* For boards that add the optional paragraphs in policy 5:100, *Staff Development Program*, add the phrase "and policy 5:100, *Staff Development Program*."

<sup>11</sup> Required by 105 ILCS 110/3.10(b)(5). Boards must communicate this policy to students and their parents/guardians. This may be accomplished, in part, by (1) sending 7:185-E, *Memo to Parents/Guardians Regarding Teen Dating Violence*, and (2) amending the district's anti-bullying campaign statement(s), such as the following, in the student handbook and school website:

Bullying, teen dating violence, intimidation, and harassment are not acceptable in any form and will not be tolerated at school or any school-related activity. The School District will take disciplinary action against any student who participates in such conduct or who retaliates against someone for reporting incidents of bullying, teen dating violence, intimidation, or harassment.

Incorporated  
by Reference: 7:180-AP1, (Prevention, Identification, Investigation, and Response to Bullying-)

LEGAL REF.: 105 ILCS 110/3.10.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:100 (Staff Development Program), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities)

## Students

### Student Behavior 1

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society. <sup>2</sup>

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<sup>1</sup> All districts must have a policy on student discipline, including school searches and bullying prevention (105 ILCS 5/10-20.14); re-engagement of students returning from an exclusionary discipline or an alternative school (105 ILCS 5/10-22.6(b-25)); and corporal punishment (105 ILCS 5/24-24). See also 23 Ill.Admin.Code §1.280. See the Cross References for policies on searches and bullying. Each district must furnish a copy of the discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after starting classes for a student who transfers into the district. 105 ILCS 5/10-20.14(a). The school board must require that each school inform its pupils of the discipline policy's contents. *Id.*

School boards, along with the parent-teacher advisory committee, must annually review their pupil discipline policies, those policies' implementation, and any other factors related to the safety of their schools, students, and staff. *Id.* For more information about the parent-teacher advisory committee, see 2:150, *Committees*. The parent-teacher advisory committee, in cooperation with local law enforcement agencies, must develop, with the school board, a reciprocal reporting system. 105 ILCS 5/10-20.14(b). See 7:190-AP3, *Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students*. School districts are encouraged to create memoranda of understanding that define law enforcement's role in schools. See 7:190-E3, *Memorandum of Understanding*.

Given the unique concerns facing school officials, school disciplinary codes are not required to be drafted as narrowly or with the same precision as criminal statutes. *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675 (1986).

<sup>2</sup> The goals and objectives in this policy give the board a focus for monitoring it. This list can be deleted, replaced, or modified by the board. Data on student discipline is available at: [www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx](http://www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx).

### When and Where Conduct Rules Apply <sup>3</sup>

A student is subject to disciplinary action for engaging in prohibited student conduct, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. <sup>4</sup>

### Prohibited Student Conduct <sup>5</sup>

The school administration is authorized to discipline students for gross disobedience or misconduct, including but not limited to:

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes. <sup>6</sup>

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<sup>3</sup> Board policy should provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Jurisdictional rules in board policy should generally be as broad as possible to give staff members authority to respond to unforeseen situations. Taking jurisdiction over off-campus misconduct generally survives the test of reasonableness when the misconduct has a direct nexus to the school. A countervailing interest concerns liability for off-campus student injuries, i.e., the greater the jurisdiction a district is willing to impose, the greater the scope of liability it may be assuming. Ultimately, a decision whether to discipline for off-campus misconduct requires a factual inquiry to determine the degree of nexus and impact on the school. Many decisions address disciplining a student for off-campus misconduct; for example, see: *J.S. v. Blue Mountain Sch. Dist.*, combined with *Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3d Cir. 2011), cert. denied 565 U.S. 1116 (2012)(absent evidence that parodies of school personnel caused, or could cause, substantial disruption, school districts may not punish out-of-school expressive conduct, even if it is lewd, indecent, or offensive speech).

Note that the law is different regarding participants in athletics and extracurricular activities. See policy 7:240, *Conduct Code for Participants in Extracurricular Activities*.

A judge may transfer a student to another school for committing stalking or non-consensual sexual contact against another student, or for aiding and abetting such an act; the parents/guardians are responsible for transportation and other costs associated with the transfer. Stalking No Contact Order Act and the Civil No Contact Order Act, 740 ILCS 21/80 and 22/213. A school district is seldom notified when a transfer order is requested. When notified, school officials should immediately seek the board attorney's advice concerning available options.

<sup>4</sup> The factual context will determine the appropriateness of taking jurisdiction. Contact the board attorney before disciplining a student for off-campus conduct. See *Doe v. Superintendent of Schs. of Stoughton*, 767 N.E.2d 1054 (Mass. 2002)(suspension for off-campus commission of a felony was upheld).

<sup>5</sup> Consult the board attorney for advice on deleting or modifying any of the items in this section on prohibited student conduct.

<sup>6</sup> 105 ILCS 5/10-20.5b prohibits use of tobacco on school property. Federal law prohibits smoking within schools by anyone. Pro-Children Act of 1994, 20 U.S.C. §6081 *et seq.* Districts that fail to comply risk a civil penalty of up to \$1,000 per violation per day. 20 U.S.C. §6083(f)(1). See 8:30, *Visitors to and Conduct on School Property*, for more information.

2. Using, possessing, distributing, purchasing, or selling alcoholic beverages.<sup>7</sup> Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*).<sup>8</sup>
  - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription.<sup>9</sup>
  - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription.<sup>10</sup>
  - d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited

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The U.S. Food and Drug Administration now regulates electronic cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143, amended by 81 Fed.Reg. 28973. An electronic or e-cigarette resembles a regular cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. The liquid may contain nicotine. E-cigarettes are sometimes referred to as e-cigs, vapes, e-hookahs, vape pens, and electronic nicotine delivery systems (ENDS), and they are generally involved in *vaping*. Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor that is produced by an e-cigarette or similar device. An e-cigarette resembles a cigarette and contains a battery-operated heating element that turns a liquid into a mist for inhaling. Some e-cigarettes do not look like tobacco products and are shaped like other objects, such as USB flash drives, and are more easily concealed.

Information and resources are available at:

[www.isbe.net/Pages/School-Health-Issues.aspx](http://www.isbe.net/Pages/School-Health-Issues.aspx)

[www.fda.gov/tobaccoproducts/default.htm](http://www.fda.gov/tobaccoproducts/default.htm)

[www.cdc.gov/tobacco/basic\\_information/e-cigarettes/index.htm](http://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm)

[www.dph.illinois.gov/topics-services/prevention-wellness/tobacco/e-cigarettes-and-vapes](http://www.dph.illinois.gov/topics-services/prevention-wellness/tobacco/e-cigarettes-and-vapes)

[www.drugabuse.gov/drugs-abuse/tobacconicotine-vaping](http://www.drugabuse.gov/drugs-abuse/tobacconicotine-vaping)

<sup>7</sup> *Alcoholic beverages* are defined in 235 ILCS 5/1-3.01 to 3.05.

<sup>8</sup> *Controlled substance* is defined in 720 ILCS 570/102(f); *cannabis* is defined in 720 ILCS 550/3(a) and in 410 ILCS 705/1-10, added by P.A. 101-27. Either spelling, *marihuana* or *marijuana*, is correct; however, *marijuana* is more common. See fn 11 for a discussion of medical cannabis and *Ashley's Law*.

<sup>9</sup> *Anabolic steroid* is defined in 720 ILCS 570/102(c-1).

<sup>10</sup> See policies 7:240, *Conduct Code for Participants in Extracurricular Activities*, and 7:300, *Extracurricular Athletics*.

unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*. 11

- e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form. 12
- g. *Look-alike* or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that

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11 To legally use medical cannabis, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program. 410 ILCS 130/, amended by P.A.s 100-660 and 101-363, scheduled to be repealed on 7-1-20. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis. This includes in a school bus or on the grounds of any preschool, or primary or secondary school unless the student meets the requirements of 105 ILCS 5/22-33, a/k/a *Ashley's Law*. 410 ILCS 130/30(a)(2) and (3), amended by P.A.s 100-660 and 101-363, scheduled to be repealed on 7-1-20. *Ashley's Law* provides that school districts "shall authorize a parent or guardian or any other individual registered with the Department of Public Health as a designated caregiver of a student who is a registered qualifying patient to administer a medical cannabis infused product to the student on the premises of the child's school or on the child's school bus if both the student (as a registered qualifying patient) and the parent or guardian or other individual (as a registered designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Program Act." 105 ILCS 5/22-33(b), added by P.A. 100-660 and amended by P.A. 101-363. Once the product is administered, the designated caregiver must remove the product from the school premises/bus. *Id.* 105 ILCS 5/22-33(b-5), added by 101-370, ~~eff. 1-1-20~~, allows a properly trained school nurse or administrator to administer medical cannabis infused products to a student while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. The product may not be administered in a manner that would (in the school or district's opinion) create a disruption or expose other students to the product, and schools are not required to authorize use of the product if the school or district would lose federal funding as a result. 105 ILCS 5/22-33(c), added by P.A. 100-660. For more discussion, see *f/n* 25 in 7:270, *Administering Medicines to Students*. Contact the board attorney for advice concerning medical cannabis, including whether a federal or State law requires the district to accommodate a student who is a *registered qualifying patient*. See Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*; Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 *et seq.*; Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794; 105 ILCS 5/14-1.01 *et seq.*, 5/14-7.02, and 5/14-7.02b; and 23 Ill.Admin.Code Part 226.

12 The Powdered Caffeine Control and Education Act states: "No person may sell, offer for sale, give away, or provide free samples of powdered pure caffeine to any person under age 18 located within the State or to any person under age 18 making the purchase from within the State." A limited exception to this prohibition exists for "the sale of any powdered pure caffeine product that receives explicit approval as safe and effective for its intended use under the federal Food, Drug, and Cosmetic Act or is lawfully marketed under an over-the-counter monograph issued by the United States Food and Drug Administration." 410 ILCS 647/20.

the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy. 13

- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances. 14

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

- 4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the **Weapons** section of this policy, or violating the **Weapons** section of this policy. 15
- 5. Using or possessing an electronic paging device. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off and out-of-sight during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student's individualized education program (IEP); (c) it is used during the student's lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals. 16
- 6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.

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13 *Counterfeit* and *look-alike substances* are defined in 720 ILCS 570/102(g) and (y). This provision is broader because it would apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance. Look-alike drugs should be defined; an unpublished Ill. appellate decision in 2000 found a policy prohibiting possession of *look-alikes* had vagueness problems.

14 *Drug paraphernalia* is defined in 720 ILCS 600/2(d). Contact the board attorney for advice concerning a student who is a *registered qualifying patient*, as explained in f/n 11.

15 This language is broader than the **Weapons** section of this policy. The **Weapons** section contains the statutorily required punishment for “a student who is determined to have brought” a weapon to school along with the statutory definition of *weapon*. 105 ILCS 5/10-22.6(d). The language in item #4 is broader because it prohibits “using, possessing, controlling, or transferring” a weapon in addition to violating the **Weapons** section. See the footnotes in the **Weapons** section for a discussion of the Firearm Concealed Carry Act’s provisions.

16 105 ILCS 5/10-21.10 prohibits student possession of electronic paging devices, but State law leaves to local boards the discretion whether to prohibit student possession of cellular phones. 105 ILCS 5/10-20.28. The misuse of camera phones can seriously invade a student’s privacy. A board wanting a sweeping prohibition may use the following alternative for item #5:

Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.

Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934. 47 U.S.C. §§301, 302a, and 333. Fines are as high as \$10,000 for each violation and/or imprisonment, and the device may also be seized. 47 U.S.C. §§501-510.

Making a video recording or live video transmission of another person without their consent in a restroom; locker room, or changing room is a Class 4 felony. 720 ILCS 5/26-4. A minor who distributes or disseminates an indecent visual depiction of another minor through the use of a computer or electronic communication device may be subject to adjudication as a minor in need of supervision. 705 ILCS 405/3-40.

7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct. <sup>17</sup>
10. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*. <sup>18</sup>
12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property. <sup>19</sup>
13. Entering school property or a school facility without proper authorization.

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<sup>17</sup> All districts must have a policy on bullying. 105 ILCS 5/27-23.7(d). Policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the statutory definition of bullying. Districts must also have an age-appropriate policy on sexual harassment. 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-418, ~~off. 1-1-20~~. See policy 7:20, *Harassment of Students Prohibited*, and its fn 7 for further detail.

105 ILCS 5/10-20.14 requires boards, in consultation with their parent-teacher advisory committees and other community-based organizations, to include provisions in their student discipline policy to address aggressive behavior, including bullying. These provisions must include procedures for notifying a student's parents/guardians about his/her aggressive behavior and early intervention procedures based upon available community-based and district resources. See 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

Suspending students for hazing was upheld in Gendelman v. Glenbrook North High Sch. and Northfield Township Sch. Dist. 225, 2003 WL 21209880 (N.D.Ill. 2003). This decision may have been legislatively overturned by ~~P.A. 99-456~~, amending 105 ILCS 5/10-20.14.

The failure of a school official (including any administrator, teacher, counselor, support staff, or coach) to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1.

A person commits a felony hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, transmission of obscene message, harassment by telephone, or harassment through electronic communications as these crimes are defined in the Criminal Code. 720 ILCS 5/12-7.1, amended by P.A.s 100-197 and 100-260. The penalty is heightened when the offense is committed in a school or administrative facility.

720 ILCS 5/26-1(a)(3.5) and (b) make transmitting a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

<sup>18</sup> All school boards must have a policy on prohibited teen dating violence. 105 ILCS 110/3.10. Verify that the board adopted the policy listed and amend its title in this policy, if necessary.

<sup>19</sup> 720 ILCS 5/26-1(a)(3.5) and (b) make threatening to destroy a school building or school property, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

14. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
15. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants. <sup>20</sup>
16. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member. <sup>21</sup>
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. <sup>22</sup>
18. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
19. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. <sup>23</sup>
20. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee. <sup>24</sup>
21. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. <sup>25</sup>

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<sup>20</sup> 105 ILCS 5/26-2a, amended by P.A.s 100-918 and 100-810; 5/26-9; and 5/26-12, amended by P.A.s 100-810 and 101-81. See policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*, and 7:70, *Attendance and Truancy*.

<sup>21</sup> State law requires schools to suspend or expel any student who engages in this activity. 105 ILCS 5/31-3.

<sup>22</sup> See *Kelly v. Bd. of Educ. of McHenry Community High Sch. Dist. 156*, 2007 WL 114300 (N.D.Ill. 2007)(upheld student's expulsion for drawing gang symbols while at school; testimony that the danger posed by gang signs and the presence of gangs at school supported the board's insistence on strict enforcement of board policy prohibiting gang related behavior and made expulsion a proper remedy).

<sup>740</sup> ILCS 147/15 *et seq.* allows a school district to bring a civil suit against a gang, gang officers, or gang members for losses it suffers due to their criminal activity.

<sup>23</sup> This statement of misconduct restates 105 ILCS 5/10-22.6(d-5), amended by P.A. 100-810. The following alternative provides a shorter statement but will require the administrator to check the statute before imposing discipline based on it:

Making an explicit threat on an Internet website against a school, employee, or any school-related personnel under circumstances described in 105 ILCS 5/10-22.6(d-5).

<sup>24</sup> For more information regarding unmanned aircraft systems, see [www.faa.gov/uas/](http://www.faa.gov/uas/).

<sup>25</sup> A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

If the board adopts a mandatory uniform policy (see 7:165, *School Uniforms*), add the following item to the list as number 22: "Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful."

For purposes of this policy, the term *possession* includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event. 26

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident.<sup>27</sup> The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student's parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. 28

### Disciplinary Measures 29

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions.<sup>30</sup> School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.<sup>31</sup> Potential disciplinary measures include, without limitation, any of the following: 32

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<sup>26</sup> *Possession* should be defined to avoid vagueness problems.

<sup>27</sup> See *f/n 17*.

<sup>28</sup> Mandated by 105 ILCS 5/10-20.36.

<sup>29</sup> **IMPORTANT:** The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions is illegal under 105 ILCS 5/10-22.6. This includes a system of assigning points to specific infractions and then tallying the points a student receives over a period of time to determine a disciplinary exclusion from school.

Before P.A. 99-456 amendments to 105 ILCS 5/10-22.6, courts used the following factors to determine if a board abused its discretion when it expelled a student: (1) the egregiousness of the student's conduct; (2) the record of the student's past conduct; (3) the likelihood that such conduct will affect the delivery of educational services to other students; (4) the severity of the punishment; and (5) the intent of the child. Robinson v. Oak Park, 213 Ill.App.3d (1st Dist. 1991); Wilson ex rel. Geiger v. Hinsdale Elementary Dist., 349 Ill.App.3d 243 (2nd Dist. 2004). Whether courts will continue to use these factors is yet to be determined. The amendments to enactment of P.A. 99-456 105 ILCS 5/10-22 calls into question the validity of relying on past misconduct in suspension or expulsion decisions.

Aside from procedural due process protection, students have a constitutional substantive due process right. This right protects them from an abuse of government power which "shocks the conscience." While the scope of substantive due process is very limited, it is available to students who believe they were subject to arbitrary and excessive discipline. Generally, however, school officials need not fear being found guilty of a substantive due process violation. Federal courts are loath to second-guess school officials. See Tun v. Whitticker, 398 F.3d 899 (7th Cir. 2005)(expulsion did not amount to a substantive due process violation because it fell short of the required *shocks the conscience* standard).

<sup>30</sup> 105 ILCS 5/10-22.6(b-5). In addition, subsection c-5 states, "[s]chool districts must make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates." 105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810.

<sup>31</sup> 105 ILCS 5/10-22.6(h).

<sup>32</sup> Most school attorneys advise against using a grade reduction as a disciplinary measure. A decision upholding such a policy is Knight v. Bd. of Educ., 38 Ill.App.3d 603 (4th Dist. 1976). A decision striking one is Smith v. Sch. City of Hobart, 811 F.Supp. 391 (N.D.Ind. 1993)(grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension was found unconstitutional).

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property. <sup>33</sup>
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised. <sup>34</sup>
7. After-school study or Saturday study<sup>35</sup> provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs.<sup>36</sup> The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules. <sup>37</sup>
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*. <sup>38</sup>
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*.<sup>39</sup> A student who has been suspended may also be restricted from being on school grounds and at school activities. <sup>40</sup>
12. Expulsion from school and all school activities for a definite time period not to exceed 2 calendar years in accordance with Board policy 7:210, *Expulsion Procedures*.<sup>41</sup> A student

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<sup>33</sup> While restitution is permitted, issuing a fine or fee as a disciplinary consequence is not permitted. 105 ILCS 5/10-22.6(i). Possible parental liability for damages under the Parental Responsibility Law (740 ILCS 115/5) is discussed in a footnote in sample policy 7:170, *Vandalism*.

<sup>34</sup> An in-school suspension program may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel, and districts may employ a school social worker or a licensed mental health professional to oversee in-school suspension programs. 105 ILCS 5/10-22.6(l), added by P.A. 100-1035. Providing programming during in-school suspensions is not required, however providing such programming will help distinguish them from exclusionary suspensions. See fn 3 in policy 5:230, *Maintaining Student Discipline*, for further discussion of in-school suspension programs.

<sup>35</sup> Teachers may not be required to teach on Saturdays. 105 ILCS 5/24-2.

<sup>36</sup> See *Herndon v. Chapel Hill-Carrboro City Bd.*, 89 F.3d 174 (4th Cir. 1996)(upheld policy requiring students to complete community service in order to graduate).

<sup>37</sup> Consult the board attorney for advice concerning confiscated devices. There is no binding Ill. court decision regarding school personnel seizing and retaining a student's property. The Supreme Court of Arkansas held that a teacher and principal did not violate a student's state or federal rights when they confiscated and retained a student's cell phone for two weeks for violating school rules on cell phones. *Koch v. Adams*, 361 S.W.3d 817 (Ark. 2010).

<sup>38</sup> 105 ILCS 5/10-22.6(b) and (b-30).

<sup>39</sup> A suspension may be imposed in only limited situations that vary according to the suspension's length. 105 ILCS 5/10-22.6(b-15). This is explained in sample board policy 7:200, *Suspension Procedures*, and its footnotes

<sup>40</sup> This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

<sup>41</sup> An expulsion may be imposed in only limited situations. 105 ILCS 5/10-22.6(b-20). This is explained in sample policy 7:210, *Expulsion Procedures*, and its footnotes.

who has been expelled may also be restricted from being on school grounds and at school activities. 42

13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code. 43
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), *look-alikes*, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies. 44

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion. 45

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105 ILCS 5/10-22.6(d) permits expulsion for a definite period of time not to exceed two calendar years. School officials must document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

42 This sentence is optional. A board may make this mandatory by replacing “may also be” with “shall also be.”

43 105 ILCS 5/10-22.6(a) and (b). Subsection 10-22.6(b) uses the phrase “is suspended in excess of 20 school days” even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 419 U.S. 565 (1975). An alternative program is probably available to a student who is suspended for 11 to 20 consecutive days because that student is technically expelled and, as such, qualifies under subsection (a) of Section 10-22.6. Contact the board attorney if the district wants to interpret the statute as referring to *cumulative* school days so that it can transfer a student to an alternative program upon his or her suspension in excess of 20 *cumulative* school days.

Contact the board attorney regarding the necessary due process procedures before imposing a disciplinary transfer to an alternative school. The court in *Leak v. Rich Twp. High Sch. Dist. 227* (397 Ill.Dec. 90 (1st Dist. 2015)), held that placement in an alternative school is tantamount to an expulsion. Thus, according to dicta in this decision, districts must follow expulsion procedures before a student is transferred to an alternative school. Schools may still reach agreements with parents/guardians to transfer students to such schools without completing the expulsion procedures.

The alternative program may not deny the transfer on the basis of the suspension or expulsion, except in cases in which the transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

44 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-478, ~~eff. 1-1-20~~. See policy 7:150, *Agency and Policy Interviews*.

45 **Note:** Districts that receive early childhood block grant funding (authorized by 105 ILCS 5/1C-2 of the School Code) are prohibited from expelling children from their early childhood programs. 105 ILCS 5/2-3.71(a)(7) and 105 ILCS 5/10-22.6(k), amended by P.A. 100-105. A district may, however, transition a child to a new program if: (1) it has documented evidence that all available interventions and supports recommended by a qualified professional have been exhausted; (2) the program determines that transitioning a child is necessary for the well-being of the child or his or her peers and staff; and (3) the current and pending programs create a transition plan for the child with parent or legal guardian permission. 105 ILCS 5/2-3.71(a)(7)(C). A district may temporarily remove a child from attendance in the group setting in the case of a serious safety threat to a child or others, or in the case of possession of a weapon as described in 105 ILCS 5/10-22.6(d), but it must then begin the process of documenting interventions and supports as outlined in the law. 105 ILCS 5/2-3.71(a)(7)(E). ~~As of PRESS Issue 102 (Oct. 2019), the Ill. State Board of Education (ISBE) has not adopted rules to implementing these new requirements are at 23 Ill. Admin. Code §§ 235.300-235.340. As of PRESS Issue 104 (June 2020), the ISBE forms required to document steps taken in accordance with these rules were being developed and projected to be available in late summer 2020 at: [www.isbe.net/Pages/Early-Childhood.aspx](http://www.isbe.net/Pages/Early-Childhood.aspx). Consult the board attorney for advice to ensure compliance with ISBE rules.~~ Compliance with this law does not relieve a district of its obligations to also comply with the Individuals with Disabilities Education Improvement Act of 2004 when disciplining students with disabilities. For further information, see sample policy 7:230, *Misconduct by Students with Disabilities*. For districts that receive early childhood block grant funding, add the following:

Students enrolled in the District’s State-funded preschool program(s) may be temporarily removed or transitioned to a new program in accordance with federal and State law. State law prohibits the expulsion of students from the program(s).

If this language is inserted, add 105 ILCS 5/2-3.71(a)(7) to the Legal References for this policy.

Corporal punishment is prohibited. *Corporal punishment* is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property. 46

#### Isolated Time Out, Time Out, and Physical Restraint 47

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in 105 ILCS 5/10-20.33, State Board of Education rules (23 Ill.Admin.Code §§ 1.280, 1.285), and the District's procedure(s).

#### Weapons 48

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than two calendar years:

1. A *firearm*, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm

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46 This paragraph paraphrases 105 ILCS 5/24-24.

47 ~~Isolated time out, time out, or physical restraint may be used by staff members may not use isolated time out or physical restraint unless only if~~ their use is authorized by policy and administrative procedure. 105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill.Admin.Code §§1.280(c), ~~amended at 41 Ill.Reg. 6932,~~ and 1.285. See 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. ~~The sample policy prohibits~~ allows the use of isolated time out, time out, and physical restraint ~~by not specifically permitting their use pursuant only to the conditions allowed in the School Code and ISBE rules.~~ State statute and ISBE rules contain complex restrictions on the use of isolated time out, time out, and physical restraints. 105 ILCS 5/2-3.130, 5/10-20.33, and 5/24-24; 23 Ill.Admin.Code §§1.280(c), ~~amended at 41 Ill.Reg. 6932,~~ and 1.285. According to the ISBE rule, isolated time out, time out, and physical restraints are prohibited unless allowed only if a board authorizes their use in a policy containing the numerous components identified in the rule. To comply with ISBE's rule, a board must also incorporate by reference the district's procedure, i.e., 7:190-AP4, Use of Isolated Time Out, Time Out, and Physical Restraint. By doing this, the policy includes the district's procedure. ~~For a board that wants to authorize prohibit the use of isolated time out, time out, and physical restraints should insert the paragraph below (1) delete this subhead and its contents; To comply with ISBE's rule, a board must also incorporate by reference the procedure developed by the superintendent, i.e., 7:190-AP4, Use of Isolated Time Out and Physical Restraint. By doing this, the procedure becomes part of the policy.~~

~~School staff members shall not use isolated time out and physical restraints other than as permitted in 105 ILCS 5/10-20.33, State Board of Education rules, and procedures developed by the Superintendent. Neither isolated time out nor physical restraints shall be used to discipline or punish a student.~~

~~If the above option is used, (2) amend the Legal References as follows "23 Ill.Admin.Code §§1.280, 1.285," and (3) add/delete the following before the Legal References on the final page: "Incorporated by Reference: 7:190-AP4, [Use of Isolated Time Out, Time Out, and Physical Restraint]."~~

48 This section paraphrases 105 ILCS 5/10-22.6(d) and contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon*. When preparing for a due process hearing, a principal needs to use the applicable State and federal law definitions of *firearm* – not just the School Code.

While subsection 105 ILCS 5/10-22.6(b-10) explicitly forbids zero tolerance policies, it provides an exception for those zero tolerance policies established by State or federal law, which includes weapons in school. Section 10-22.6(d) provides that a student who brings a weapon to school, as defined in the section, "shall be expelled for a period not less than one year," unless modified by the superintendent or board. The federal Gun-Free Schools Act (20 U.S.C. §7961 *et seq.*) provides for at least a one year expulsion for students who bring firearms to school. As directed by 20 U.S.C. §7961(b)(1), 105 ILCS 5/10-22.6(d), the superintendent and the board may modify that consequence; however, the superintendent/board may decline to exercise that discretion and instead impose the maximum penalty authorized by law. Analyzing the student's circumstances on a case-by-case basis may avoid a judicial finding that an expulsion is too severe. See *Washington v. Smith*, 248 Ill.App.3d 534 (1st Dist. 1993).

Item #4 in the Prohibited Student Conduct section is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the Weapons section.

Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1).

2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any *firearm* as defined above.

The expulsion requirement under either paragraph one or two above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm. 49

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area. 50

#### Re-Engagement of Returning Students 51

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit. 52

#### Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member. 53 Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, Ill. Dept. of State Police (ISP), and any involved student's

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49 Optional.

50 The Firearm Concealed Carry Act permits a properly licensed individual to carry a concealed firearm within a vehicle into a school parking area and store it a locked vehicle out of plain view. 430 ILCS 66/65(b). The federal Gun-Free Schools Act has a similar provision. 20 U.S.C. §7961(g). The School Code, however, contains no similar exception to the ban on firearms at schools. Contact the board attorney before permitting students to store their firearms in their vehicle's trunk while parked at school.

51 Required by 105 ILCS 5/10-22.6(b-25). See 7:190-AP8, *Student Re-Engagement Guidelines*.

52 A goal for re-engagement is optional. Schools must permit students who were suspended to make-up work for equivalent academic credit. 105 ILCS 5/10-22.6(b-30).

53 105 ILCS 5/10-27.1A, 5/10-27.1B, and 5/10-21.7. *School grounds* includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground. To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on IWAS for schools to report incidents electronically. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

parent/guardian.<sup>54</sup> *School grounds* includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

#### Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other certificated [licensed] educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior. <sup>55</sup>

The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to ten consecutive school days, provided the appropriate procedures are followed.<sup>56</sup> The Board may suspend a student from riding the bus in excess of ten school days for safety reasons. <sup>57</sup>

#### Student Handbook

The Superintendent, with input from the parent-teacher advisory committee,<sup>58</sup> shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

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<sup>54</sup> *Id.* State law imposes this duty to report firearm possession only on school officials; this duty may be also imposed on volunteers and community members. Only staff members, however, are vulnerable to committing a petty offense for their failure to report, and only staff members are protected from civil or criminal liability that might arise as a result of making a report (although the liability potential for anyone making a report is remote).

The building principal must notify the student's parents/guardians only when the alleged offense is firearm possession. The policy expands this notification duty; a board disinclined to do this should substitute the following sentence:

Upon receiving such a report, the Building Principal or designee shall immediately notify the applicable local law enforcement agency, Ill. Dept. of State Police (ISP), and, if a student is reportedly in possession of a firearm, also the student's parents/guardians.

<sup>55</sup> 105 ILCS 5/24-24 and 23 Ill.Admin.Code §1.280, ~~amended at 41 Ill.Reg. 6932~~, require: (1) teachers and other certificated [licensed] employees (except for individuals employed as paraprofessionals) to maintain discipline, and (2) the district to have a policy on discipline that provides that:

[A] teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for the other students, school personnel or persons or for the purpose of self defense or the defense of property, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. The policy shall not include slapping, paddling or prolonged maintenance of students in physically painful positions nor shall it include the intentional infliction of bodily harm. 105 ILCS 5/24-24.

<sup>56</sup> Required by 105 ILCS 5/10-22.6(b).

<sup>57</sup> *Id.*

<sup>58</sup> The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See 2:150, *Committees*. This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: [www.ilprincipals.org/resources/model-student-handbook](http://www.ilprincipals.org/resources/model-student-handbook).

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

Incorporated

by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)

LEGAL REF.: 20 U.S.C. §6081, Pro-Children Act of 1994.  
20 U.S.C. §7961 *et seq.*, Gun Free Schools Act.  
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10,  
5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/22-33, 5/24-24, 5/26-12, 5/27-23.7, 5/31-  
3, and 110/3.10.  
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.  
410 ILCS 647/, Powdered Caffeine Control and Education Act.  
430 ILCS 66/, Firearm Concealed Carry Act.  
23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 7:70 (Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310 (Restrictions on Publications; Elementary Schools), 8:30 (Visitors to and Conduct on School Property)

**MINOR**

## School Board

### Board Member Compensation; Expenses <sup>1</sup>

#### Board Member Compensation Prohibited <sup>2</sup>

School Board members provide volunteer service to the community and may not receive compensation for services, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides.

#### Roll Call Vote <sup>3</sup>

All Board member expense requests for travel, meals, and/or lodging must be approved by roll call vote at an open meeting of the Board.

#### Regulation of School District Expenses <sup>4</sup>

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the District by resolution.<sup>5</sup> No later than approval of the annual budget and when necessary,<sup>6</sup> the Superintendent will

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<sup>1</sup> State law controls this policy's content (105 ILCS 5/10-9, 5/10-10 and 5/22-1 (no compensation allowed, conflicts of interest prohibited); 105 ILCS 5/10-22.32 (expense advancements); and the Local Government Travel Expense Control Act (ECA), 50 ILCS 150/10, added by P.A. 99-604, eff. 1-1-17 (regulation of travel expenses); and the Grant Accountability and Transparency Act, 30 ILCS 708/130 (regulation of travel expenses under grants). The deadline for implementation of this policy under the ECA is 7-1-17, but as a practical matter, see the third paragraph of f/n 3, below.

<sup>2</sup> The legal limit for board secretary compensation is \$500. (105 ILCS 5/10-14).

<sup>3</sup> 50 ILCS 150/15, added by P.A. 99-604, eff. 1-1-17. 105 ILCS 5/10-7 also states, "[o]n all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board," i.e., a roll call vote.

Although the School Code has always required a roll call vote on public expenditures, on and after 60 days after the effective date of the ECA requires a roll call vote will also be required for any:

1. Officer or employee of the board that exceeds the maximum allowable reimbursement amount (MARA) set by the board in its resolution to regulate expenses, and or
2. Board member (50 ILCS 150/15, added by P.A. 99-604, eff. 1-1-17).

A majority of school law firms agree that the "on or after 60 days" date discussed in the paragraph above is 3-2-17. Some school law firms will use the date 3-1-17. There is also a policy component deadline "[o]n and after 180 days after the effective date of [the ECA]." That date is 6-30-17. Many school law firms opine that, as a practical matter, boards should complete both the MARA and policy requirements of the ECA by late Feb. 2017 and no later than 3-1-17. Consult the board attorney about these dates. See f/n 13, below, for more discussion about amending or adopting another resolution when expenses exceed the MARA required by the ECA.

<sup>4</sup> 50 ILCS 150/10, added by P.A. 99-604, eff. 1-1-17 requires boards to regulate the reimbursement of expenses by resolution or ordinance. Unlike like the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as policies. (105 ILCS 5/10-20.5). Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. (105 ILCS 5/10-20). Therefore, to effectuate the intent of the ECA's requirement to regulate expenses with an ordinance or resolution and stay within the confines of the School Code and best practice (minimize liability while aligning with the IASB "Foundational Principles of Effective Governance"), the language in this subhead:

1. Retains with the board its duty to regulate expenses through policy with a reference to a resolution that will define and set the types of allowable expenses in the district through the adoption of board policies 2:125, *Board Member Compensation; Expenses*, and 5:60, *Expenses* (105 ILCS 5/10-20)(see f/n 5, below);
2. Delegates to the superintendent the duty to recommend an appropriate MARA to the board for adoption in its resolution to regulate expenses (see f/n 7, below).

recommend a maximum allowable reimbursement amount for expenses to be included in the resolution.<sup>7</sup> The recommended amount should be based upon the District's budget and other financial considerations.<sup>8</sup>

Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the Board member,<sup>9</sup> (2) anyone's personal expenses,<sup>10</sup> or (3) entertainment expenses.<sup>11</sup> Entertainment includes, but is not limited to, shows, amusements, theaters, circuses,

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<sup>5</sup> Id. For a sample resolution, see 2:125-E3, *Resolution to Regulate Expense Reimbursements*. Consult the board attorney about how often the board should adopt or revisit its resolution (see f/n 6 and 8, below). For discussion about setting an annual time of year to adopt the resolution, see f/n 6, below.

<sup>6</sup> 50 ILCS 150/10, added by P.A. 99-604, eff. 1-1-17 allows boards to determine this timeline locally.

While the ECA does not require boards to adopt an annual resolution to regulate expenses, an annual review provides a way for the board to monitor this policy's implementation and its duties under the ECA and policy 2:240, *Board Policy Development*.

This sample policy uses "No later than approval of the annual budget" to align with 105 ILCS 5/17-1 (annual budget adoption within the first quarter of each fiscal year). The words *and when necessary* allow for flexibility in situations discussed in f/n 13, below (*emergency and/or an extraordinary circumstance*).

Consider consulting the board's auditors to assist with this decision. Other options for the timing of when boards should set the MARA include:

1. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each fiscal year"
2. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each school year"
3. Deleting ~~No later than approval of the annual budget~~ and replacing it with "At the start of each calendar year"  
or
4. Deleting "~~No later than approval of the annual budget~~" and replacing it with "When presenting the proposed budget"

<sup>7</sup> For practical purposes, this duty is delegated to the superintendent because:

1. The School Code:
  - a. Allows the board to delegate duties to the superintendent (105 ILCS 5/10-16.7), and
  - b. Assigns to the superintendent the duty to make recommendations to the board concerning the budget (105 ILCS 5/10-21.4); and
2. The MARA should be based upon a district's financial resources and other considerations important to the local district.

<sup>8</sup> The ECA does not define MARA or how to determine it (see the first sentence of f/n 6, above). The board and superintendent should have a conversation that addresses at minimum the following topics:

1. Should the superintendent use and refer to line items from the current budget?
2. Would the board set per diems or set a very large number for the board and/or all of the district employees – both have their advantages and disadvantages.
3. Should the board categorize MARA by activity?
4. Will it be categorized by individual responsibilities to the district or job titles/classes?
5. Should there be an amount category for each type of travel: airfare, train, automobile, taxi, etc.?
6. Will there be a special category for recurring and/or required training opportunities for teachers and board members?

These choices will depend upon many factors, including the budget, perhaps an auditor's recommendation, the community's preferences, and advice from the board attorney.

Amend the language throughout this subhead and in the fourth WHEREAS paragraph in 2:125-E3, *Resolution to Regulate Expense Reimbursements*, to reflect local preferences. Consider that inserting the actual MARA into the policy would likely require more formal continual policy updates as opposed to amending the resolution if a board needs to increase its MARA for any reason. For example, see the discussion in f/n 13, below.

<sup>9</sup> 105 ILCS 5/10-22.32. The final paragraph of this law prohibits money for expenses from being advanced or reimbursed to any person other than a board member or employee of the district.

<sup>10</sup> Optional. *Personal expenses* are not defined in 50 ILCS 150/25, added by P.A. 99-604, eff. 1-1-17 or 105 ILCS 5/10-22.32. Consult the board attorney about this term and delete it only at the direction of the board attorney. Excluding personal expenses from advancements, reimbursements, and purchase orders is a generally-accepted best practice. The practice also aligns well with the State's widely-accepted transparency movement. Reimbursing personal expenses is also a magnet for the media.

<sup>11</sup> 50 ILCS 150/25, added by P.A. 99-604, eff. 1-1-17.

sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event. 12

#### Exceeding the Maximum Allowable Reimbursement Amount(s)

All requests for expense advancements, reimbursements, and/or purchase orders that exceed the maximum allowable reimbursement amount set by the Board may only be approved by it when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting. 13

#### Advancements

The Board may advance to its members actual and necessary expenses to be incurred while attending:14

1. Meetings sponsored by the Illinois State Board of Education or by the Regional Superintendent of Schools; 15
2. County or regional meetings and the annual meeting sponsored by any school board association complying with Article 23 of the School Code; and
3. Meetings sponsored by a national organization in the field of public school education.

Expense advancement requests must be submitted to the Superintendent or designee on the Board's standardized estimated expense approval form. After spending expense advancements, Board members must use the Board's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. A Board member must return to the District any portion of an

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12 Id.

13 50 ILCS 150/10 and 15, ~~added by P.A. 99-604, eff. 1-1-17~~. A board may need to revisit its resolution to regulate expenses more often than annually if (a) an expense reimbursement amount exceeds the MARA set in the board's resolution, and (b) an *emergency* or an *extraordinary circumstance* does not exist. Consult the board attorney in these circumstances to determine whether the board may need to revisit and amend its resolution to increase the MARA before approving the expenses exceeding it.

*Emergency* or an *extraordinary circumstance* is not defined by the ECA, but these terms are meant to allow boards flexibility when expenses exceed the MARA. Yet approving expense reimbursement requests that exceed the MARA as *emergencies* or *extraordinary circumstances* when the board or superintendent "did not plan well" or "an organization's conference fees went up more than expected this year after the board adopted its resolution," may open the board to public relations and other legal challenges. See Laukhuf v. Board of Education, 2003 WL 23936148 (Ill.Cir. 2003)(addressing what constitutes an *emergency* in the context of the Open Meetings Act (OMA)(5 ILCS 120), which similar to the ECA, also does not define the term, and holding an emergency meeting to cure a situation that a school board created itself is not an emergency within the confines of OMA).

While the ECA does not provide for specific legal penalties for the wrongful approval of expenses, it is not clear whether a court may find in circumstances of poor MARA planning, that an *emergency* or *extraordinary circumstance* under the ECA did not exist and grant relief requested by a challenger as allowed under State law.

14 105 ILCS 5/10-22.32 authorizes advancements for the listed items. This advancement language pre-dates the ECA and is narrower than the ECA. A reasonable interpretation is that the MARA required in the ECA would apply to any advancement amount. This policy seeks to reconcile and highlight the differences between the School Code and the ECA requirements by separating School Code advancements into a separate subhead from ECA reimbursements (estimated and actual). For more distinctions between these laws and further discussion, see f/n 20, below.

15 Use this alternative for districts in suburban Cook County: replace "Regional Superintendent of Schools" with "appropriate Intermediate Service Center." ~~The Ill. Gen. Assembly abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.~~

expense advancement not used.<sup>16</sup> If an expense advancement is not requested, expense reimbursements may be issued by the Board to its members for the activities listed in numbers one through three, above, along with registration fees or tuition for a course(s) that allowed compliance with the mandatory trainings described in policy 2:120, *Board Member Development* and other professional development opportunities that are encouraged by the School Code (see the **Reimbursements and Purchase Orders** subhead, below).<sup>17</sup> Expense advancements and vouchers shall be presented to the Board in its regular bill process.

#### Reimbursements and Purchase Orders

Expense reimbursement is not guaranteed and, when possible, Board members should seek pre-approval of expenses<sup>18</sup> by providing an estimation of expenses on the Board's standardized estimated expense approval form, except in situations when the expense is diminutive. When pre-approval is not sought, Board members must seek reimbursement on the Board's standardized expense reimbursement form. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

#### Credit and Procurement Cards 19

Credit and procurement cards shall not be issued to Board members.

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<sup>16</sup> 105 ILCS 5/10-22.32 requires the return of excess advancements that are issued.

<sup>17</sup> Boards have this power under 105 ILCS 5/10-20; this statute specifies that the grant of powers to school boards is not exclusive and that school boards may exercise other powers that are not inconsistent with duties. A board may expand this provision's scope by amending and adding to the sentence as follows:

“and other professional development opportunities that are encouraged by the School Code, and other training provided by one of the entities described in the above list.”

See also f/n 8 in policy 2:120, *Board Member Development* for an example of a board member professional development opportunity that is encouraged by the School Code.

<sup>18</sup> Optional. Consult the board attorney to determine whether a pre-approval process is appropriate for the district. Neither 105 ILCS 5/10-22.32 (expense advancements) nor 50 ILCS 150/ (expense reimbursements and estimates) address expense *pre-approvals*. 50 ILCS 150/20 states: “an *estimate* if expenses have not been incurred ...” or “a *receipt* ... if the expenses have already been incurred,” suggesting no pre-approval is necessary. However, pre-approval is a best practice, and a board member who incurs expenses without pre-approval may run the risk that his or her expenses will not be approved. On the other hand, submitting estimated expenses for approval begs a pre-approval process, and some attorneys may read the law to require pre-approval of expenses. The pre-approval process also provides school officials with better information for financial planning.

Consult the board attorney to determine whether a pre-approval process is appropriate for the district. If it is required, ensure that 2:125-E3, *Resolution to Regulate Expense Reimbursements*, reflects the district's specific pre-approval requirements. For an example of a standardized *estimated* expense form that could be used as a form of pre-approval, see 2:125-E2, *Board Member Estimated Expense Approval Form*. The form provides three methods for board members to submit estimated expenses: providing estimated expenses (50 ILCS 150/), expense advancements for the specific activities (105 ILCS 5/10-22.32), or a purchase order.

<sup>19</sup> Optional. Consult the board attorney about issuing credit and procurement cards to board members. See f/n 1 of policy 4:55, *Use of Credit and Procurement Cards*.

If in consultation with the board attorney credit and procurement cards will be issued to board members, delete “~~Credit and procurement cards shall not be issued to Board members~~” and insert “Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.”

### Standardized Expense Form(s) Required 20

All requests for expense advancement, reimbursement, and/or purchase orders in the District must be submitted on the appropriate itemized, signed standardized form(s). The form(s) must show the following information:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and office of the Board member who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants. <sup>21</sup>
3. The date(s) of the official business on which the expense advancement or reimbursement will be or was expended.
4. The nature of the official business conducted when the expense advancement or reimbursement will be or was expended.

### Types of Official Business for Expense Advancements, Reimbursements, and Purchase Orders

1. Registration. When possible, registration fees will be paid by the District in advance.
2. Travel. The least expensive method of travel will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for:
  - a. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. [Fees for the first checked bag will be reimbursed.](#)<sup>22</sup> Copies of airline tickets [and baggage receipts](#) must be attached to the expense form.
  - b. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
  - c. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
  - d. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
  - e. Taxis, airport limousines, [ride sharing](#) or other local transportation costs.
3. Meals. Meals charged to the School District should represent mid-fare selections for the hotel/meeting facility or general area, consistent with the maximum allowable reimbursement

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<sup>20</sup> 50 ILCS 150/20, [added by P.A. 99-604, eff. 1-1-17](#). The School Code uses the term *voucher* for expense advancements (105 ILCS 5/10-22.32). The **PRESS** materials on expenses marry the School Code's advancement voucher requirement into the ECA's requirement for a standardized estimated expense form. For an example, see 2:125-E2, *Board Member Estimated Expense Approval Form*, and 5:60-E2, *Employee Estimated Expense Approval Form*. These forms provide three methods for board members or district employees to submit anticipated/estimated expenses:

1. Providing estimated expenses under 50 ILCS 150/ [\(including for grant-related travel, see f/n 24, below\)](#),
2. Requesting expense advancements for the activities listed under 105 ILCS 5/10-22.32, or
3. Obtaining a purchase order (highly unlikely for anticipated board member expenses but possible).

<sup>21</sup> [50 ILCS 150/20\(2\) ~~14~~ and \(3\)](#).

<sup>22</sup> [Optional. This language reflects the standard for expenses permitted for federal and State grants. 41 C.F.R. §301-12.2. If the board does not reimburse baggage fees, delete this sentence and \[and baggage receipts\]\(#\) from the next sentence.](#)

amount set by the Board.<sup>23</sup> Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

4. Lodging. Board members should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Board members should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.
5. Miscellaneous Expenses. Board members may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

Additional Requirements for Travel Expenses Charged to Federal and State Grants <sup>24</sup>

All Board member expenses for travel charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must comply with Board policy 5:60, Expenses, and its implementing procedures. Travel expenses include costs for transportation, lodging, meals, and related items.

LEGAL REF.: 105 ILCS 5/10-20 and 5/10-22.32.  
30 ILCS 708/, Government Accountability and Transparency Act.  
Local Government Travel Expense Control Act, 50 ILCS 150/, Local Government Travel Expense Control Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:120 (Board Member Development), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 5:60 (Expenses)

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<sup>23</sup> Alternatively, a board could set a daily limit on meal costs, such as:

Board members will be reimbursed for meal costs and tips up to \$\_\_\_\_\_ per day consistent with the maximum allowable reimbursement amount(s) set by the Board.

But see also f/n 8, above and ensure this amount is consistent with the MARA set by the board resolution.

<sup>24</sup> Required by 30 ILCS 708/130. See policy 5:60, Expenses, and its f/ns 22-36 for details. Federal travel regulations state that requests for authorization for actual expense reimbursement should be made in advance of travel. 2 C.F.R. §301-11.302. 2:125-E2, Board Member Estimated Expense Approval Form, can be used as a form for pre-approval.

## School Board

### Board Attorney 1

The School Board may ~~enter into agreements for~~ retain legal services with one or more attorneys or law firms to be the Board Attorney(s). The Board Attorney represents the School Board in its capacity as the governing body for the School District. ~~The Board Attorney shall not represent another client if the representation involves a concurrent conflict of interest, unless permitted by the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.~~<sup>2</sup> The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services or as memorialized by an engagement letter.<sup>3</sup> The District will only pay for legal services that are provided in accordance with the agreement for legal services as memorialized by an engagement letter, or that are otherwise authorized by this policy or a majority of the Board.

The Superintendent, his or her designee, and Board President, are each authorized to confer with and/or seek the legal advice of the Board Attorney.<sup>4</sup> The Board may also authorize a specific Board member to confer with the Board Attorney/legal counsel on its behalf.

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to be informed of and/or consider the matter.

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<sup>1</sup> The attorney's selection and duties are totally within the board's discretion – bidding is not required. 105 ILCS 5/10-20.21.

<sup>2</sup> ~~This is a restatement of~~ Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct, at [www.illinoiscourts.gov/supremecourt/rules/art\\_viii/default\\_new.asp](http://www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp). address concurrent conflicts of interest. Board presidents, superintendents, and board attorneys should be prepared to ask potential board attorneys whether they will have the ability to declare that representation of the board and district will be to the exclusion of all other clients having potential conflicts with the board and district's interests. See exhibit 2:160-E, Checklist for Selecting a Board Attorney.

<sup>3</sup> There is no general format for an agreement for legal services or an engagement letter. To help monitor its legal fees, a board should require a written agreement or an engagement letter with the board attorney or law firm that details the services, fees, expenses, and billing format. See ~~Board~~ exhibit 2:160-E, *Checklist for Selecting a Board Attorney.*

Legal services can be spelled out in the policy but boards face the attendant risk of conflicting lists. However, a board desiring such a list can use the following:

The attorney will:

1. Serve as counselor to the Board and attend Board meetings when requested by the Superintendent or Board President;
2. Represent the District in any legal matter as requested by the Board;
3. Provide written opinions on legal questions as requested by the Superintendent or Board President;
4. Approve, prepare, or supervise the preparation of legal documents and instruments and perform such other legal duties as the Board may request; and
5. Be available for telephone consultation.

<sup>4</sup> Depending on the fee arrangement, contacting the board attorney generates fees owed by the district. Thus, to avoid excessive attorney fees, the board ~~should consider~~ needs to limiting individuals who ~~are~~ authorized to contact the board attorney to avoid excessive attorney fees. Additional individuals may be added to this sentence as in the alternative below:

The following people are authorized to confer with and/or seek the legal advice of the Board Attorney: Superintendent or designee, Business Manager, District Freedom of Information Officer, Complaint Manager(s), District treasurer, and the Board President.

Individual board members should refrain from discussing their board attorney's advice outside of a board meeting. Disclosing legal advice can waive the attorney-client privilege. Individual board members possess none of the board's powers and are not authorized to individually waive attorney-client privilege on behalf of the board as an entity.

The Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

LEGAL REF.: Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.

CROSS REF.: 4:60 (Purchases and Contracts)

DRAFT

## School Board

### Uniform Grievance Procedure 1

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or its agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy<sup>2</sup>, or have a complaint regarding any one of the following:<sup>3</sup>

1. Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.<sup>4</sup>
2. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., excluding Title IX sexual harassment complaints governed by policy 2:265, Title IX Sexual Harassment Grievance Procedure

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> State or federal law requires this subject matter be covered by policy and 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. Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy and its companion policy 2:265, Title IX Sexual Harassment Grievance Procedure, are in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

A grievance procedure is required by many civil rights acts and implementing regulations, including those listed. For the sake of consistency and ease of administration, this policy consolidates all board grievance procedures, excluding Title IX sexual harassment complaints (see sample policy 2:265, Title IX Sexual Harassment Grievance Procedure) into one policy, except those contained in collective bargaining agreements. See the cross references for the policies referring to this uniform grievance procedure policy.

<sup>2</sup> Including the phrase "guaranteed by the State or federal Constitution, State or federal statute, or Board policy" broadens the scope of this policy beyond the items listed. Consult the board attorney regarding whether to retain this phrase and/or to otherwise limit the scope of this policy.

<sup>3</sup> The Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400 et seq.) is not included in the list of statutes that may serve as the basis of a grievance, and attorneys disagree whether it should be. Many believe that IDEA provides the exclusive remedy; others believe that including IDEA allows parents an opportunity to get their position before the board. Unique and specific complaint resolution mechanisms are expressly provided under IDEA, Article 14 of the School Code, and their respective implementing regulations. These mechanisms follow: (1) IDEA at 20 U.S.C. §1415 (procedural safeguards-mediation and due process); (2) IDEA regulations at 34 C.F.R. §§300.151-300.153 (state complaints), 300.506 (mediation), and 300.507 et seq. (due process); (3) School Code at §§14/8.02a (mediation and due process) and 14/8.02b (expedited due process); and (4) special education regulations at 23 Ill.Admin.Code §§226.560 (Mediation), 226.570 (State Complaint Procedures), and Subpart G (due process). A board that would like to include IDEA should consult the board attorney.

<sup>4</sup> The Americans with Disabilities Act Amendments Act (ADAAA) (Pub. L. 110-325), made significant changes to the Americans with Disabilities Act's definition of disability by broadening the scope of coverage. The ADAAA also overturned 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. The U.S. Equal Employment Opportunity Commission's (EEOC) regulations, 29 C.F.R. Part 1630, are at: [www.eeoc.gov/laws/types/disability\\_regulations.cfm](http://www.eeoc.gov/laws/types/disability_regulations.cfm).

Boards should consult with their attorneys regarding how the ADAAA and its implementing regulations impact their districts.

Title II of the ADA of 1990 also includes website accessibility. Addressing website accessibility is complicated. Many entities addressing website accessibility use *Web Content Accessibility Guidelines* (WCAG) 2.0, a frequently cited accessibility standard that contains guidelines developed by a private group of accessibility experts. WCAG 2.0 is the standard the U.S. Dept. of Justice referenced in its recent Title II rulemaking; however, it is not adopted as the formal legal standard for public accommodation websites. While it is not adopted as the formal legal standard for public accommodation websites, it has been used in many consent decrees and settlement agreements. See [www.w3.org/TR/WCAG20/](http://www.w3.org/TR/WCAG20/).

3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.<sup>5</sup>.
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment prohibited by the (State Officials and Employees Ethics Act<sup>6</sup>, 5 ILCS 430/70-5(a); Illinois Human Rights Act, 775 ILCS 5/; and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. and Title IX of the Education Amendments of 1972) (Title IX

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<sup>5</sup> See f/n 4's discussion of website accessibility above. To avoid allegations that a district violated Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA of 1990, many attorneys suggest that school districts' websites meet the WCAG 2.0 guidelines. But see the discussion in f/n 2 of policy 8:70, *Accommodating Individuals with Disabilities*.

<sup>6</sup> 5 ILCS 430/70-5(a), amended by P.A.s 100-554 and 101-221, requires governmental entities (including school districts) to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment that contains certain prescribed elements. See sample policy 5:20, *Workplace Harassment Prohibited*, at f/n 3 and subhead **Complaints of Sexual Harassment Made Against Board Members by Elected Officials** in sample policy 2:105, *Ethics and Gift Ban*, for further detail. Complaints of sexual harassment made against board members by fellow board members or other elected officials of governmental units must undergo an *independent review*, which is not a term defined in the statute. Unlike the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *policies*. 105 ILCS 5/10-20.5. Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. 105 ILCS 5/10-20. School districts are also required to create, maintain, and implement an age-appropriate sexual harassment policy. 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-418, off-1-1-20. See sample policy 7:20, *Harassment of Students Prohibited*, and its f/n 7~~8~~ for further information.

A new publication law, 50 ILCS 205/3c, added by P.A. 100-1040, requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was "found to have engaged in sexual harassment or sexual discrimination, as defined by the Ill. Human Rights Act or Title VII of the Civil Rights Act of 1964." Consult the board attorney about the word *found*. It raises many practical application questions, e.g., when does the word *found* trigger a board's compliance responsibility pursuant to this law. Such questions include, but are not limited to:

1. Must a school board make a *finding* to trigger this requirement? If the severance agreement is entered into post-termination, a record of board *findings* rarely exists.
2. Are charges for termination *findings*? Often superintendents submit charges for termination, but these are not technically *findings*.
3. Are charges based on a complaint manager's report and determination(s) *findings* under the law when a board still has the ability to review and reject the complaint manager's determination(s)?

Next, contrast the above publication law with the Government Severance Pay Act (GSPA), 5 ILCS 415/10(a)(2), added by P.A. 100-895. GSPA prohibits an employee of a school district with contract provisions for severance pay from receiving any severance if he or she is fired for *misconduct* by the board. GSPA defines *misconduct* to include sexual harassment and/or discrimination. *Id.* at 415/5.

Consult the board attorney about how to reconcile whether sexual harassment and/or sexual discrimination is *misconduct* for which a severance would be prohibited under the GSPA, and therefore, not available to be published under 50 ILCS 205/3c, added by P.A. 100-1040. And for further discussion and other applicable transparency laws that apply to this issue, see also f/n 11.5 in policy 5:20, *Workplace Harassment Prohibited*.

sexual harassment complaints are addressed under policy 2:265, Title IX Sexual Harassment Grievance Procedure)<sup>7</sup>

7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60<sup>8</sup>
8. Bullying, 105 ILCS 5/27-23.7<sup>9</sup>
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children<sup>10</sup>
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, 820 ILCS 180/
12. Illinois Equal Pay Act of 2003, 820 ILCS 112/
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/<sup>11</sup>

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<sup>7</sup> ~~Consult the board attorney to ensure the district's nondiscrimination coordinator and complaint managers are trained to appropriately respond to allegations of discrimination based upon bullying and/or sexual violence under Title IX's sexual harassment umbrella. In September 2017, the U.S. Dept. of Education (DOE) withdrew its sexual violence Title IX guidance issued in 2011 and 2014, which mandated procedures for processing student on student sexual conduct, including using a preponderance of the evidence standard for student discipline. The DOE has issued interim guidance until new rulemaking is promulgated: Q&A on Campus Sexual Misconduct (OCR, September 2017) at: [www2.ed.gov/about/offices/list/ocr/docs/q&a-title-ix-201709.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/q&a-title-ix-201709.pdf) ~~utm\_content=utm\_medium=email&utm\_name=utm\_source=govdelivery&utm\_term=~~ An earlier guidance document also highlights appropriate responses to sexual violence under Title IX. See Revised Sexual Harassment Guidance: Harassment of Student by School Employees, Other Students, or Third Parties, January 2001 at: [www2.ed.gov/about/offices/list/ocr/docs/ohguide.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/ohguide.pdf). Consult the board attorney regarding proper filing and storage of these investigation documents, including whether certain student-related investigation documents are sole possession records, a Family Policy Compliance Office (FPCO)-created an exemption to the Family Education Rights Privacy Act (FERPA) (20 U.S.C. §1232g). See *Letter to Ruscio*, 115 LRP 18601 (FPCO 12-17-14).~~

<sup>8</sup> 105 ILCS 5/10-20.60, added by P.A. 100-29, requires schools to implement the Ill. sex equity grievance procedures when processing student complaints about breastfeeding accommodations. Complainants must be informed that the board's decision may be appealed to the Regional Superintendent and, thereafter, to the State Superintendent. 23 Ill.Admin.Code §200.40. Note: Certain claims brought under Sec. 10-20.60 may also be covered by the anti-discrimination protections of Title IX; consult the board attorney for further advice. Guidance from U.S. Dept. of Education on Title IX requirements for pregnant and parenting students (June 2013) is available at: [www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf).

<sup>9</sup> All districts must have a policy on bullying. 105 ILCS 5/27-23.7. See *sample* policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. The inclusion of *bullying* in the list of topics that may serve as the basis of a grievance furthers the obligation to communicate this policy to students and their parents/guardians.

<sup>10</sup> Parents/guardians of educationally disadvantaged children may sue a district for misuse of funds allocated by State law for the benefit of such children. *Novola v. Bd. of Educ.*, 171 Ill.2d 121 (Ill. 1997) (affirming the appellate court's conclusion in *Novola v. Bd. of Educ.*, 284 Ill.App.3d 128 (1st Dist. 1996) that parents/guardians may pursue a claim to enforce the requirements of the School Code but holding that the proper action for enforcement is by means of mandamus not an implied right of action).

<sup>11</sup> The Ill. Whistleblower Act (740 ILCS 174/) includes school districts in the definition of employer. It protects employees from employer retaliation for disclosing information to a government or law enforcement agency. Section 15 also contains language prohibiting employers from retaliating against employees who disclose information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation. The Ill. Whistleblower Reward and Protection Act (740 ILCS 174/) includes school districts in its definition of *State*. A strict interpretation of this language appears to allow school boards to collect civil penalties and costs against someone making a false claim. Before disciplining any employee, boards should thoroughly investigate the ramifications of these acts in consultation with their attorney and liability insurance carriers.

15. Misuse of genetic information prohibited by the (Illinois Genetic Information Privacy Act (~~GIPA~~), 410 ILCS 513/; and Titles I and II of the Genetic Information Nondiscrimination Act (~~GINA~~), 42 U.S.C. §2000ff et seq. <sup>12</sup>
16. Employee Credit Privacy Act, 820 ILCS 70/ <sup>13</sup>

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

#### Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable<sup>14</sup> resolution of a complaint filed under this policy shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a

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<sup>12</sup> The Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff et seq.) is a federal law. Title I addresses the use of genetic information pertaining to health insurance. Title II protects job applicants, current and former employees, labor union members, and apprentices and trainees from discrimination based on their genetic information. GINA covers employers with 15 or more employees.

GINA broadly defines genetic information to include information about an individual's genetic tests, their family members, and, among other things, the manifestation of a disease or disorder in the individual or the individual's family members. Information about an individual's or family member's age or gender is excluded from genetic information. Its remedies mirror those available under a Title VII of the Civil Rights Act claim: back pay, reinstatement, attorneys' fees and compensatory and punitive damages. Retaliation against an individual who brings a claim under GINA is also prohibited. Federal regulations are available at 29 C.F.R. Part 1635, and background information on these regulations is available at: [www.eeoc.gov/policy/docs/ganda\\_geneticinfo.html](http://www.eeoc.gov/policy/docs/ganda_geneticinfo.html). An FAQ titled, *FAQs on the Genetic Information Nondiscrimination Act* is available at: [www.dol.gov/agencies/ebsa/laws-and-regulations/laws/gina](http://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/gina).

The Ill. Genetic Information Protection Act (GIPA) (410 ILCS 513/, amended by P.A. 100-396) also prohibits employers from making employment decisions on the basis of any employee's genetic testing information and from penalizing employees who do not want to disclose their genetic information as part of a workplace wellness program. GIPA includes the federal GINA's definition of genetic information and creates more stringent obligations on Ill. employers. While the federal GINA exempts small employers (those with less than 15 employees), Illinois' GIPA covers all employers, even those with one employee. GIPA also provides penalties for negligent and intentional mishandling of genetic information. Note that Title II of GINA does not preempt GIPA's greater protections to Illinois employees.

Before using any sort of genetic information, consult the board attorney for guidance regarding GINA's and GIPA's specific applications to the district and how these laws integrate with other related federal laws, such as the Family and Medical Leave Act (29 U.S.C. §2612 et seq.) and the ADA, and State laws governing time off for sickness and workers' compensation.

<sup>13</sup> 820 ILCS 70/. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report; (2) inquire about an applicant's or employee's credit history; or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, when the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. A person who is injured by a violation of this Act may bring a civil action to obtain injunctive relief and/or damages. 820 ILCS 70/25. The court must award costs and reasonable attorneys' fees to a prevailing plaintiff.

<sup>14</sup> The phrase "prompt and equitable resolution" comes from Title IX implementing regulation 34 C.F.R. §106.8(~~b~~) which requires schools to "adopt and publish grievance procedures that providing for the prompt and equitable resolution of student and employee complaints" of sex discrimination.

person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

### Deadlines

All deadlines under this policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

### Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender.<sup>15</sup> The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy ~~2:260, Uniform Grievance Procedure~~.

### Investigation Process

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf.<sup>16</sup> The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days ~~after~~ the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time.

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<sup>15</sup> This is a best practice.

<sup>16</sup> This policy gives complaint managers the flexibility to appoint another individual to conduct an investigation, which may be appropriate in cases where the neutrality or efficacy of the complaint manager is an issue, and/or where the district wishes to have the expertise and related attorney-client and work product privileges that an in-house or outside attorney may afford an investigation. Such alternative appointments are often made in consultation with the superintendent or other district-level administrator (except in cases involving complaints about those individuals).

The Superintendent will keep the Board informed of all complaints.

If a complaint contains allegations involving the Superintendent or Board member(s), the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

#### Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard. <sup>17</sup>

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board.

Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within five school business days ~~of after~~ the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Superintendent or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager.

This policy shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party. <sup>18</sup>

#### Appointing a Nondiscrimination Coordinator and Complaint Managers <sup>19</sup>

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of

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<sup>17</sup> *Preponderance of evidence* is a standard ~~used of proof~~ in civil cases. It means "~~the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force, evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.~~" See *Black's Law Dictionary*, 911th ed. 20019.

<sup>18</sup> The Ill. sex equity regulations require districts to have "specific timelines for completion of each step and rendering of a written decision, and shall provide for final appeal of grievance decisions made at the system level to the system's governing board." 23 Ill.Admin.Code §200.40(c)(1). To avoid arguments over these timelines, this sample policy provides that the failure to strictly follow the timelines does not prejudice any party. The grievance procedure is worthless if complaints are not thoroughly and promptly investigated.

<sup>19</sup> Title IX regulations require districts to ~~designate and authorize at least one employee to coordinate efforts to comply with Title IX and to refer to that employee as the Title IX Coordinator.~~ 34 C.F.R. §105.8(a). Districts must identify the Title IX coordinator by name, office address, email address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. *Id.*

employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.<sup>20</sup>

The Superintendent shall appoint at least one Complaint Manager to administer ~~the complaint process in~~ this policy. If possible, the Superintendent will appoint two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.<sup>21</sup>

**Nondiscrimination Coordinator:**

Karen Stevens

Name

115 Bondurant Street, Washington, IL 61571

Address

kstevens@wacohi.net

Email

(309) 444-3167

Telephone

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~~A district must prominently display its Title IX non-discrimination policies (this policy 2:260, *Uniform Grievance Procedure*, and sample policy 2:265, *Title IX Sexual Harassment Grievance Procedure*) and contact information for its Title IX coordinator(s) on its website, if any, and in each handbook made available to students, applicants for employment, parents/guardians, employees, and collective bargaining units. 34 C.F.R. §106.8(a) and (b). Notifications must state that nondiscrimination extends to employment, and that inquiries about the application of Title IX and its regulations may be referred to the district's Title IX coordinator, to the U.S. Dept. of Education's Assistant Secretary of Education, or both. 34 C.F.R. §106.8(b). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. OCR prefers that school districts make Title IX information and coordinators visible to the community, and it has provided materials designed to remind schools of their obligation to designate a Title IX coordinator. These materials include: (1) a *Dear Colleague Letter on Title IX Coordinators*; (2) a *Letter to Title IX Coordinators* that provides them with more information about their role; and (3) a *Title IX Resource Guide* that includes an overview of Title IX's requirements with respect to several key issues. See~~

While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

<sup>20</sup> ~~The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator." insert a hard return to create a new paragraph, and insert "The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX." Then, list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.~~

Best practice is that throughout the board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

<sup>21</sup> The board may include the following option to address publication of such contact information:

"The Superintendent or designee shall ensure that students, parents/guardians, employees, and members of the community are informed of the contact information for the District's Nondiscrimination Coordinator and Complaint Managers on an annual basis."

Publicizing the contact information for the Nondiscrimination Coordinator and Complaint Managers through personnel handbooks, student handbooks, and/or on the district's website is a best practice. The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: [www.ilprincipals.org/resources/model-student-handbook](http://www.ilprincipals.org/resources/model-student-handbook).

**Complaint Managers:**

<u>Lindsay Winter</u>	<u>Simon Merila</u>
Name	Name
115 Bondurant Street, Washington, IL 61571	115 Bondurant Street, Washington, IL 61571
Address	Address
<u>lmwinter@wacohi.net</u>	<u>samerila@wacohi.net</u>
Email	Email
(309) 444-3167	(309) 444-3167
Telephone	Telephone

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.  
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.  
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.  
Equal Pay Act, 29 U.S.C. §206(d).  
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.  
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.  
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.  
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.  
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.; 34 C.F.R. Part 106  
State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a).  
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-20.60, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.  
Illinois Genetic Information Privacy Act, 410 ILCS 513/.  
Illinois Whistleblower Act, 740 ILCS 174/.  
Illinois Human Rights Act, 775 ILCS 5/.  
Victims' Economic Security and Safety Act, 820 ILCS 180/, 56 Ill.Admin.Code Part 280.  
Equal Pay Act of 2003, 820 ILCS 112/.  
Employee Credit Privacy Act, 820 ILCS 70/, 23 Ill.Admin.Code §§1.240 and 200.40.

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 6:120 (Education of Children with Disabilities), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:70 (Accommodating Individuals with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Concerns)

## Operational Services

### Payment Procedures <sup>1</sup>

The Treasurer shall prepare a list of all due and payable bills, indicating vendor name and amount, and shall present it to the School Board in advance of the Board’s first regular monthly meeting or, if necessary, a special meeting. These bills are reviewed by the Board, after which they may be approved for payment by Board order.<sup>2</sup> Approval of all bills shall be given by a roll call vote, and the votes shall be recorded in the minutes.<sup>3</sup> The Treasurer shall pay the bills after receiving a Board order or pertinent portions of the Board minutes, even if the minutes are unapproved, provided the order or minutes are signed by the Board President and Secretary, or a majority of the Board. <sup>4</sup>

The Treasurer is authorized, without further Board approval, to pay Social Security taxes, wages, pension contributions, utility bills, and other recurring bills.<sup>5</sup> These disbursements shall be included in the listing of bills presented to the Board.

The Board authorizes the Superintendent or designee to establish revolving funds and a petty cash fund system for school cafeterias, lunchrooms, athletics, or similar purposes, provided such funds are maintained in accordance with Board policy 4:80, *Accounting and Audits*, and remain in the custody of an employee who is properly bonded according to State law. <sup>6</sup>

LEGAL REF.: 105 ILCS 5/8-16, 5/10-7, and 5/10-20.19.  
23 Ill.Admin.Code §100.70.

CROSS REF.: 4:55 (Use of Credit and Procurement Cards), 4:60 (Purchases and Contracts),  
4:80 (Accounting and Audits)

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<sup>1</sup> State or federal law controls this policy’s content.

<sup>2</sup> 105 ILCS 5/8-16 and 5/10-20.19.

<sup>3</sup> 105 ILCS 5/10-7.

<sup>4</sup> Except for the payment of social security taxes and recurring bills, 105 ILCS 5/8-16 permits the treasurer to “pay out funds of the school district only upon an order of the board signed by the president and clerk or secretary or by a majority of the board.” 105 ILCS 5/10-20.19 grants the treasurer authority to pay bills after receipt of “a certified copy of those portions of the board minutes, properly signed by the secretary and president, or a majority of the board.” As minutes are not approved until the following meeting, a literal reading of this statute would result in late payments. The policy uses a pragmatic solution: the treasurer may pay bills upon receiving a board order or minutes, even if the minutes are unapproved, provided the order or minutes are signed by the president and secretary, or a majority of the board.

[The Local Government Prompt Payment Act \(50 ILCS 505/\) governs the timelines for a board’s approval and payment of bills and potential penalties for late payment. Unless otherwise agreed to between the board and a vendor/contractor, bills must be approved or disapproved within 30 days after receipt of the bill or 30 days after the date on which the goods or services are received, whichever is later, and payment is due within 30 days after the date of approval. 50 ILCS 505/3, 505/4, and 505/6.](#)

<sup>5</sup> 105 ILCS 5/8-16 and 5/10-20.19.

<sup>6</sup> 105 ILCS 5/10-20.19(2); 23 Ill.Admin.Code §100.70.

## General Personnel

### Equal Employment Opportunity and Minority Recruitment 1

The School District shall provide equal employment opportunities<sup>2</sup> to all persons regardless of their race; color; creed; religion;<sup>3</sup> national origin; sex;<sup>4</sup> sexual orientation;<sup>5</sup> age;<sup>6</sup> ancestry; marital status;<sup>7</sup>

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<sup>1</sup> Federal and State law (see the policy's Legal References) require that all districts have a policy on equal employment opportunities and control this policy's content. This is a complex, confusing, and highly litigated area of the law; consult the board attorney for advice on the application of these laws to specific fact situations.

<sup>2</sup> Equal employment opportunities apply to virtually all terms and conditions of employment, e.g., discharge, hire, promotion, pay, demotion, and benefits (see the policy's Legal References). The Ill. Constitution protects the following categories from discrimination in employment: race, color, creed, national ancestry, sex, and handicap. Art. I, §§17, 18, and 19. The Ill. Human Rights Act (IHRA) protects the following categories from discrimination in employment, whether *actual* or *perceived*: race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, order of protection status, sexual orientation, pregnancy, unfavorable discharge from military service, and citizenship status. 775 ILCS 5/1-102 and 5/1-103, amended by P.A. 101-221, ~~eff. 1-1-20~~. Beginning 7-1-20, the IHRA requires employers to annually disclose to the Ill. Dept. of Human Rights (IDHR) certain information about adverse judgments and administrative rulings where there was a finding of sexual harassment or unlawful discrimination under any federal, State, or local law, as well as data regarding settlement agreements, if requested by an IDHR investigator. 775 ILCS 5/2-108, added by P.A. 101-221, ~~eff. 1-1-20~~ and scheduled to be repealed on 1-1-30.

The Equal Employment Opportunities Act (EEOA, a/k/a Title VII of the Civil Rights Act of 1964) prohibits discrimination because of an individual's race, color, religion, sex, or national origin. 42 U.S.C. §2000e *et seq.*, amended by The Lilly Ledbetter Fair Pay Act of 2009 (LLFPA), Pub.L. 111-2.

Under the Workplace Transparency Act (WTA) (820 ILCS 96/, added by P.A. 101-221, ~~eff. 1-1-20~~), employers may not, as a condition of employment or continued employment, prevent prospective or current employees from making truthful statements or disclosures about alleged unlawful employment practices, including discrimination. *Id.* at 96/1-25.

The LLFPA clarifies that a discriminatory compensation decision or other practice occurs each time an employee is paid or receives a last benefits check pursuant to the discriminatory compensation decision as opposed to only from the time when the discriminatory compensation decision or other practice occurred. The Act has no legislative history available to define what the phrase *or other practice* might mean beyond a discriminatory compensation decision.

The Ill. Equal Pay Act of 2003 (EPA) offers additional protection by prohibiting the payment of wages to one sex less than the opposite sex or to an African-American less than a non-African-American *for the same or substantially similar work*. 820 ILCS 112/, amended by P.A.s 100-1140 and 101-177. The Ill. Dept. of Labor (IDOL) enforces the EPA. The EPA also prohibits employers from requesting or requiring applicants to disclose wage or salary history as a condition of being considered for employment or as a condition of employment. *Id.* at 112/10(b-5), added by P.A. 101-177. If an applicant voluntarily offers such information without prompting, an employer still cannot use that information in making an offer or determining future pay. See [sample administrative procedure 5:30-AP1, Interview Questions](#), for sample permissible inquiries on this topic. Employers may seek wage or salary history from an applicant's current or former employer if that information is a matter of public record under the Freedom of Information Act; however, districts that wish to undertake such searches should exercise caution; the fact a district seeks out publicly available wage information could still be used against it in a pay discrimination claim. *Id.* at 112/10(b-10), added by P.A. 101-177. Consult the board attorney for further guidance.

While not exhaustive, other laws protecting these and additional classifications are named in subsequent footnotes.

<sup>3</sup> 775 ILCS 5/2-102 of the IHRA, amended by P.A. 100-100, contains a **new religious discrimination** subsection. It expressly prohibits employers from requiring a person to violate a sincerely held religious belief to obtain or retain employment unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business. Religious beliefs include, but are not limited to: the wearing of any attire, clothing, or facial hair in accordance with the requirements of his/her religion. 775 ILCS 5/2-102(E-5). Employers may, however, enact a dress code or grooming policy that restricts attire, clothing, or facial hair to maintain workplace safety or food sanitation. *Id.*

In addition to the IHRA and the federal EEOA (discussed in f/n 2), see 775 ILCS 35/, Religious Freedom Restoration Act.

arrest record;<sup>8</sup> military status; order of protection status;<sup>9</sup> unfavorable military discharge;<sup>10</sup> citizenship status provided the individual is authorized to work in the United States;<sup>11</sup> use of lawful products while not at work;<sup>12</sup> being a victim of domestic violence, sexual violence, or gender violence;<sup>13</sup> genetic information;<sup>14</sup> physical or mental handicap or disability, if otherwise able to

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<sup>4</sup> Discrimination on the basis of sex under the EEOA includes discrimination on the basis of sexual orientation or transgender status. *Bostock v. Clayton County*, 140 S.Ct. 1731 (2020); *Hively v. Ivy Tech*, 853 F.3d 339 (7th Cir. 2017). In addition to the IHRA and the federal EEOA (discussed in *f/n 2*), see Title IX of the Education Amendments of 1972 (Title IX). 20 U.S.C. §1681 et seq.; 34 C.F.R. Part 106. See sample policy 2:265, Title IX Sexual Harassment Grievance Procedure. The federal Equal Pay Act prohibits an employer from paying persons of one sex less than the wage paid to persons of the opposite sex for equal work. 29 U.S.C. §206(d). See *f/n 2* above for more information on State equal pay protections, including on the basis of sex. The LLFPA defines *date of underpayment* as each time wages are underpaid. Employees have one year from the time they become aware of the underpayment to file a complaint with the IDOL. 820 ILCS 112/15(b).

<sup>5</sup> *Sexual orientation* means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity; it does not include a physical or sexual attraction to a minor by an adult. 775 ILCS 5/1-103(O-1).

<sup>6</sup> Age Discrimination in Employment Act (ADEA) (29 U.S.C. §621 et seq.), amended by LLFPA (see *f/n 2*). 29 C.F.R. Part 1625, amended the U.S. Equal Employment Opportunity Commission (EEOC) regulations under ADEA to reflect the U.S. Supreme Court's decision in *General Dynamic Systems, Inc. v. Cline*, 540 U.S. 581 (2004), holding the ADEA to permit employers to favor older workers because of age. Thus, favoring an older person over a younger person is not unlawful discrimination, even when the younger person is at least 40 years old.

<sup>7</sup> 105 ILCS 5/10-22.4 and 775 ILCS 5/1-103(Q), amended by P.A. 101-221, ~~eff. 1-1-20~~. The term *marital status* means an individual's legal status of being married, single, separated, divorced, or widowed. 775 ILCS 5/1-103(J). This statutory definition does not encompass the identity of one's spouse. Thus, school districts may adopt no-spouse policies. Boaden v. Dept. of Law Enforcement, 171 Ill.2d 230 (Ill. 1996).

<sup>8</sup> Districts may not make employment decisions on the basis of arrest history, but may use job-disqualifying criminal convictions. 775 ILCS 5/2-103. The Job Opportunities for Qualified Applicants Act prohibits an employer from asking about a criminal record until the employer determines that the applicant is qualified for the position; however, this does not apply when employers are required to exclude applicants with certain criminal convictions from employment. School employers should limit their requests for criminal convictions to *job-disqualifying* convictions. 820 ILCS 75/15. See also the EEOC's guidance, *Consideration of Arrest and Conviction Records in Employment Decisions*, at [www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm).

<sup>9</sup> 775 ILCS 5/1-103(Q), amended by P.A. 101-221, ~~eff. 1-1-20~~. The term *order of protection status* means a person protected under an order of protection issued pursuant to the Ill. Domestic Violence Act of 1986 or an order of protection issued by a court of another state. 775 ILCS 5/1-103(K-5).

<sup>10</sup> *Military status* means a person's status on active duty or in status as a veteran in the U.S. Armed Forces, veteran of any reserve component of U.S. Armed Forces, or current member or veteran of the Ill. Army National Guard or Ill. Air National Guard. 775 ILCS 5/1-103(J-1). *Unfavorable military discharge* does not include those characterized as RE-4 or *dishonorable*. 775 ILCS 5/1-103(P). The Uniformed Services Employment and Reemployment Rights Act of 1994 prohibits employers from discriminating or retaliating against any person for reasons related to past, present, or future service in a *uniformed service*. 38 U.S.C. §4301 et seq.

<sup>11</sup> 775 ILCS 5/1-102(C). According to the Immigration Reform and Control Act of 1986, all employers must verify that employees are either U.S. citizens or authorized to work in the U.S. 8 U.S.C. §1324(a) et seq.

<sup>12</sup> The Right to Privacy in the Workplace Act prohibits discrimination based on use of lawful products, e.g., alcohol, cannabis, and tobacco, off premises during non-working hours. 820 ILCS 55/5, amended by P.A. 101-27.

<sup>13</sup> 820 ILCS 180/30, amended by P.A. 101-221, ~~eff. 1-1-20~~, Victims' Economic Security and Safety Act. *Gender violence* means: (1) one or more acts of violence or aggression that are a criminal offense under State law committed, at least in part, on the basis of a person's actual or perceived sex or gender, (2) a physical intrusion or invasion of a sexual nature under coercive conditions that is a criminal offense under State law, or (3) a threat to commit one of these acts. 820 ILCS 180/10(12.5), added by P.A. 101-221, ~~eff. 1-1-20~~. An employer is prohibited from discriminating against any individual, e.g. an applicant for employment, because he or she "is an employee whose employer is subject to Section 21 of the Workplace Violence Prevention Act." The Workplace Violence Prevention Act allows an employer to seek a *workplace protection restraining order* when there is a credible threat of violence at the workplace. 820 ILCS 275/. Section 21 requires the employer seeking a *workplace protection restraining order* to notify the employee who is a victim of unlawful violence. 820 ILCS 275/21.

perform the essential functions of the job with reasonable accommodation;<sup>15</sup> pregnancy, childbirth, or related medical conditions;<sup>16</sup> credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position;<sup>17</sup> or other legally protected categories. 18 19 20

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<sup>14</sup> Illinois' Genetic Information Privacy Act (GIPA) (410 ILCS 513/25) and Title II of Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff *et seq.*). Both laws protect job applicants and current and former employees from discrimination based on their genetic information. Note that GIPA provides greater protections to Illinois employees than Title II of GINA. GIPA, amended by P.A. 100-396, prohibits employers from penalizing employees who do not disclose genetic information or do not choose to participate in a program requiring disclosure of the employee's genetic information. See *f/n 12* in *sample policy 2:260, Uniform Grievance Procedure*, for the definition of genetic information and a detailed description of both statutes, including of Title I of GINA affecting the use of genetic information in health insurance. In 2011, the EEOC published an informative guidance letter, *ADA & GINA: Incentives for Workplace Wellness Program* at: [www.eeoc.gov/eeoc/foia/letters/2011/ada\\_gina\\_incentives.html](http://www.eeoc.gov/eeoc/foia/letters/2011/ada_gina_incentives.html). But the EEOC vacated certain 2016 ADA and GINA wellness program regulations following an adverse court ruling. 83 Fed. Reg. 65296. Those rules provided guidance to employers on the extent to which they could use incentives (such as discounted health plan costs) to encourage employees to participate in wellness programs that asked for employee and family health information. Consult the board attorney for guidance regarding specific application of ADA and GINA and how they integrate with other related laws, e.g., the Family Medical Leave Act, the Americans with Disabilities Act, and other State laws governing time off for sickness and workers' compensation.

<sup>15</sup> Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101 *et seq.*), amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) (Pub. L. 110-325) and modified by the LLFPA; Rehabilitation Act of 1973 (29 U.S.C. §701 *et seq.*).

<sup>16</sup> 775 ILCS 5/2-102(I). Employers must provide reasonable accommodations to employees with conditions related to pregnancy, childbirth, or related conditions. 775 ILCS 5/2-102(J). Employers are required to post a notice summarizing the right to be free from unlawful discrimination and the right to certain reasonable accommodations. 775 ILCS 5/2-102(K). The IDOL is required to prepare such a notice, retrievable from its website, which employers may use.

Federal law also prohibits employers from discriminating against employees and applicants on the basis of pregnancy, childbirth, or related medical conditions. 42 U.S.C. §2000e(k). State law also prohibits the State, which includes school districts, from interfering with or discriminating against an individual's fundamental right to continue a pregnancy or to have an abortion. 775 ILCS 55/, added by P.A. 101-13. Pregnant workers with pregnancy-related impairments may have disabilities for which they may be entitled to reasonable accommodation under the ADA. Guidance from the EEOC (7-14-14) is available at: [www.eeoc.gov/laws/guidance/pregnancy\\_qa.cfm](http://www.eeoc.gov/laws/guidance/pregnancy_qa.cfm).

<sup>17</sup> 820 ILCS 70/, Employee Credit Privacy Act. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report; (2) inquire about an applicant's or employee's credit history; or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more.

<sup>18</sup> Insert the following optional sentence (775 ILCS 5/1-103(a) and 29 U.S.C. §631):

*Age*, as used in this policy, means the age of a person who is at least 40 years old.

<sup>19</sup> Insert the following optional provision (29 U.S.C. §705(10)(A)-(B), (20)(C)(v), (20)(D) and 42 U.S.C. §12114):

*Handicap and disability*, as used in this policy, excludes persons:

1. Currently using illegal drugs;
2. Having a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, are unable to perform the duties of the job; or
3. Whose current alcohol use prevents them from performing the job's duties or constitutes a direct threat to the property or safety of others.

Persons who have successfully completed or are participating in a drug rehabilitation program are considered *disabled*.

<sup>21</sup> No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/. <sup>22</sup>

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information. <sup>23</sup>

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<sup>20</sup> Districts may not make residency in the district a condition of employment for teachers or educational support personnel. 105 ILCS 5/24-4.1, 5/10-23.5. This ban on residency requirements for teachers applies only to instructional personnel, and not, for example, to assistant principals. Owen v. Kankakee Sch. Dist., 261 Ill.App.3d 298 (3rd Dist. 1994). Districts also may not ask an applicant, or the applicant's previous employer, whether the applicant ever received, or filed a claim for, benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act. 820 ILCS 55/10(a). Districts are also prohibited from requiring, requesting, or coercing an employee or potential employee to provide a user name and password or any password or other related account information to gain or demand access to his or her personal online account. 820 ILCS 55/10(b). While the law does not prohibit employers from viewing public information, consult the board attorney before engaging in this practice.

<sup>21</sup> School districts must accommodate mothers who choose to continue breastfeeding after returning to work. See 740 ILCS 137/, Right to Breastfeed Act; 820 ILCS 260/, amended by P.A. 100-1003, Nursing Mothers in the Workplace Act (NMWA); and 29 U.S.C. §207(r), Fair Labor Standards Act. At least one court has ruled an implied private right of action may exist under the NMWA. Spriesch v. City of Chicago, 2017 WL 4864913 (N.D.Ill. 2017). See sample language for a personnel handbook in 5:10-AP, *Workplace Accommodations for Nursing Mothers*.

<sup>22</sup> 410 ILCS 130/40, amended by P.A. 101-363, ~~off 1-1-20~~ and scheduled to be repealed on 7-1-20; 77 Ill.Admin.Code Part 946. To legally use medical cannabis, an individual must first become a *registered qualifying patient*. Their use of cannabis, e.g. permissible locations, is governed by the Compassionate Use of Medical Cannabis Program Act. 410 ILCS 130/, amended by P.A.s 100-660 and 101-363, ~~off 1-1-20~~. There are many situations in which no one, even a registered qualifying patient, may possess or use cannabis except as provided under *Ashley's Law* (105 ILCS 5/22-33, added by P.A. 100-660), including in a school bus or on the grounds of any preschool, or primary or secondary school. 410 ILCS 130/30(a)(2)(3), amended by P.A. 100-660. See sample policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*, at f/n 9 for further discussion.

<sup>23</sup> 775 ILCS 5/6-101. Discrimination on the basis of a request for or use of a reasonable accommodation is a civil rights violation under the IHRA. Id. Most discrimination laws prohibit retaliation against employees who oppose practices made unlawful by those laws, including, for example, the EEOA, Title IX, ADA, ADEA, Victims' Economic Security and Safety Act, and the Ill. Whistleblower Act (IWA).

The IWA specifically prohibits employers from retaliating against employees for: (1) disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation (740 ILCS 174/15(b)); (2) disclosing information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation (740 ILCS 174/15(a)); (3) refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation, including, but not limited to, violations of the Freedom of Information Act (740 ILCS 174/20); and (4) disclosing or attempting to disclose public corruption or wrongdoing (740 ILCS 174/20.1). The definition of retaliation is expanded to include *other retaliation* and *threatening retaliation*. 740 ILCS 174/20.1, 20.2.

The Ill. False Claims Act defines *State* to include school districts. 740 ILCS 175/2(a). Thus, boards may seek a penalty from a person for making a false claim for money or property. 740 ILCS 175/4. For information regarding the IWA and the tort of retaliatory discharge. See Thomas v. Guardsmark, 487 F.3d 531 (7th Cir. 2007)(discussing the elements of retaliatory discharge and IWA); Sherman v. Kraft General Foods, Inc., 272 Ill.App.3d 833 (4th Dist. 1995)(finding employee who reported asbestos hazard had a cause of action for retaliatory discharge).

### Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager for the Uniform Grievance Procedure. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator. <sup>24</sup>

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

25

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>24</sup> ~~The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator."~~ insert a hard return to create a new paragraph and insert "The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX." Then, list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.

<sup>25</sup> ~~Title IX regulations require districts to identify the name, address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. The U.S. Dept. of Education's Office for Civil Rights prefers that school districts make Title IX information and coordinators visible to the community, and it has provided materials designed to remind schools of their obligation to designate a Title IX coordinator. These materials include: (a) a Dear Colleague Letter on Title IX Coordinators; (b) a Letter to Title IX Coordinators that provides them with more information about their role; and (c) a Title IX Resource Guide that includes an overview of Title IX's requirements with respect to several key issues. See [www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html](http://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html). Title IX regulations require districts to designate and authorize at least one employee to coordinate their efforts to comply with Title IX and to refer to that employee as the Title IX Coordinator. 34 C.F.R. §106.8(a). Districts must identify the Title IX Coordinator by name, office address, email address, and telephone number. Id. See §n 19 in sample policy 2:260. Uniform Grievance Procedure.~~

While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

5:10

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**Nondiscrimination Coordinator: <sup>26</sup>**

Same as per policy 2:260

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

**Complaint Managers:**

Same as per policy 2:260

Same as per policy 2:260

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks. <sup>27</sup>

**Minority Recruitment <sup>28</sup>**

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however,

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<sup>26</sup> ~~Sample policy 2:260, Uniform Grievance Procedure, states that a district's Nondiscrimination Coordinator also serves as its Title IX Coordinator. Best practice is that throughout the district's board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.~~

<sup>27</sup> In addition to notifying employees of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district's compliance with Title IX and the Rehabilitation Act of 1973. 34 C.F.R. §§106.8(a), 104.8(a). The Nondiscrimination Coordinator may be the same individual for both this policy and policy 7:10, *Equal Educational Opportunities*, as well as a Complaint Manager for policy 2:260, *Uniform Grievance Procedure*. A comprehensive faculty handbook can provide required notices, along with other important information, to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board. Any *working conditions* contained in the handbook may be subject to mandatory collective bargaining.

<sup>28</sup> All districts must have a policy on minority recruitment. 105 ILCS 5/10-20.7a. Unlike minority recruitment efforts, affirmative action plans are subject to significant scrutiny because of the potential for reverse discrimination. The U.S. Constitution's guarantee of equal protection prohibits school districts from using racial hiring quotas without evidence of past discrimination. See 29 C.F.R. §1608.1 *et seq.* (EEOC's guidelines for affirmative action plans); Wygant v. Jackson Bd. of Ed., 476 U.S. 267 (1986) (The goal of remedying societal discrimination does not justify race-based layoffs.); City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989) (Minority contractor quota struck; quotas must be narrowly tailored to remedy past discrimination and the city failed to identify the need for remedial action and whether race-neutral alternatives existed.).

The IHRA states that it shall not be construed as requiring any employer to give preferential treatment or special rights based on sexual orientation or to implement affirmative action policies or programs based on sexual orientation. 775 ILCS 5/1-101.1.

does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

LEGAL REF.: 8 U.S.C. §1324a et seq., Immigration Reform and Control Act.  
20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972;  
~~implemented by~~ 34 C.F.R. Part 106.  
29 U.S.C. §206(d), Equal Pay Act.  
29 U.S.C. §621 et seq., Age Discrimination in Employment Act.  
29 U.S.C. §701 et seq., Rehabilitation Act of 1973.  
38 U.S.C. §4301 et seq., Uniformed Services Employment and Reemployment Rights Act (1994).  
42 U.S.C. §1981 et seq., Civil Rights Act of 1991.  
42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964;  
~~by~~ 29 C.F.R. Part 1601.  
42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act of 2008.  
42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964.  
42 U.S.C. §2000e(k), Pregnancy Discrimination Act.  
42 U.S.C. §12111 et seq., Americans with Disabilities Act, Title I.  
Ill. Constitution, Art. I, §§17, 18, and 19.  
105 ILCS 5/10-20.7, 5/20.7a, 5/21.1, 5/22.4, 5/23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.  
410 ILCS 130/40, Compassionate Use of Medical Cannabis Program Act.  
410 ILCS 513/25, Genetic Information Privacy Act.  
740 ILCS 174/, Ill. Whistleblower Act.  
775 ILCS 5/1-103, 5/2-102, 103, and 5/6-101, Ill. Human Rights Act.  
775 ILCS 35/5, Religious Freedom Restoration Act.  
820 ILCS 55/10, Right to Privacy in the Workplace Act.  
820 ILCS 70/, Employee Credit Privacy Act.  
820 ILCS 75/, Job Opportunities for Qualified Applicants Act.  
820 ILCS 112/, Ill. Equal Pay Act of 2003.  
820 ILCS 180/30, Victims' Economic Security and Safety Act.  
820 ILCS 260/, Nursing Mothers in the Workplace Act.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300 (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

## General Personnel

### Compliance with the Fair Labor Standards Act <sup>1</sup>

#### Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non-exempt.”<sup>2</sup> “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

#### Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday.<sup>3</sup> Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours.<sup>4</sup> “Overtime” is time worked in excess of 40 hours in a single workweek.

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<sup>1</sup> 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, or 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 Illinois Minimum Wage Law, 820 ILCS 105/4a, covers all school employees, although many are exempt from overtime requirements. The federal Fair Labor Standards Act (FLSA) (29 U.S.C. §201 *et seq.*) also covers school employees. The law offering the greatest benefits to employees will control specific issues. However, under both State and federal law, non-exempt employees who work over 40 hours in a single workweek are entitled to overtime pay of a rate not less than one and one-half times the employees’ regular rate of pay. 29 U.S.C. §207; 820 ILCS 105/4a.

School districts in several states are experiencing widespread action by non-exempt employees to recoup unpaid overtime wages. Many of these actions have been successful because the school district did not strictly comply with overtime requirements or recordkeeper’s requirements. See 29 C.F.R. Part 785 (Hours Worked) and 29 C.F.R. Part 516, (Records to Be Kept by Employers). The U.S. Dept. of Labor (DOL) frequently finds employees misclassified as independent contractors or exempt employees. School officials are strongly encouraged to seek assistance from their attorney when making decisions involving wage and hour issues.

<sup>2</sup> “Exempt” employees are exempt from overtime requirements. An exempt employee, according to Illinois law, is “any employee employed in a bona fide executive, administrative or professional capacity, . . . , as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [in the current rules].” 820 ILCS 105/4a. By referring to the definitions in the former federal rules, the Illinois legislature rejected the DOL’s effort to expand the number of employees who are exempt from overtime requirements. To qualify for exemption in Illinois, employees generally must meet certain tests regarding their job duties and be paid on a “salary basis” at not less than \$684455 per week. 29 C.F.R. Part 541. To check compliance, districts should review their list of exempt employees with their attorneys.

<sup>3</sup> Employers must identify the workweek, but may designate any seven-day period. **Boards should ascertain what is currently used as a workweek to avoid inadvertently adopting a policy containing a different designation.** The workweek in this sample policy allows supervisors to adjust employee schedules at the end of the week if an employee was required to work the weekend.

<sup>4</sup> Setting the workweek at 40 hours avoids having to pay an employee additional “straight time” compensation for the extra hours up to 40.

### Overtime

A non-exempt employee shall not work overtime without his or her supervisor's express approval.<sup>5</sup> All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.<sup>6</sup>

### Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status.<sup>7</sup> Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel—Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Educational Support Personnel—Employment Termination and Suspensions*.

### Implementation <sup>8</sup>

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

LEGAL REF.: 820 ILCS 105/4a.  
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

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<sup>5</sup> This policy requires a supervisor's express approval as a best practice. However, employers will also be liable for work time when the employer knows or has reason to know work is continuing on or offsite. See 29 C.F.R. §785.11 and 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*. Employees must be compensated for all time worked, even if it is unauthorized overtime. However, employees who intentionally work unauthorized overtime may be subject to disciplinary action.

<sup>6</sup> Optional. The FLSA regulates the use of *comp-time*. 29 C.F.R. §§553.22-553.28. Before offering comp-time, a board must have a compensatory time-off policy or the topic must be covered in an applicable collective bargaining agreement. See 5:310, *Compensatory Time-Off* and 5:310-E, *Agreement to Receive Compensatory Time-Off*.

<sup>7</sup> Docking an exempt employee's salary (e.g., for a disciplinary suspension) may result in the loss of the exemption unless the deduction was specifically authorized. Teachers, however, are not covered by this restriction.

<sup>8</sup> The FLSA is administered by the Wage and Hour Division of the DOL. Its website contains compliance guidance, posters, and e-tools ([www.dol.gov/WHD/flsa/index.htm](http://www.dol.gov/WHD/flsa/index.htm)).

## General Personnel

### Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition <sup>1</sup>

All District workplaces are drug- and alcohol-free workplaces. <sup>2</sup>

*The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.*

<sup>1</sup> 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 Right to Privacy in the Workplace Act (RPWA) allows employers to regulate employees’ use of lawful products that impair an employee’s ability to perform his or her assigned duties. 820 ILCS 55/5(b), amended by P.A. 101-27. The Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/10-35(a)(8), amended by P.A. 101-593, allows penalties issued by employers of law enforcement officers for consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances while on or off-duty to be collectively bargained; districts that employ school resource officers should consult their board attorneys about this provision of the CRTA.

The federal Drug-Free Workplace Act applies only to the specific programs receiving federal funds. 41 U.S.C. §8101 et seq. For ease of administration, this policy makes its requirements applicable to all employees to avoid confusion during implementation and to avoid complications when obtaining and maintaining federal funds. The Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/, added by P.A. 101-27 and amended by P.A. 101-593, legalized cannabis, but it remains a *Schedule I* (c)(17) controlled substance under federal law, meaning that it has no currently accepted medical use in addition to a high potential for abuse. 21 U.S.C.A. §812 (exempting hemp as defined at 7 U.S.C.A. §1639o). 41 U.S.C. §§8101, 8102 and 8103. While not law, in June 2019, the U.S. House of Representatives, in a voice vote, voted in favor of an amendment to H.R. 3055, which was introduced by Reps. Earl Blumenauer (D-OR), Tom McClintock (R-CA), and Eleanor Holmes Norton (D-D.C.), prohibiting the U.S. Dept. of Justice (DOJ) from interfering with a state’s decision to implement laws governing the legalization of cannabis (recreational and medicinal). This marked the first time that either branch of the U.S. Congress has voted to protect state recreational cannabis laws from federal enforcement actions. If the amendment becomes law, it would block the DOJ from using funds to intervene in state and territory cannabis legalization laws. This policy continues to prohibit employees from using cannabis as allowed by the CRTA. See f/n 9, below.

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

<sup>2</sup> Replace this sentence with the district’s drug- and alcohol- free policy goal(s), if any.

With the passage of the CRTA, 410 ILCS 705/, added by P.A. 101-27 and amended by P.A. 101-593, each board and superintendent may wish to engage in a risk-management conversation about the district’s drug- and alcohol- free policy enforcement and discipline goals. Enforcement and discipline goals depend upon a board’s risk-level tolerance and community expectations. Risk-level-tolerance decisions will depend upon many factors, including, but not limited to: (1) the board attorney’s recommendations, (2) the district’s budget parameters, if any, for reasonable suspicion training on identification of symptoms of impairment and/or being under the influence, (3) drug testing, and (4) the community’s expectations. Answers to the following questions might structure this risk-management conversation:

1. Does the board want to implement a reasonable suspicion program (or any other type of *just cause* provisions in an applicable collective bargaining agreement) to identify employees suspected of being impaired and/or under the influence to enhance its ability to discipline?
2. Does the board want the superintendent to secure training for designated district employees to educate them to identify symptoms of impairment or being under the influence of the substances prohibited in this policy?
3. How does the board want to address employees in positions of leadership, e.g., the superintendent and/or building principal(s), who are perpetually on call due to the nature of their positions and responsibilities (see f/n 3, below)?
4. How will the district manage its duty to educate students about the dangers of drugs and alcohol against the reality that employees are allowed to use lawful products off-duty and off the district’s premises (820 ILCS 55/5(b), amended by P.A. 101-27)?
5. Will licensed educators be held to a higher standard than non-licensed employees due to their professional code of conduct expectations?
6. Will employees working directly with students be held to a higher standard than employees not working directly with students?

All employees are prohibited from engaging in any of the following activities while on District premises or while performing work or being *on call*<sup>3</sup> for the District: <sup>4</sup>

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance. <sup>5</sup>
2. Distribution, consumption, use, possession, or being impaired by or under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectible, regardless of when and/or where the use occurred. <sup>6</sup>
3. Distribution, consumption, possession, use, or being impaired by or under the influence of cannabis; being present on District premises or while performing work for the District when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to *Ashley's Law*, 105 ILCS 5/22-33.7 The District considers

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<sup>3</sup> An employee is *on call* when the employer schedules him or her with at least 24 hours' notice to be on standby or otherwise responsible for performing employment-related tasks either at the employer's location or another previously-designated location. 820 ILCS 55/5, amended by P.A. 101-27. Consult the board attorney regarding how the board wants to treat employees who may be considered on call, e.g., superintendents, principals, coaches, and/or maintenance workers, etc.

For boards that do not want this text, delete ~~or being on call~~.

<sup>4</sup> To align with best practices for identifying and subsequently initiating discipline of employees for violating this policy (especially with the passage of the CRTA) and any possible collective bargaining agreement provisions, the superintendent may want to convene the **Employee Substance Abuse Prevention Committee** (see 2:150-AP, *Superintendent Committees*).

<sup>5</sup> These actions are prohibited by both federal (41 U.S.C.A. §§8101, 8102 and 8103) and State Workplace Acts. See *f/n* 12, below. These laws do not address *under the influence* but a board may add: “, or being impaired by or under the influence of any illegal substance or any detectible use of any illegal substance regardless of when or where the use occurred.” This option is limited to *illegal* substances to avoid prohibiting employees from using lawfully prescribed controlled substances. See *f/n* 12. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. This policy's ~~third~~ paragraph addresses prescribed medications other than cannabis.

<sup>6</sup> Optional; alcohol is not addressed in either the federal or State Drug-Free Workplace Acts. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement. The Ill. Court of Appeals held that when the policy defines *under the influence* as any “mental, emotional, sensory or physical impairment due to the use of drugs or alcohol,” the school district must prove that the teacher showed signs of impairment even though she registered 0.056 blood-alcohol level on a Breathalyzer. *Kinsella v. Bd. of Ed. of the City of Chicago*, 27 N.E.3d 226 (Ill.App.1st, 2015).

<sup>7</sup> “[R]egardless of when and/or where the use occurred” is intended to mean that an employer may reach an employee's conduct on or off-duty depending upon the facts of the disciplinary situation; however, the CRTA contains a specific requirement that law enforcement employers adopt a policy outlining penalties for discipline of law enforcement employees for their on or off-duty conduct involving consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances. Id. at 10-35(a)(8), amended by P.A. 101-593. See also *f/ns* 1, above, and 9, below. Consult the board attorney if the district employs a school resource officer(s) (SRO(s)) as opposed to contracting with a local law enforcement agency for SRO services.

410 ILCS 130/25(b) prohibits discipline or arrest of school nurses and/or administrators for acting in accordance with *Ashley's Law*, 105 ILCS 5/22-33, amended by P.A. 101-370, ~~eff. 1-1-20~~. Employers may enforce drug-free workplace policies when they are applied in a nondiscriminatory manner. 410 ILCS 705/10-50(a), added by P.A. 101-27, includes disciplining employees – even those who are ~~a~~ *registered qualifying patients* – for violating ~~a~~ drug-free workplace policies (410 ILCS 130/50 and 705/10-35(a)(1), added by P.A. 101-27). Contact the board attorney for advice concerning the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)).

employees impaired by or under the influence of cannabis when there is a good faith belief that an employee manifests the specific articulable symptoms<sup>8</sup> listed in the Cannabis Regulation and Tax Act (CRTA).<sup>9</sup>

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.

For purposes of this policy, *District premises*<sup>10</sup> means workplace as defined in the CRTA in addition to District and school buildings, grounds, and parking areas; vehicles used for school purposes; and

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<sup>8</sup> Specific articulable symptoms listed in 410 ILCS 705/10-50(d), added by P.A. 101-27, include: the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. In contrast to the CRTA, the MCPA, while listing the same specific, articulable, symptoms, does not require an employer to have a *good faith belief* that a *registered qualifying patient* is under the influence of cannabis. 410 ILCS 130/50(f), and scheduled to be repealed on 7-1-20.

<sup>9</sup> 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 allows reasonable, nondiscriminatory, zero-tolerance policies. If the district seeks to discipline an employee on the basis that he or she is under the influence of or impaired by cannabis, it must afford the employee a reasonable opportunity to contest the basis of the determination. *Id.* at 10-50(d), added by P.A. 101-27. See also f/n 7, above. Contact the board attorney for advice concerning this provision and whenever the district seeks disciplinary action or dismissal of an employee on the basis of the cannabis prohibitions in the policy.

See also the Ill. Vehicle Code 625 ILCS 5/11-501.2(b-5) number one: when an individual's tetrahydrocannabinol concentration (THC) is five nanograms or more in whole blood or 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), a presumption under Illinois law exists that the individual is under the influence of cannabis. Under 625 ILCS 5/11-501.2(b-5) number two: when an individual's [THC] is less than five nanograms in whole blood or less than 10 nanograms or more in another bodily substance, e.g., saliva, urine, etc., as defined in 625 ILCS 5/11-501.2(a), the individual may still be considered impaired.

In addition to a zero-tolerance policy, the CRTA also allows civil, criminal, or other penalties for:

1. Engaging in tasks under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct (410 ILCS 705/10-35(a)(1));
2. Possessing cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(2)(A)-(B) unless permitted under the MCPA);
3. Using cannabis on a school bus or on school grounds (*Id.* at 10-35(a)(3)(A)-(B) unless permitted under the MCPA);
4. [Using cannabis] in a public place [while impaired or under the influence of cannabis] (*Id.* at 10-35(a)(3)(F));
5. Knowingly being [impaired by or under the influences of cannabis] in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the MCPA (*Id.* at 10-35(a)(3)(G));
6. Smoking [and/or vaping (see f/n 18, below for a definition of vaping)] it in any place where smoking is prohibited under the Smoke Free Illinois Act (*Id.* at 10-35(a)(4));
7. Using [cannabis] as an on-duty law enforcement officer, corrections officer, probation officer, or firefighter (*Id.* at 10-35(a)(8)), or consuming, possessing, selling, purchasing, or delivering cannabis or a cannabis-infused substance(s) while on or off-duty [only if a policy has been adopted] *Id.* at 10-35(a)(8), amended by P.A. 101-593; or
8. [Using cannabis while [b]]eing on duty as an individual holding a school bus permit or Commercial Driver's License (*Id.* at 10-35(a)(9)).

any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. *School grounds* means the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. "Vehicles used for school purposes" means school buses or other school vehicles.

As a condition of employment, each employee shall: 11

1. Abide by the terms of the Board 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 five calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired. 12

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following: 13

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted. 14
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations. 15
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.

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10 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 ~~and amended by P.A. 101-593~~, allows employers to prohibit cannabis in the *workplace*. Many attorneys agree it is a best practice for employers to define workplace in policies that prohibit cannabis. 410 ILCS 705/10-50(h), added by P.A. 101-27, defines *workplace* as the employer's premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in performance of the employee's job duties, and vehicles, whether leased, rented, or owned – and may be further defined by the employer's written policy when it is consistent with this definition.

This policy's definition of workplace expands the above CRTA definition to areas that board policy and/or the School Code impose duties upon districts to keep students safe, including:

1. The *school property* definition from policy 8:30, *Visitors to and Conduct on School Property*;
2. The *school grounds* definition at 105 ILCS 5/10-27.1A(d); and
3. Places that school districts must prevent and respond to bullying, including vehicles used for school purposes. 105 ILCS 5/27-23.7(a).

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

12 This optional paragraph is not addressed in State or federal drug-free workplace acts. An employer should generally not ask an employee about his or her use of medication. See rules implementing the Americans with Disabilities Act, 29 C.F.R. §1630.14. Consult the board attorney if an employee is suspected of working while impaired or under the influence.

13 Numbers one through five in this paragraph are required by the State and federal Drug-Free Workplace Acts. 30 ILCS 580/3.

14 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.

15 Grants may be available from the Ill. 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.

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.
6. Remind employees that policy 6:60, *Curriculum Content*, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence. 16

E-Cigarette, Tobacco, and Cannabis Prohibition 17

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of e-cigarettes,<sup>18</sup> tobacco, and cannabis products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event’s location.

*Tobacco* shall have the meaning provided in 105 ILCS 5/10-20.5b.

*Cannabis* shall have the meaning provided in the CRTA, 410 ILCS 705/1-10.

*E-Cigarette* is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah,

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<sup>16</sup> Optional. This statement serves as a display of good judgment and a reminder to employees that 105 ILCS 5/27-13.2 and 23.4 (provided it can be funded by private grants or the federal government) require districts to educate students about the dangers of substance abuse.

<sup>17</sup> 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act, 410 ILCS 82/, and the CRTA, 410 ILCS 705/10-35(a)(4)(smoking anyplace where smoking is prohibited under the Smoke Free Illinois Act). Federal law prohibits smoking inside schools. 20 U.S.C. §6083(a).

The prohibition in 8:30, *Visitors to and Conduct on School Property*, referred to here, applies “on school property or at a school event.” Here, “at a school event” is clarified with the phrase “while ... performing work for the District” in order to align with this policy’s other prohibitions.

<sup>18</sup> While 720 ILCS 675, amended by P.A. 101-2, excludes e-cigarettes from its definition of tobacco, it does not address vaporization. Prohibiting *e-cigarettes* aligns with the district’s obligation to maintain a safe, smoke-free environment and is logical extension of 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act (410 ILCS 82/), and The Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675, amended by P.A. 101-2 (raising the legal age to buy tobacco and e-cigarette products to 21 years of age). In addition, the U.S. Food and Drug Administration now regulates e-cigarettes. 21 C.F.R. Parts 1100, 1140, and 1143, amended by 81 Fed.Reg. 28973.

E-Cigarettes may resemble cigarettes but contain a battery-operated heating element that turns a liquid into an aerosol (or vapor) that sometimes includes nicotine, flavorings, and other chemicals. The act of inhaling and exhaling the aerosol is known as *vaping*. See [www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping](http://www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping). For ease of administration, this policy treats *vaping*, whether tobacco products or not, and smoking tobacco the same due to the outbreaks of lung disease associated with the use of e-cigarettes and vaping. Some e-cigarettes do not look like tobacco products; they are designed to resemble other objects, such as USB flash drives, to be more easily concealed. Like smoking tobacco, vaporization products may include nicotine, which is derived from and is the addictive drug in tobacco, and other potentially harmful chemicals. See *Tobacco/Nicotine and E-Cigs* at: [www.drugabuse.gov/drugs-abuse/tobacconicotine-e-cigs](http://www.drugabuse.gov/drugs-abuse/tobacconicotine-e-cigs). Unlike smoking tobacco, vaping does not produce smoke, but rather the aerosol, often mistaken for water vapor and consisting of fine particles. Many of these particles contain varying amounts of toxic chemicals, which have been linked to cancer and respiratory and heart disease. An outbreak of lung disease has been associated with e-cigarette use and vaping. See articles at:

[www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease.html](http://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html); and  
[www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease/health-departments/index.html](http://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease/health-departments/index.html).

vape pen, or similar product or device, and any components or parts that can be used to build the product or device. 19

#### District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. 20 In addition or alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse 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. 21

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. 22

#### Disclaimer 23

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies** subhead in policy 2:240, *Board Policy Development*.

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19 Optional. If a district does not want to include the statutory example that includes the term *vape pen*, which provides notice that vaping products are also prohibited through the term e-cigarette, replace ~~includes but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device~~ with “shall have the meaning provided in the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. 720 ILCS 675/1(a-9).”

20 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. Legal 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 Ill. Human Rights Act (IHRA). 775 ILCS 5/1-101 et seq. and 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.).~~ Drug tests may also be a subject of collective bargaining. See paragraph one of f/n 1, above. Consult the board attorney before implementing a drug testing program to enforce this policy.

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

22 Id.

23 Optional best practice text.

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. §8101 et seq.  
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.  
30 ILCS 580/, Drug-Free Workplace Act.  
105 ILCS 5/10-20.5b.  
410 ILCS 82/, Smoke Free Illinois Act.  
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.  
410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.  
720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and  
Sale and Distribution of Tobacco Products Act.  
820 ILCS 55/, Right to Privacy in the Workplace Act.  
21 C.F.R. Parts 1100, 1140, and 1143.  
23 Ill.Admin.Code §22.20.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:120  
(Employee Ethics; Conduct; and Conflict of Interest), 6:60 (Curriculum Content),  
8:30 (Visitors to and Conduct on School Property)

## General Personnel

### Staff Development Program 1

The Superintendent or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for licensed staff members shall be designed to effectuate the District and School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

The staff development program shall provide, at a minimum, at least once every two years, the in-service training of licensed school personnel and administrators on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.<sup>2</sup>

The staff development program shall provide, at a minimum, once every two years, the in-service training of all District staff on educator ethics, teacher-student conduct, and school employee-student conduct.<sup>3 4 5</sup>

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<sup>1</sup> State law requires the subject matter in paragraph 2 to be covered by policy. State or federal law controls this policy's content. A school board may set and enforce professional growth requirements. 105 ILCS 5/24-5. Failure to meet professional growth requirements is considered remediable. *Morris v. Ill. State Bd. of Educ.*, 198 Ill.App.3d 51 (3rd Dist. 1990).

<sup>2</sup> 105 ILCS 5/2-3.62, ~~amended by P.A. 99-30 (repealing 105 ILCS 5-2-3.60)~~, requires the Ill. State Board of Education (ISBE) to establish a regional network of educational service centers to coordinate and combine existing services in a manner that is practical and efficient for schools. Their purposes are to provide, among other things, continuing education, in-service training, and staff development services to all local school districts in Illinois.

<sup>3</sup> This paraphrases 105 ILCS 5/10-20.36(b). The topic covered in this paragraph must be in a board policy. *Id.* A school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10) may recommend that a student be evaluated by an appropriate medical practitioner. School personnel may consult with the practitioner, with the consent of the student's parent/guardian.

<sup>4</sup> 105 ILCS 5/10-22.39(f) requires boards to conduct this in-service. While the language of this paragraph is not required to be in board policy, including it provides a way for boards to monitor that it is being done. Including this language provides an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-service that instructs all district staff to maintain boundaries and act appropriately, professionally, and ethically with students. See also [sample policy 5:120, Employee Ethics; Conduct; and Conflict of Interest](#), and ¶ 11 in [sample policy 4:110, Transportation](#). These expectations will be most effective when they reflect local conditions and circumstances. Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new employee conduct rules without first offering to negotiate them with the applicable exclusive bargaining representative.

<sup>5</sup> Insert the following option if a board wants to list in-services and/or trainings that State and federal law require, but are not required to be specified in board policy. If the board does not choose this option, delete 325 ILCS 5/4 from the Legal References. The only non-School Code ~~s~~State ~~and/or~~ federal law training requirements listed are from the Abused and Neglected Child Reporting Act, Ill. Human Rights Act, ~~and~~ the Seizure Smart School Act, ~~and Title IX of the Education Amendments of 1972 (Title IX)~~.

In addition, the staff development program shall include each of the following:

1. At least, once every two years, training of all District staff by a person with expertise on anaphylactic reactions and management.

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2. At least every two years, an in-service to train school personnel, at a minimum, to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.
3. Training that, at a minimum, provides District staff with a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS) and the availability of appropriate sources of counseling and referral.
4. Training for licensed school personnel and administrators who work with students in grades kindergarten through 12 to identify the warning signs of mental illness and suicidal behavior in youth along with appropriate intervention and referral techniques.
5. Abused and Neglected Child Reporting Act (ANCRA), School Code, and *Erin's Law* Training as follows:
  - a. Staff development for local school site personnel who work with students in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect (see policy 5:90, *Abused and Neglected Child Reporting*).
  - b. Within three months of employment, each staff member must complete mandated reporter training from a provider or agency with expertise in recognizing and reporting child abuse. Mandated reporter training must be completed again at least every three years (see policy 5:90, *Abused and Neglected Child Reporting*).
  - c. Informing educators about the recommendation in the *Erin's Law* Taskforce Report requesting them to attend continuing professional development programs that address the prevention and identification of child sexual abuse (see policy 5:90, *Abused and Neglected Child Reporting*).
6. Education for staff instructing students in grades 7 through 12, concerning teen dating violence as recommended by the District's Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students or Complaint Manager.
7. Ongoing professional development for teachers, administrators, school resource officers, and staff regarding the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.
8. Annual continuing education and/or training opportunities (*professional standards*) for school nutrition program directors, managers, and staff. Each school food authority's director shall document compliance with this requirement by the end of each school year and maintain documentation for a three year period.
9. All high school coaching personnel, including the head and assistant coaches, and athletic directors must obtain online concussion certification by completing online concussion awareness training in accordance with 105 ILCS 25/1.15. Coaching personnel and athletic directors hired on or after 8-19-14 must be certified before their position's start date.
10. The following individuals must complete concussion training as specified in the Youth Sports Concussion Safety Act: coaches and assistant coaches (whether volunteer or employee) of an interscholastic athletic activity; nurses, licensed and/or non-licensed healthcare professionals serving on the Concussion Oversight Team; athletic trainers; game officials of an interscholastic athletic activity; and physicians serving on the Concussion Oversight Team.
11. Every two years, school personnel who work with students must complete an in-person or online training program on the management of asthma, the prevention of asthma symptoms, and emergency response in the school setting.
12. Training for school personnel to develop cultural competency, including understanding and reducing implicit racial bias.
13. For school personnel who work with hazardous or toxic materials on a regular basis, training on the safe handling and use of such materials.
14. For nurses, administrators, guidance counselors, teachers, persons employed by a local health department and assigned to a school, and persons who contract with the District to perform services in connection with a student's seizure action plan, training in the basics of seizure recognition, first aid, and appropriate emergency protocols.
15. For all District staff, annual sexual harassment prevention training.
16. Title IX requirements for training as follows (see policy 2:265, *Title IX Sexual Harassment Grievance Procedure*):

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- a. For all District staff, training on the definition of sexual harassment, the scope of the District's education program or activity, all relevant District policies and procedures, and the necessity to promptly forward all reports of sexual harassment to the Title IX Coordinator.
- b. For school personnel designated as Title IX coordinators, investigators, decision-makers, or informal resolution facilitators, training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.
- c. For school personnel designated as Title IX investigators, training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- a.d. For school personnel designated as Title IX decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.

Alternative to paragraph number 2:

2. At least every two years, an in-service to train school personnel who work with students on how to: (a) communicate with and listen to youth victims of domestic or sexual violence and expectant and parenting youth, (b) connect youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs and services as needed, and (c) implement the School District's policies, procedures, and protocols with regard to such youth, including confidentiality. The in-service shall be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth.

Citations for this option follow:

1. 105 ILCS 5/10-22.39(e) (refers to anaphylactic reactions/management).
2. 105 ILCS 5/10-22.39(d).
3. 105 ILCS 5/10-22.39(c).
4. 105 ILCS 5/10-22.39(b), amended by P.A.s 100-903 and 101-350, ~~eff. 1-1-20~~. The law allows districts to use the Ill. Mental Health First Aid training program to provide this training. If a licensed employee or an administrator obtains mental health first aid training outside of an in-service training program, he or she may present a certificate of successful completion of that training to the school district to satisfy the requirements of this law.
5. 105 ILCS 5/10-23.12, amended by P.A. 101-531; 325 ILCS 5/4(j), amended by P.A. 101-564, ~~eff. 1-1-20~~; and *Erin's Law Taskforce Final Report*, authorized by 105 ILCS 5/22-65 and repealed by P.A. 99-30 because of submission of the Report at: [www.jsbe.net/Documents/erins-law-final0512.pdf](http://www.jsbe.net/Documents/erins-law-final0512.pdf) and see also [www.erinslawillinois.org/](http://www.erinslawillinois.org/) for more resources based upon the report. Training may be in-person or web-based and must include, at a minimum, information on the following topics: (1) indicators for recognizing child abuse and child neglect; (2) the process for reporting suspected child abuse and child neglect and the required documentation; (3) responding to a child in a trauma-informed manner; and (4) understanding the response of child protective services and the role of the reporter after a call has been made. 325 ILCS 5/4(j), amended by P.A. 101-564, ~~eff. 1-1-20~~. Districts must provide training through either DCFS, an entity authorized to provide continuing education through the Dept. of Financial and Professional Regulation, the Ill. State Board of Education, the Ill. Law Enforcement Training Standards Board, the Ill. Dept. of State Police, or an organization approved by DCFS to provide mandated reporter training. *Id.* *Child-serving organizations*, which are not defined in ANCRA, are "encouraged to provide in-person annual trainings." *Id.*
6. 105 ILCS 110/3.10(b)(2).
7. 105 ILCS 5/10-22.6(c-5), amended by P.A. 100-810. School board members are also included.
8. 7 C.F.R. Parts 210 and 235. Section 210.2 defines school nutrition program directors, managers and staff. 7 C.F.R. §§210.15(b)(8) (recordkeeping requirements) and 210.31(a), (c), (d), and (e) (professional standards requirements); 210.31(g)(requiring school food authority director to keep records), amended by Fed. Reg. Vol. 81, No. 146 at 50169 and finalized 7-29-16: Food service funds may be used for reasonable, allocable, and necessary training costs. 7 C.F.R. §210.31(f). The U.S. Dept. of Agriculture (USDA) has established implementation resources that contain training opportunities and resources covering the four core training areas: nutrition, operations, administration, and communications/marketing at: [www.fns.usda.gov/school-meals/professional-standards](http://www.fns.usda.gov/school-meals/professional-standards).
9. 105 ILCS 25/1.15.
10. 105 ILCS 5/22-80(h), amended by P.A. 100-309.
11. 105 ILCS 5/22-30(j-15). Consult the board attorney about whether:

The Superintendent shall develop protocols for administering youth suicide awareness and prevention education to staff consistent with Board policy 7:290, *Suicide and Depression Awareness and Prevention*.<sup>6</sup>

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- a. All asthma action plans should require immediate 911 calls based upon In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017) (school district's appeal denied). The court held that a teacher's failure to dial 911 immediately upon a student's asthma attack was *willful and wanton* conduct, subjecting the school district to liability under the Local Governmental and Governmental Employees Tort Immunity Act.
- b. The duties and responsibilities of the district when it asks for, but does not receive an asthma action plan from a parent/guardian and the logistics of distributing any received plans to those employees who need to know based upon Stewart, above.

12. 105 ILCS 5/10-20.61, added by P.A. 100-14.

13. 105 ILCS 5/10-20.17a; 23 Ill.Admin.Code §1.330.

14. 105 ILCS 150/25, added by P.A. 101-50, ~~off. 7-1-20~~.

15. 775 ILCS 5/2-109, added by P.A. 101-221, ~~off. 1-1-20~~.

15.16. ~~34 C.F.R. §106.45(b)(1)(iii)~~.

Putting this optional list into the policy will help the board monitor that the required in-service and training topics are being covered. While it is possible to *pick and choose*, this practice is likely to add more confusion to an already confusing responsibility. Unless noted, the School Code does not mandate the frequency with which the training must occur. Several other trainings that are mentioned in laws other than the School Code are addressed in other policies. Many of those policies are listed in the cross-references to this policy, e.g., training requirements under the Care of Students with Diabetes Act. 105 ILCS 145/.

<sup>5</sup> Different from the in-service training that school districts must provide to their staff, 105 ILCS 5/3-11, contains requirements that the regional superintendents must include during teachers institutes. Instruction on prevalent student chronic health conditions, as well as educator ethics and teacher-student conduct training is also required. See also f/n 3 above discussing the board's requirement in Section 10-22.39. Beginning with the 2016-17 school year, teachers' institutes must also include instruction on the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101 *et seq.*) as it pertains to the school environment at least every two years. Contact the Regional Superintendent or the appropriate Intermediate Service Center with questions about online training for this component of a teachers' institute. Discuss with the board attorney the best practices of documenting trainings and evaluations of trainings; many attorneys in the field prefer documentation of ADA trainings to assist in their defense of any potential ADA claims against the district.

For districts that have a practice of providing instruction in life-saving techniques and first-aid in their staff development programs, insert the following optional paragraph that restates 105 ILCS 5/3-11, 105 ILCS 110/3, and 77 Ill.Admin.Code §527.800:

An opportunity shall be provided for all staff members to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automated external defibrillator, in accordance with a nationally recognized certifying organization. Physical fitness facilities' staff must be trained in cardiopulmonary resuscitation and use of an automated external defibrillator.

Persons performing CPR are generally exempt from civil liability if they are trained in CPR (745 ILCS 49/10); persons performing automated external defibrillation are generally exempt from civil liability if they were trained and acted according to the standards of the American Heart Association (745 ILCS 49/12).

The board may also want to address other staff development opportunities. While not required to be policy, 105 ILCS 5/27-23.10 requires a school board to collaborate with State and local law enforcement agencies on gang resistance education and training. It also states that ISBE may assist in the development of instructional materials and teacher training for gang resistance education and training, which may be helpful to include in the staff development program. Other mandated and recommended staff development opportunities that are not located in the School Code or ISBE rules are found in the Ill. Administrative Code or federal regulations. Many of them are cross referenced in this policy.

<sup>6</sup> Required by 105 ILCS 5/2-3.166(c)(2).

- LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.  
~~Healthy, Hunger-Free Kids Act of 2010~~, 42 U.S.C. §1758b, Pub. L. 111-296,  
Healthy, Hunger-Free Kids Act of 2010; 7 C.F.R. Parts 210 and 235.  
 105 ILCS 5/2-3.62, 5/10-20.17a, 5/10-20.61, 5/10-22.6(c-5), 5/10-22.39, 5/10-23.12, 5/22-80(h), and 5/24-5.  
 105 ILCS 25/1.15, Interscholastic Athletic Organization Act.  
 105 ILCS 150/25, Seizure Smart School Act.  
 105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.  
 325 ILCS 5/4, Abused and Neglected Child Reporting Act.  
 745 ILCS 49/, Good Samaritan Act.  
 775 ILCS 5/2-109, Ill. Human Rights Act.  
 23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.  
 77 Ill.Admin.Code §527.800.
- CROSS REF.: 2:265 (Title IX Sexual Harassment Grievance Procedure), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Environmental Quality of Buildings and Grounds), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:50 (School Wellness), 6:160 (English Learners), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:270 (Administering Medicines to Students), 7:285 (Food Allergy Management Program), 7:290 (Suicide and Depression Awareness and Prevention), 7:305 (Student Athlete Concussions and Head Injuries)
- ADMIN. PROC.: 2:265-AP1 (Title IX Sexual Harassment Response), 2:265-AP2 (Formal Title IX Sexual Harassment Complaint Grievance Process), 4:160-AP (Environmental Quality of Buildings and Grounds), 4:170-AP6 (Plan for Responding to a Medical Emergency at an Indoor Physical Fitness Facility), 5:100-AP (Staff Development Program), 5:150-AP (Personnel Records), 6:120-AP4 (Care of Students with Diabetes), 7:250-AP1 (Measures to Control the Spread of Head Lice at School)

## General Personnel

### Personnel Records <sup>1</sup>

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. <sup>2</sup>
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*. <sup>3</sup>

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>1</sup> 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 applicable collective bargaining agreement.”

<sup>2</sup> An employee has the right to view his or her personnel file contents, with a few exceptions. Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/. Thus, personnel files should contain only factual and accurate job-related information. In addition, the PRRA identifies records that may not be kept: a record of an employee’s associations, political activities, publications, communications, or non-employment activities (820 ILCS 40/9, amended by P.A. 101-531) and records identifying an employee as the subject of an investigation by the Ill. Dept. of Children and Family Services (DCFS) if the investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act (820 ILCS 40/13). See f/n 5.

<sup>3</sup> 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.” 5 ILCS 140/7(1)(b); 5 ILCS 140/2(c)-5.
2. *Personal information* “the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 ILCS 140/7(1)(c).

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.<sup>4</sup> 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.<sup>5</sup>

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.

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3. Information prohibited from being disclosed under the Illinois Educational Labor Relations Act (IELRA). 5 ILCS 140/7.5(oo), added by P.A. 101-620 (final citation pending); 115 ILCS 5/3(d). The prohibitions in the IELRA overlap with some categories of private information identified in FOIA and include: (a) the employee's home address (including ZIP code and county); (b) the employee's date of birth; (c) the employee's home and personal phone number; (d) the employee's personal email address; (e) any information personally identifying employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization or a labor federation; and (f) e-mails or other communications between a labor organization and its members. Unless a specific exception in the IELRA applies, if a district receives a third party request for any of these six categories of information about an employee, the district must provide the union with a copy of the written request (or written summary of an oral request), as well as a copy of the district's response within five business days of sending the response. If the employee is not in a bargaining unit, then these notices must be given directly to the employee. 115 ILCS 5/3(d). **Note:** It is best practice to maintain union-related documents, such as grievances, separately from an employee's personnel file.

2.4. Information prohibited from being disclosed by the PRRA. 5 ILCS 140/7.5(q). The PRRA prohibits the disclosure of a performance evaluation under FOIA. 820 ILCS 40/11. The treatment of a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record. If the responsive record is more than four years old and is not related to an incident or attempted incident of sexual abuse or severe physical abuse, the request must be denied unless the disclosure is permitted by the Act. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A. 101-531. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse or severe physical abuse, the request cannot be denied. 820 ILCS 40/8, amended by P.A. 101-531. If the responsive record is four years old or less (regardless of its nature), the district should provide the record and must notify the employee in written form or through email, if available. 820 ILCS 40/7 and 40/8, amended by P.A. 101-531.

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.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub.L. 104-191) 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.

<sup>4</sup> 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 PRRA. The PRRA 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.*

<sup>5</sup> 325 ILCS 5/4(d), amended by P.A. 101-564, ~~eff. 1-1-20~~, 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*.

LEGAL REF.: [325 ILCS 5/4, Abused and Neglected Child Reporting Act.](#)  
[745 ILCS 46/10, Employment Record Disclosure Act.](#)  
[820 ILCS 40/, Personal Record Review Act.](#)  
23 Ill.Admin.Code §1.660.

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

DRAFT

## Professional Personnel

### Terms and Conditions of Employment and Dismissal 1

The School Board delegates authority and responsibility to the Superintendent to 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. <sup>2</sup>

### School Year

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.<sup>3</sup> Teachers are not required to work on legal school holidays unless the District has followed applicable State law that allows it to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); February 12 (the Birthday of President Abraham Lincoln); the first Monday in March (known as Casimir Pulaski's birthday); the second Monday in October (Columbus Day); and November 11 (Veterans' Day).<sup>4</sup>

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> 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. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement."

Evaluation, tenure, and dismissals changed significantly from 2013 to 2016 as P.A.s 96-861, 97-8, and 98-513 were implemented. These public acts are referred to as *Education Reform* or *Education Reform Acts*.

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

<sup>3</sup> 105 ILCS 5/10-19, amended by P.A.s 101-12 and 101-643. See 6:20, *School Year Calendar and Day*.

<sup>4</sup> 105 ILCS 5/24-2(b). See 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. 105 ILCS 5/24-2, amended by P.A. 101-642, prohibits districts from making a deduction "from the time or compensation of a school employee on account of any legal or special holiday."

10 ILCS 5/2B-10, added by P.A. 101-642 and 105 ILCS 5/24-2 (e), amended by P.A. 101-642, designates 2020 Election Day on 11-3-2020 as a legal school holiday for purposes of 105 ILCS 5/24. It requires all government offices, with the exception of election authorities, to be closed unless authorized to be used as a location for Election Day services or as a polling place. 10 ILCS 5/2B-10, added by P.A. 101-642, requires any school closed under it to make itself available to an election authority as a polling place for 2020 General Election Day and comply with all safety and health practices established by the Ill. Department of Public Health (IDPH).

No waiver exists for 2020 Election Day. 105 ILCS 5/24-24(b) and (e), amended by P.A. 101-642.

### School Day

Teachers are required to work the school day adopted by the Board.<sup>5</sup> Teachers employed for at least four hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer.<sup>6</sup>

The District accommodates employees who are nursing mothers according to provisions in State and federal law.<sup>7</sup>

### Salary

Teachers shall be paid according to the salaries fixed by the Board, but in no case less than the minimum salary provided by the School Code.<sup>8</sup> Teachers shall be paid at least monthly on a 10- or 12-month basis.<sup>9</sup>

### Assignments and Transfers

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments.<sup>10</sup> In order of priority, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

### School Social Worker Services Outside of District Employment

School social workers may not provide services outside of their District employment to any student(s) attending school in the District. *School social worker* has the meaning stated in 105 ILCS 5/14-1.09a.<sup>11</sup>

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>5</sup> A school day is required to consist of a minimum of five clock hours under the direct supervision of a teacher or non-teaching personnel or volunteer personnel that provides non-teaching or supervisory duties as specified in 105 ILCS 5/10-22.34(a) in order to qualify as a full day of attendance. 105 ILCS 5/10-19.05(a) ~~and (j-5)~~, added by P.A. 101-12 ~~and amended by P.A. 101-643~~. See [www.isbe.net/school-calendar](http://www.isbe.net/school-calendar) for ISBE's instructional day changes notice regarding this law. See 105 ILCS 5/10-19.05, added by P.A. 101-12 ~~and amended by P.A. 101-643~~, for additional exceptions to the attendance calculation.

<sup>6</sup> 105 ILCS 5/24-9.

<sup>7</sup> 740 ILCS 137/; 820 ILCS 260/, amended by P.A. 100-1003. Ill. law requires more of employers than federal law. Consult the board attorney to ensure the district is properly accommodating nursing mothers. See 5:10-AP, *Workplace Accommodations for Nursing Mothers*.

<sup>8</sup> 105 ILCS 5/10-20.7, 5/10-21.1, 5/24-1, and 5/24-8, amended by P.A. 101-443, ~~eff. 6-1-20, beginning with the 2020-2021 school year~~, (minimum salary). Salaries are a mandatory subject of collective bargaining. 115 ILCS 5/10. Annually, by Oct. 1, each district must: (1) during an open school board meeting, report salary and benefits information for the superintendent, administrators, and teachers; (2) publish that information on the district's website, if any; and (3) provide this information to ISBE. 105 ILCS 5/10-20.47. According to a Public Access Counselor (PAC) *Informal Mediation* letter interpreting ~~Sec. 7.3 of the Open Meetings Act (OMA)~~ (5 ILCS 120/7.3), an IMRF employer must post on its website the names of employees having a total compensation package that exceeds \$75,000 per year. 2012 PAC 19808 (Informal Mediation by the Ill. Attorney General's Public Access Counselor (PAC); see PAC Annual Report for 2012 at [www.foia.ilattorneygeneral.net/pdf/Public\\_Access\\_Counselor\\_Annual\\_Report\\_2012.pdf](http://www.foia.ilattorneygeneral.net/pdf/Public_Access_Counselor_Annual_Report_2012.pdf)).

<sup>9</sup> 105 ILCS 5/24-21.

<sup>10</sup> Districts are required to have a policy on the distribution of the listed assignments. 23 Ill.Admin.Code §1.420(d).

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.*, 336 Ill.App. 448 (4th Dist. 1949); *Dist. 300 Educ. Assoc. v. Bd. of Educ.*, 31 Ill.App.3d 550 (2nd Dist. 1975); *Lewis v. Bd. of Educ.*, 181 Ill.App. 3d 689 (5th Dist. 1989).

<sup>11</sup> Optional. This subhead provides information to district employees and the community that 105 ILCS 5/14-1.09a, amended by P.A. 100-356, prohibits school social workers from moonlighting by providing services to students attending the districts in which they are employed. Delete "~~5/10-20.650, 5/14-1.09a,~~" from the Legal References if the board deletes this subhead.

Dismissal

The District will follow State law when dismissing a teacher. <sup>12</sup>

Evaluation

The District's teacher evaluation system will be conducted under the plan developed pursuant to State law. <sup>13</sup>

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>12</sup> All dismissal laws in the chart below were amended by the *Education Reform Acts*. ~~Beginning with 2020-2021 school year,~~ 105 ILCS 5/24A-5.5, added by P.A. 101-591, requires districts to develop and implement a local appeals process for unsatisfactory ratings issued to teachers under 105 ILCS 5/24A-5, amended by P.A. 101-643. Districts must: (1) develop the process in cooperation with the bargaining unit or teachers, if applicable, and (2) include an assessment of the original rating by a panel of qualified evaluators agreed to by the PERA joint committee (105 ILCS 5/24A-4(b)).

<b>Non-tenure Teacher Discharge</b>	105 ILCS 5/24-11, <u>amended by P.A. 101-643</u>
<b>Tenured and Non-tenure Teachers Reduction in Force</b>	105 ILCS 5/24-12(b), <u>amended by P.A. 101-643</u> , and (c)
<b>Tenured Teacher Discharge Where Cause Remediable</b>	105 ILCS 5/24-12(d) (prior reasonable warning required) 105 ILCS 5/24-12(d) (procedural mandates) 105 ILCS 5/10-22.4 (general authority)
<b>Tenured Teacher Discharge Where Cause Irremediable</b>	105 ILCS 5/24-12(d) (no prior warning required) 105 ILCS 5/24-12(d) (procedural mandates) 105 ILCS 5/10-22.4 (general authority)
<b>Tenured Teacher Discharge Failure to complete remediation plan with a rating of Proficient</b>	105 ILCS 5/24A-5(m) (participation in remediation plan after unsatisfactory evaluation) 105 ILCS 5/24-12(d)(1), <u>amended by P.A. 101-643</u> (no prior warning required if cause(s) were subject of remediation plan) 105 ILCS 5/24-12(d) (procedural mandates) 105 ILCS 5/10-22.4 (general authority)
<b>Tenured Teacher Discharge - Optional Alternative Evaluative Dismissal Process for PERA Evaluation Failure to complete remediation plan with a Proficient or better rating 105 ILCS 5/24A-2.5</b>	105 ILCS 5/24-16.5(d) (provide written notice) 105 ILCS 5/24-16.5 (pre-remediation and remediation procedural mandates) 105 ILCS 5/24-16.5(e) and (f) (school board makes final decision with only PERA-trained board members participating in vote)
<b>Tenured Teacher Discharge Unsatisfactory PERA evaluation within 36 months of completing a remediation plan 105 ILCS 5/24A-2.5</b>	105 ILCS 5/24A-5(n) (forego remediation and proceed to dismissal) 105 ILCS 5/24-12(d) (procedural mandates) 105 ILCS 5/10-22.4 (general authority)
<b>Educational Support Personnel Employees (non-licensed)</b>	105 ILCS 5/10-23.5, amended by PA. 101-46
<b>Probationary Teacher (non-tenure teacher)</b>	105 ILCS 5/24-11, <u>amended by P.A. 101-643</u>

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*, 149 Ill.2d 496 (Ill. 1992).

Teacher RIF procedures were changed by 105 ILCS 5/24-12, amended by P.A. 101-643. See *PERA Overview for School Board Members*, question 13, "What is the process for selecting teachers for a reduction in force/layoff (RIF)" at: [www.iasb.com/law/PERAoverview.pdf](http://www.iasb.com/law/PERAoverview.pdf).

According to a binding opinion from the Ill. Public Access Counselor, a board must identify an employee by name in a motion to dismiss him or her. PAO 13-16. As this may be a significant change in practice with possible other legal consequences, a board should consult with the board attorney on this issue before dismissing employee.

<sup>13</sup> Teacher evaluation plans are covered in *PERA Overview for School Board Members* at: [www.iasb.com/law/PERAoverview.pdf](http://www.iasb.com/law/PERAoverview.pdf).

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, 5/10-19.05, 5/10-20.65, 5/14-1.09a, 5/22.4, 5/24-16.5, 5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.  
820 ILCS 260/1 et seq.  
23 Ill.Admin.Code Parts 50 (Evaluation of Educator Licensed Employees) and 51 (Dismissal of Tenured Teachers).  
Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532(1985). .

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

## Professional Personnel

### Resignations <sup>1</sup>

Tenured teachers may resign at any time with consent of the School Board or by written notice sent to the Board Secretary at least 30 days before the intended date of resignation. However, no teacher may resign during the school term in order to accept another teaching position without the consent of the Board.<sup>2</sup>

LEGAL REF.: 105 ILCS 5/24-14.

Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006).

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> Districts may want to add a liquidated damages clause to individual teacher contracts in order to discourage teacher resignations in violation of this policy and law.

A teacher who resigns during the school term, without the board's permission, in order to accept another teaching assignment may be referred by the board to the State Superintendent of Education, who shall convene an informal evidentiary hearing within 90 days after receipt of a resolution by the board. 105 ILCS 5/24-14, amended by P.A. 100-531, is A teacher found guilty of resigning during the school term to accept another teaching position without board consent unprofessional conduct and liable to suspension of will have his or her license suspended for up to one calendar year. 105 ILCS 5/24-14[d]. In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent. Id. See also Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006)(regional superintendent may suspend for one year the teaching certificate of a tenured or nontenured teacher who resigns to accept another position).

For further guidance, see Ill. State Board of Education non-regulatory guidance on the Application of Section 24-14 of the Illinois School Code to Teacher Resignations (10-28-19) at [www.isbe.net/Documents/section-24-14-guidance.pdf](http://www.isbe.net/Documents/section-24-14-guidance.pdf).

## Educational Support Personnel

### Duties and Qualifications 1

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time to time at the Board's sole discretion.

### Paraprofessionals 2

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals, and the requirements in this section do not apply. In addition, individuals completing their clinical experiences and/or student teaching do not need to comply with this section, provided their service otherwise complies with ISBE rules. 3

### Noncertificated and Unlicensed Personnel Working with Students and Performing Non-Instructional Duties

Noncertificated and unlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long-distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities; 4
2. As supervisors, chaperones, or sponsors for non-academic school activities; or 5

*The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.*

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.

2 Educator licensure replaced the previous system of certification on 7-1-2013. All Illinois teaching, administrative, and school service personnel certificates were converted to a corresponding license. Except as provided in ISBE rules §1.630(b)(2) and 25.510(a), all new applicants for a paraprofessional credential must hold an educator license with stipulations endorsed for a paraprofessional educator. 105 ILCS 5/21B-20(2)(J), amended by P.A.s 101-220 and 101-594; 23 Ill.Admin.Code §§1.630 and 25.510. See ISBE's explanation at: [www.isbe.net/Pages/Educator-Licensure-Requirements.aspx](http://www.isbe.net/Pages/Educator-Licensure-Requirements.aspx).

A district may continue to use the term *teacher aide* to describe licensed personnel performing instructional support activities. In that situation, use the following alternative for the subhead and first paragraph:

#### Paraprofessionals and Licensed Teacher Aides

Paraprofessionals and licensed teacher aides provide supervised instructional support. Personnel performing instructional support activities must hold a current educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

If a district uses teacher aides to perform non-instructional support activities, *unlicensed teacher aides* may be inserted in the subhead for next section as follows: "Noncertificated and Unlicensed Personnel (Including Unlicensed Teacher Aides) Working with Students and Performing Non-Instructional Duties."

*Paraprofessionals are not required to maintain discipline under 105 ILCS 5/24-24, 23 Ill.Admin.Code §1.280.*

3 105 ILCS 5/10-22.34; 23 Ill.Admin.Code §§1.630(c)(3) (other unlicensed personnel) and 25.620 (student teaching).

This paragraph is optional and may be deleted if the board desires a streamlined policy.

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

5 105 ILCS 5/10-22.34a; 23 Ill.Admin.Code §1.630(ae)(1).

3. For non-teaching duties not requiring instructional judgment or student evaluation. <sup>6</sup>

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval. <sup>7</sup>

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership.<sup>8</sup> Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health.<sup>9</sup> Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law. <sup>10</sup>

Bus Drivers

All school bus drivers must have a valid school bus driver permit.<sup>11</sup> The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver,

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<sup>6</sup> 105 ILCS 5/10-22.34(a)(1); 23 Ill.Admin.Code §1.630(a).

<sup>7</sup> 105 ILCS 5/10-22.34b, last paragraph. Noncertificated personnel may be used to provide specialized instruction in a field that an individual is particularly qualified by reason of specialized knowledge or skill. <sup>23</sup> Ill.Admin.Code §1.630(c)(3)(C). Districts that frequently use noncertificated individuals to provide such instruction may consider adding the following optional sentence:

When appropriate, the Superintendent may seek approval from the responsible Regional Superintendent for a noncertificated individual to provide specialized instruction, ~~that is~~ not otherwise readily available in the school environment, in the field that the individual is particularly qualified by reason of specialized knowledge or skill.

<sup>8</sup> A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Ill.~~inois~~ High School Association, the Southern Ill.~~inois~~ Junior High School Athletic Association, and the Ill.~~inois~~ Elementary School Association.

An optional sentence follows:

The coach for an extracurricular athletic activity sponsored or sanctioned by the Illinois High School Association (IHSA) at or above the ninth grade level must have completed the IHSA's educational program and competency testing on preventing abuse of performance-enhancing substances, provided the program is available.

<sup>9</sup> Optional and may be amended. The first requirement identifies a basic competency, and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code ~~Part-§§~~ 525.300 and 525.400).

<sup>10</sup> 225 ILCS 5/3 and 5/4.

<sup>11</sup> The regional superintendent is authorized to conduct school bus driver instruction courses and investigate whether persons hired to operate school buses have valid school bus driver permits. (105 ILCS 5/3-14.23, ~~amended by P.A. 100-863~~).

School bus driver permits are issued by the Ill. Secretary of State (~~SOS~~), (625 ILCS 5/6-106.1, ~~amended by P.A.s 100-513 and 101-458~~). Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Ill. ~~Dept. of State Police (ISP)~~ for criminal background investigations. Districts must also certify in writing to the ~~Secretary of State~~ SOS that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the ~~State Police~~ ISP and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information. (~~Id.~~) The applicant presents this certification to the ~~Secretary of State~~ SOS when submitting the school bus driver permit application. (~~Id.~~)

A school bus driver operating a school bus at the time of an accident is deemed by the implied consent law to agree to submit to tests at the direction of a law enforcement officer of the driver's breath, blood, or urine to determine the presence of alcohol, or other drugs, in the person's system. (625 ILCS 5/6-516).

Anyone driving a bus chartered to transport students to or from interscholastic athletic or interscholastic or school-sponsored activities must have a valid school bus driver permit; this does not apply to any driver employed by a public

that the bus driver permit holder has been called to active duty.<sup>12</sup> New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: 34 C.F.R. §§200.58 ~~and 200.59.13~~  
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.  
625 ILCS 5/6-104 and 5/6-106.1.  
23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted. transportation provider when the bus is on a regularly scheduled route for transporting other fare-paying passengers. (625 ILCS 5/6-104(d-5)).

<sup>12</sup> This sentence is optional, but the notification is required by 625 ILCS 5/6-106.1(h). *Active duty* is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. 625 ILCS 5/6-106.1(i). Upon notification, the Secretary of State SOS will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(h).

~~<sup>13</sup> The statute underlying these regulations (20 U.S.C. §6319) was repealed by the Every Student Succeeds Act, eff. 12-10-15.~~

## Educational Support Personnel

### Sick Days, Vacation, Holidays, and Leaves 1

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

### Sick and Bereavement Leave 2

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees will receive sick leave pay equivalent to their regular

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>1</sup> 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. The introductory paragraph recognizes that an applicable collective bargaining agreement or individual employment contract will supersede a conflicting provision of the policy. Alternatively, if the policy's subject matter is superseded by a bargaining agreement, the board policy may state, "Please refer to the applicable collective bargaining agreement."

Districts must coordinate leaves provided by State law and the local bargaining agreement with the leave granted by the Family and Medical Leave Act (FMLA) (29 U.S.C. §2612), amended by Sec. 565 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84). The FMLA grants eligible employees 12 weeks unpaid leave each year for: (1) the birth and first-year care of a child; (2) the adoption or foster placement of a child; (3) the serious health condition of an employee's spouse, parent, or child; (4) the employee's own serious health condition; (5) the existence of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) *covered active duty* in the Armed Forces; and (6) to care for the employee's spouse, child, parent, or next of kin who is a covered service member with a serious injury or illness. The definition of *covered servicemember* includes a veteran "who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness" if the veteran was a member of the Armed Forces "at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy." 29 U.S.C. §2611. Districts are permitted to count paid leave (granted by State law or board policy) taken for an FMLA purpose against an employee's FMLA entitlement. 29 C.F.R. §825.207. See policy 5:185, *Family and Medical Leave*.

A plethora of State laws grant leaves to employees of the State and municipalities, but are not applicable to school districts, including the Employee Blood Donation Leave Act (820 ILCS 149/), Local Government Disaster Service Volunteer Act (50 ILCS 122/), Organ Donor Leave Act (5 ILCS 327/), and Civil Air Patrol Leave Act (820 ILCS 148/).

<sup>2</sup> This section contains the minimum benefits provided by 105 ILCS 5/24-6. Each specified number of days in this section is the statutory minimum. The School Code does not address whether an employee's 10 paid sick leave days are available upon employment, accrued over months, or after working for a certain period of time, e.g., one year. Also be aware that the Employee Sick Leave Act (820 ILCS 191/) allows employees to use employer-provided sick leave to care for an ill or injured *family* member or to attend a medical appointment with a family member. The law defines family members as a child, stepchild, spouse, domestic partner, sibling, parent, mother- or father-in-law, grandchild, grandparent, or stepparent. *Id.* at 191/10(b). Leave may be taken under the same terms for which the employee would be permitted to take leave for his or her own illness or injury. Before adopting this policy or applying its provisions, the district should examine any applicable bargaining agreements. Strict accounting of unused sick days is important to avoid:

1. Employees accumulating sick time on a full-time basis when they are truly working part-time hours;
2. Inconsistent treatment; and
3. Inaccurate reporting to IMRF (credit is given for full day unused sick days upon retirement). 40 ILCS 5/7-139(a)(8).

workday. Unused sick leave shall accumulate to a maximum of 180 days, including the leave of the current year. <sup>3</sup>

Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. The Superintendent and/or designee shall monitor the use of sick leave.

As a condition for paying sick leave after three days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) a licensed advanced practice registered nurse, (4) a licensed physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than three days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway. <sup>4</sup>

#### Vacation <sup>5</sup>

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

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<sup>3</sup> As this policy is consistent with the minimum requirements of State law, this provision on the maximum number of sick days that may be accumulated is based on the minimum number required as stated in 105 ILCS 5/24-6. The number may be increased to meet or exceed the number IMRF will recognize for retirement credit purposes. The following alternative does this: "Unused sick leave shall accumulate to the maximum number of days that IMRF will recognize for retirement credit purposes."

The following optional provisions apply to boards that want to address the IMRF's requirement that public bodies must have a written plan allowing eligible employees to convert their eligible accumulated sick leave to service credit upon their retirement. See 40 ILCS 5/7-139(a)(8). See also IMRF General Memorandum #555 at:

[www.imrf.org/en/publications-and-archive/general-memos/2007-general-memos/general-memo-555](http://www.imrf.org/en/publications-and-archive/general-memos/2007-general-memos/general-memo-555).

**Option 1:** No collective bargaining agreement applies and the board wants to publicize its written plan. Insert the following sentence: This policy is the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon a District employee's retirement under the Ill. Municipal Retirement Fund.

**Option 2:** A local collective bargaining agreement contains the written plan and the board wants to publicize it. Insert the following sentence: Please refer to the applicable collective bargaining agreement(s) for the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon an employee's retirement under the Ill. Municipal Retirement Fund.

**Option 3:** A district maintains two separate sick leave plans, one for employees under a collective bargaining agreement, and one for non-unionized employees. Insert the text for both Option 1 and Option 2.

**Note:** If Options 1, 2, or 3 are chosen, add 40 ILCS 5/7-139 to the Legal References. If the board does not have a written sick leave plan for purposes of IMRF sick leave to service credit conversion or does not wish to include it in the policy, do not include any of the options above or add the citation to the Legal References.

<sup>4</sup> 105 ILCS 5/24-6, amended by P.A. 100-513.

<sup>5</sup> State law does not require districts to give employees vacations.

<u>Length of Employment</u>		<u>Monthly Accumulation</u>	<u>Maximum Vacation Leave Earned Per Year</u>
<u>From:</u>	<u>To:</u>		
Beginning of year 2	End of year 5	0.83 Days	10 Days per year
Beginning of year 6	End of year 15	1.25 Days	15 Days per year
Beginning of year 16	End of year	1.67 Days	20 Days per year

Part-time employees who work at least half-time are entitled to vacation days on the same basis as full-time employees, but the pay will be based on the employee's average number of part-time hours per week during the last vacation accrual year. The Superintendent will determine the procedure for requesting vacation.

Vacation days earned in one fiscal year must be used by the end of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation. <sup>6</sup>

#### Holidays <sup>7</sup>

Unless the District has a waiver or modification of the School Code pursuant to Section 2-3.25g or 24-2(b) allowing it to schedule school on a legal school holiday listed below, District employees will not be required to work on:

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Columbus Day
Abraham Lincoln's Birthday	Veteran's Day
Casimir Pulaski's Birthday	<u>2020 Election Day</u>
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

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<sup>6</sup> Required by 820 ILCS 115/5 and 56 Ill.Admin.Code §300.520 (Earned Vacations).

<sup>7</sup> Holidays are listed in 105 ILCS 5/24-2(a), (c), amended by P.A. 101-642, and 10 ILCS 5/2B-10, added by P.A. 101-642. For information on the waiver process allowed by 105 ILCS 5/24-2(b), see 2:20-E, *Waiver and Modification Request Resource Guide*. Holidays not specified in the School or Election Codes statute may be added to the policy; however, boards adding additional holidays should monitor and review to ensure the list remains current.

A State-mandated school holiday on Good Friday is unconstitutional according to Metzl v. Leininger, 57 F.3d 618 (7th Cir. 1995). Closing school on religious holidays may be permissible for those districts able to demonstrate that remaining open would be a waste of educational resources because of widespread absenteeism. Also, districts may be able to close school on Good Friday by adopting a spring holiday rationale or ensuring that it falls within spring break. School districts should discuss their options, including the collective bargaining implications, with their board attorney.

For more information about 2020 Election Day, see the discussion in ¶n 4 in 5:200, Terms and Conditions of Employment and Dismissal.

### Personal Leave<sup>8</sup>

Full-time educational support personnel have one paid personal leave day per year. The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal three days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last five days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

### Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Ill. Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.<sup>9</sup>

### Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly.<sup>10</sup>
2. School Visitation Leave.<sup>11</sup>
3. Leaves for Victims of Domestic Violence, Sexual Violence, or Gender Violence.<sup>12</sup>
4. Child Bereavement Leave.<sup>13</sup>
5. Leave to serve as an election judge.<sup>14</sup>

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**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>8</sup> State law does not address personal leave. It is not uncommon for boards to grant educational support personnel the same number of personal leave days as are granted to professional staff.

<sup>9</sup> Required by 105 ILCS 5/24-6.3. A similar leave exists for an elected trustee for the Ill. Teachers' Retirement System. See 5:250, *Leaves of Absence*.

<sup>10</sup> Military leave is governed by the School Code (105 ILCS 5/10-20.7b, 5/24-13, and 13.1); the Service Member Employment and Reemployment Rights Act (330 ILCS 61/, added by P.A. 100-1101, streamlining several job-related protection laws into one statute, mandating leave for *active service* and requiring the public employer to make up the difference between military pay and regular compensation); and the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §4301 *et seq.*).

Granting General Assembly leave to ESPs is optional.

<sup>11</sup> 820 ILCS 147/, amended by P.A. 101-486, ~~eff. 8-1-20~~. See policy 5:250, *Leaves of Absence*, and 5:250-AP, *School Visitation Leave*.

<sup>12</sup> Required by Victims' Economic Security and Safety Act (820 ILCS 180/, amended by P.A. 101-221, ~~eff. 1-1-20~~) and 56 Ill.Admin.Code Part 280. Important information about this leave is discussed in f/n 20, 21, and 22 of 5:250, *Leaves of Absence*.

<sup>13</sup> 820 ILCS 154/. Important information about this leave is discussed in f/n 5 of 5:250, *Leaves of Absence*.

<sup>14</sup> 10 ILCS 5/13-2.5.

LEGAL REF.: 105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.  
330 ILCS 61/, Service Member Employment and Reemployment Rights Act.  
820 ILCS 147, School Visitation Rights Act.  
820 ILCS 154/, Child Bereavement Leave Act.  
820 ILCS 180/, Victims' Economic Security and Safety Act.  
School Dist. 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987); Elder v. Sch. Dist.  
No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence)

## Instruction

### Accelerated Placement Program <sup>1</sup>

The District provides an Accelerated Placement Program (APP). The APP advances the District’s goal of providing educational programs with opportunities for each student to develop to his or her maximum potential.<sup>2</sup> The APP provides an educational setting with curriculum options usually reserved for students who are older or in higher grades than the student participating in the APP.<sup>3</sup> APP options include, but may not be limited to: (a) accelerating a student in a single subject; (b) other grade-level acceleration; and (c) early entrance to kindergarten or first grade.<sup>4</sup> Participation in the APP is open to all students who demonstrate high ability and who may benefit from accelerated placement. It is not limited to students who have been identified as gifted and talented.<sup>5</sup> Eligibility to participate in the District’s APP shall not be conditioned upon the protected classifications identified in School Board policy 7:10, *Equal Educational Opportunities*, or any factor other than the student’s identification as an accelerated learner. <sup>6</sup>

The Superintendent or designee shall implement an APP that includes:

1. Decision-making processes that are fair, equitable, and involve multiple individuals, e.g. District administrators, teachers, and school support personnel, and a student’s parent(s)/guardian(s); <sup>7</sup>
2. Notification processes that notify a student’s parent(s)/guardian(s) of a decision affecting a student’s participation in the APP; and <sup>8</sup>
3. Assessment processes that include multiple valid, reliable indicators. <sup>9</sup>

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A, amended by P.A. 100-421, ~~eff. 7-1-18~~ (the Accelerated Placement Act (APA)); [23 Ill. Admin. Code Part 227, Ill. State Board of Education \(ISBE\) rules require this policy to be posted on the district website, if available. 23 Ill. Admin. Code §227.60\(a\). ISBE rules also require districts to annually report, by July 31, demographic information regarding students participating in accelerated placement. 23 Ill. Admin. Code §227.60\(c\).](#)

<sup>2</sup> Optional. Ensure this statement matches the board’s current educational philosophy and objectives. See sample policy 6:10, *Educational Philosophy and Objectives*.

<sup>3</sup> 105 ILCS 5/14A-17, added by P.A. 100-421; [23 Ill. Admin. Code §227.5, eff. 7-1-18.](#)

<sup>4</sup> ~~Id.~~ For high school districts, delete “; and (c) early entrance to kindergarten or first grade” and insert the word “and” between (a) and (b).

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age*). The APA requires accelerated placement to include “early entrance to kindergarten ~~and early entrance to~~ first grade.” [105 ILCS 5/14A-17](#). 105 ILCS 5/10-20.12 *permits* districts to offer early entrance to kindergarten or first grade “based upon an assessment of the student’s readiness to attend school.” 105 ILCS 5/10-20.12 also states that students may enter first grade early when they: (1) are assessed for readiness; (2) have attended a non-public preschool and continued their education at that school through kindergarten; (3) were taught in kindergarten by an appropriately certified teacher; and (4) will attain the age of 6 years on or before December 31. ~~Id.~~ See sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. **Consult the board attorney for guidance.**

<sup>5</sup> 105 ILCS 5/14A-32(a)(1), added by P.A. 100-421; [23 Ill. Admin. Code §227.5, eff. 7-1-18.](#)

<sup>6</sup> 105 ILCS 5/14A-25, amended by P.A. 100-421, ~~eff. 7-1-18.~~

<sup>7</sup> 105 ILCS 5/14A-32(a)(2), added by P.A. 100-421, ~~eff. 7-1-18,~~ requires that the accelerated placement policy include “a fair and equitable decision-making process that involves multiple persons and includes a student’s parents or guardians” but does not specify what individuals are to be involved or limit those individuals to district employees. Amend this listing to align with the local board’s preference.

<sup>8</sup> 105 ILCS 5/14A-32(a)(3), added by P.A. 100-421, ~~eff. 7-1-18.~~

The Superintendent or designee shall annually notify the community, parent(s)/guardian(s), students, and school personnel about the APP, the process for referring a student for possible evaluation for accelerated placement, and the methods used to determine whether a student is eligible for accelerated placement.<sup>10</sup> Notification may: (a) include varied communication methods, such as student handbooks and District or school websites; and (b) be provided in multiple languages, as appropriate.<sup>11</sup>

LEGAL REF.: 105 ILCS 5/14A.  
[23 Ill.Admin.Code Part 227, Gifted Education.](#)

CROSS REF.: 6:10 (Educational Philosophy and Objectives), 6:130 (Program for the Gifted), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>9</sup> 105 ILCS 5/14A-32(a)(4), added by P.A. 100-421, ~~eff. 7-1-18.~~

<sup>10</sup> Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require “procedures for annually informing the community at-large, including parents or guardians, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement.”

<sup>11</sup> Optional. 105 ILCS 5/14A does not require this but it is a recommended best practice and aligns with sample policy 7:10, *Equal Educational Opportunities*.

## Instruction

### Access to Electronic Networks 1

Electronic networks, including the Internet, are a part of the District's instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication.<sup>2</sup> The Superintendent shall develop an implementation plan for this policy and appoint system administrator(s).<sup>3</sup>

The School District is not responsible for any information that may be lost or damaged, or become unavailable when using the network, or for any information that is retrieved or transmitted via the Internet.<sup>4</sup> Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

### Curriculum and Appropriate Online Behavior

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource center materials. As required by federal law and Board policy 6:60, *Curriculum Content*, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response.<sup>5</sup> Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> State or federal law requires this subject matter be covered by policy. 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.

A policy on Internet safety is necessary to receive *E-rate* funds under the Elementary and Secondary Education Act, [Student Support and Academic Enrichment Grants Enhancing Education Through Technology](#) (20 U.S.C. §5751 ~~et seq~~/131.) and to qualify for universal service benefits under the Children's Internet Protection Act (47 U.S.C. §254(h) and (l)).

<sup>2</sup> This goal is repeated in exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Staff Authorization for Access to the District's Electronic Networks*.

<sup>3</sup> Topics for the implementation plan include integration of the Internet in the curriculum, staff training, and safety issues. The implementation plan can also include technical information regarding service providers, establishing Internet accounts, distributing passwords, software filters, menu creation, managing resources and storage capacity, and the number of dial-up lines or access points for users to connect to their accounts. Another topic is investigation of inappropriate use.

<sup>4</sup> No system can guarantee to operate perfectly or to prevent access to inappropriate material; this policy statement attempts to absolve the district of any liability.

<sup>5</sup> Required by 47 U.S.C. §254(h)(5)(B)(iii) and 47 C.F.R. §54.520(c)(i) only for districts that receive *E-rate* discounts for Internet access or plan to become participants in the *E-rate* discount program. All boards receiving an *E-rate* funding for Internet access must certify that they have updated their Internet safety policies. See, *FCC Report and Order 11-125* (August 11, 2011). This sentence is optional if the district only receives discounts for telecommunications, such as telephone service, unless the district plans to participate in the *E-rate* discount program.

The District's electronic network is part of the curriculum and is not a public forum for general use. 6

#### Acceptable Use 7

All use of the District's electronic networks must be: (1) in support of education and/or research, and be in furtherance of the goals stated herein, or (2) for a legitimate school business purpose. Use is a privilege, not a right.<sup>8</sup> Students and staff members have no expectation of privacy in any material that is stored, transmitted, or received via the District's electronic networks or District computers. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, contains the appropriate uses, ethics, and protocol.<sup>9</sup> Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials. <sup>10</sup>

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>6</sup> School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. *Hazelwood School District Dist. v. Kuhlmeier*, 408 S.Ct. 562/484 U.S. 260 (1988). This policy allows such control by clearly stating that school-sponsored network information resources are not a "public forum" open for general student use but are, instead, part of the curriculum.

It is an unfair labor practice (ULP) under the Ill. Educational Labor Relations Act (IELRA) for an employer to discourage employees from becoming or remaining members of a union. 115 ILCS 5/14(a)(10), added by P.A. 101-620. In connection with that potential penalty, the IELRA requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14 (c-5), added by P.A. 101-620. This policy aligns with IELRA requirements by clarifying the District's electronic network is not a public forum for general use by outside parties and by limiting use of the network to the purposes stated under the Acceptable Use subhead. However, districts are still prohibited under the First Amendment to the U.S. Constitution from suppressing messages based on viewpoint and may be subject to liability if they affirmatively block individual senders. See *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983); *Columbia Univ. v. Trump*, 302 F.Supp.3d 541 (S.D.N.Y. 2018). Consult the board attorney if the board wants to amend this policy to prohibit access by specific parties and/or before taking steps to "block" any specific party from the district's email system based on the content of the party's message.

<sup>7</sup> This paragraph provides general guidelines for acceptable use regardless of whether Internet use is supervised. The specific rules are provided in exhibits 6:235-API, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-API, E2, *Staff Authorization for Access to the District's Electronic Networks* (see also ¶n 1). This paragraph's application to faculty may have collective bargaining implications.

<sup>8</sup> The "privilege, not a right" dichotomy is borrowed from cases holding that a student's removal from a team does not require due process because such participation is a privilege rather than a right. The deprivation of a privilege typically does not trigger the Constitution's due process provision. *Clements v. Board of Education of Decatur Public School District*, No. 61, 478 N.E.2d 1209/133 Ill.App.3d 531 (Ill.App.4,4th Dist. 1985). Nevertheless, before access privileges are revoked, the user should be allowed to give an explanation.

<sup>9</sup> If students are allowed only supervised access and are not required to sign the *Authorization for Access to the District's Electronic Networks*, the provisions from the *Authorization* should be used as administrative procedures for covering student Internet use. See 6:235-API, *Acceptable Use of the District's Electronic Networks*. This is an optional sentence:

The Superintendent shall establish administrative procedures containing the appropriate uses, ethics, and protocol for Internet use.

The Harassing and Obscene Communications Act criminalizes harassing and obscene electronic communication (720 ILCS 5/26.5).

<sup>10</sup> The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. This provision attempts to avoid Fourth Amendment protection for communications and downloaded material by forewarning users that their material may be read or searched, thus negating any expectation of privacy.

Email and computer files are "public records" as defined in the Ill. Freedom of Information Act (FOIA) if they are, as in this policy, "under control" of the school board (5 ILCS 140/2). They may be exempt from disclosure, however, when they contain information that, if disclosed, "would constitute a clearly unwarranted invasion of personal privacy" (5 ILCS 140/7). Alternatively, a school board may believe that making email semi-private enhances its educational value. The following grants limited privacy to email communications and can be substituted for the sample policy's sentence preceding this footnote:

## Internet Safety 11

Technology protection measures shall be used on each District computer with Internet access. They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Superintendent or designee.<sup>12</sup> The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent or system administrator.<sup>13</sup> The Superintendent or designee shall include measures in this policy's implementation plan to address the following:<sup>14</sup>

1. Ensure staff supervision of student access to online electronic networks,<sup>15</sup>
2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

School officials will not intentionally inspect the contents of email without the consent of the sender or an intended recipient, unless as required to investigate complaints regarding email that is alleged to contain material in violation of this policy or the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*.

<sup>11</sup> See f/n 1.

<sup>12</sup> This sample policy language is broader than the requirements in federal law (20 U.S.C. §~~6777~~131, 47 U.S.C. §254, and 47 C.F.R. §54.520(c)(i)). It does not distinguish between minors (children younger than 17) and non-minors. The terms, *minor*, *obscene*, *child pornography*, and *harmful to minors* have not changed, but are now explicitly referred to in the regulations at 47 C.F.R. §54.520(a). Federal law defines *harmful to minors* as:

...any picture, image, graphic image file, or other visual depiction that—(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The Federal Communications Commission specifically declined to find that access to *Facebook* or *MySpace* are per se *harmful to minors*. School officials have discretion about whether or not to block access to these and similar sites. See supra f/n 3.

<sup>13</sup> Permitted by 20 U.S.C. §~~6777~~131(c). The policy's provision for prior approval is not in the law and may be omitted. The entire sentence may be eliminated if a board does not want the filtering device to be disabled.

<sup>14</sup> In order to qualify for universal service benefits under the federal Children's Internet Protection Act (CIPA), the district's Internet safety policy must address the items listed in the sample policy. ~~(47 U.S.C. §254(I))~~. The sample policy accomplishes this task by requiring these items be addressed in the policy's implementation plan or administrative procedure.

Note that federal law requires the school board to hold at least one hearing or meeting to address the *initial* adoption of the Internet safety policy. Later revisions of the existing policy need not follow the public notice rule of CIPA, though a board will still need to follow its policy regarding revisions and the mandates of ~~the III. Freedom of Information Act~~ FOIA.

CIPA also requires this policy and its documentation to be retained for at least ~~five~~ years after the last day of service delivered in a particular funding year. This means the ~~five~~ year retention requirement begins on the last day of service delivered under E-rate, not from the day the policy was initially adopted. Consult the board attorney about this requirement and the best practices for your individual board.

<sup>15</sup> Monitoring the online activities of *students* is broader than the requirement in federal law to monitor *minors*. The definition of minor for this purpose is "any individual who has not attained the age of 17 years." See 47 C.F.R. 54.520(a)(4)(i). The use of the word *students* is a best practice.

Authorization for Electronic Network Access 16

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use. 17

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

The failure of any student or staff member to follow the terms of the District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

- LEGAL REF.: No Child Left Behind Act, 20 U.S.C. §6777.  
Children's Internet Protection Act, 47 U.S.C. §254(h) and (l).  
Enhancing Education Through Technology Act, 20 U.S.C §6751 *et seq.*  
47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.  
720 ILCS 5/26.5.
- CROSS REF.: 5:100 (Staff Development Program), 5:170 (Copyright), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:210 (Instructional Materials), 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct), 6:230 (Library Media Program), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:310 (Restrictions on Publications; Elementary Schools)
- ADMIN. PROC.: 6:235-AP1 (Administrative Procedure - Acceptable Use of the District's Electronic Networks), 6:235-AP1, E1 (Student Authorization for Access to the District's Electronic Networks), 6:235-AP1, E2 (Exhibit - Staff Authorization for Access to the District's Electronic Networks)

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

16 The District's administrative procedure, 6:235-AP1, *Acceptable Use of the District's Electronic Networks*, ~~(6:235-AP1)~~, rather than this board policy, specifies appropriate conduct, ethics, and protocol for Internet use. This is consistent with the principle that detailed requirements are not appropriate for board policy; instead, they should be contained in separate district documents that are authorized by board policy. Keeping technical rules specifying acceptable use out of board policy will allow for greater flexibility, fewer changes to the policy manual, and adherence to the belief that board policy should be confined to governance issues and the provision of guidance on significant district issues.

17 The Superintendent's implementation plan should describe appropriate supervision for students on the Internet who are not required, or refuse, to sign the *Authorization*.

The use of personal electronic communication devices owned by students but used to gain Internet access that has been funded by *E-rate* is not addressed yet. The FCC has indicated that it does plan to address the issues associated with the application of CIPA requirements to this situation.

## Instruction

### Grading and Promotion 1

The Superintendent or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians.<sup>2</sup> The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, and performance on the standardized tests required by the Illinois State Board of Education (ISBE) – Partnership for Assessment of Readiness for College and Careers (PARCC) and/or other assessments.<sup>3</sup> A student shall not be promoted based upon age or any other social reason not related to academic performance.<sup>4</sup> The administration shall determine remedial assistance for a student who is not promoted.<sup>5</sup>

Every teacher shall maintain an evaluation record for each student in the teacher's classroom. A District administrator cannot change the final grade assigned by the teacher without notifying the teacher.<sup>6</sup> Reasons for changing a student's final grade include:

- A miscalculation of test scores,
- A technical error in assigning a particular grade or score,
- The teacher agrees to allow the student to do extra work that may impact the grade,
- An inappropriate grading system used to determine the grade, or
- An inappropriate grade based on an appropriate grading system.

Should a grade change be made, the administrator making the change must sign the changed record.

*The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.*

<sup>1</sup> State law requires districts to have a school board policy containing the reasons for which a grade may be changed and prohibiting social promotion. 105 ILCS 5/10-20.9a. State law controls this policy's content.

If a district uses weighted grades for classes by degree of difficulty, it must be reflected in the affected students' class ranking and permanent records. 105 ILCS 5/27-27.

<sup>2</sup> Absent a court order to the contrary, upon the request of either parent of a student whose parents are divorced, copies of report cards, along with other notices and records, must be furnished to both parents by the district. 105 ILCS 5/10-21.8.

<sup>3</sup> 105 ILCS 5/10-20.9a. Each board may determine its own promotion criteria and augment the statute's criteria.

Until July 1, 2014, 105 ILCS 5/2-3.64 contained the State assessment program until it was repealed by P.A. 98-972.

105 ILCS 5/2-3.64a-5(b) requires ISBE to "establish the academic standards that are to be applicable to students who are subject to State assessments." It contains the schedule for assessing students by calendar year and grade. ISBE selects standardized tests for the Partnership for Assessment of Readiness for College and Careers (PARCC) as the State assessment and accountability measure. In House Joint Resolution 54 (2015), members of the Ill. House and Senate encouraged school districts to not use results of the Partnership for Assessment of Readiness for College and Careers (PARCC) test for the 2014-2015 through the 2017-2018 school years "as a determining factor for making decisions about a student's educational opportunities, the evaluation of educators, and the allocation of resources based on educational achievement on this assessment." Starting in 2019, PARCC was no longer used by ISBE.

105 ILCS 5/2-3.64a-5(c), amended by P.A. 100-7, requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours.

105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-222, no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript; however, the scores must still be placed in the student's permanent record. See also 23 Ill.Admin.Code §375.10.

<sup>4</sup> 105 ILCS 5/10-20.9a(b).

<sup>5</sup> Id.

<sup>6</sup> The specific reasons and procedure for changing a grade are at the local board's discretion; however, State law provides that no grade may be changed without notification to the teacher concerning the nature and reason for the change. 105 ILCS 5/10-20.9a(a). The person making the change must assume all responsibility and must initial the change. Id.

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

DRAFT

## Students

### Equal Educational Opportunities 1

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity,<sup>2</sup> status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy.<sup>3</sup> Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under School Board policy 8:20, *Community Use of School*

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>1</sup> State or federal law requires this subject matter be covered by policy and controls this policy's content.

<sup>2</sup> Adopting separate policies or inserting policy statements about accommodations and inclusion of transgender students in the educational program are unsettled areas of the law. Some lawyers believe doing so may open boards to equal protection challenges for not creating separate policies for other protected statuses, e.g., race, nationality, religion, etc. [Executive Order \(EO\) 2019-11, titled "Strengthening Our Commitment to Affirming and Inclusive Schools" established the Affirming and Inclusive Schools Task Force \(Task Force\) to identify strategies and best practices for ensuring welcoming, safe, supportive, and inclusive school environments for transgender, nonbinary, and gender nonconforming students. The Task Force delivered a report that served as the basis for two non-regulatory guidance documents entitled Supporting Transgender, Nonbinary and Gender Nonconforming Students and Sample District Policy and Administrative Procedures at www.isbe.net/supportallstudents. The Ill. State Board of Education \(ISBE\) hosts these documents on its website.](#)

Consult the board attorney if your board wishes to adopt a separate policy or insert policy statements about accommodations and inclusion of transgender students.

[For boards that want to incorporate ISBE's Sample District Policy and Administrative Procedures policy recommendation into this policy, insert the following in place of "gender identity.": gender, gender identity \(whether or not traditionally associated with the student's sex assigned at birth\), gender expression..](#)

[If the board inserts this option, it must also insert the options in f/n 7, below and in f/n 2 of sample policy 7:20, Harassment of Students Prohibited, BUT NOTE THE PROTECTED STATUSES LIST IN THIS POLICY IS DIFFERENT AND SHOULD NOT BE COPIED FROM HERE INTO 7:20, HARASSMENT OF STUDENTS PROHIBITED.](#)

See 7:10-AP1, *Accommodating Transgender Students or Gender Non-Conforming Students*, for a case-by-case procedure that school officials may use when a student requests an accommodation based upon his or her gender identity.

For a list of policies that address the equal educational opportunities, health, safety, and general welfare of students within the District, see 7:10-E, *Equal Educational Opportunities Within the School Community*.

<sup>3</sup> Many civil rights laws guarantee equal education opportunities; see citations in the Legal References.

In 23 Ill.Admin.Code §1.240, ISBE states that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (*Plyler v. Doe*, 457 U.S. 202 (1982))."

The Ill. Human Rights Act (IHRA) and an ISBE rule prohibit schools from discriminating against students on the basis of *sexual orientation and gender identity*. 775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240. *Sexual orientation* is defined as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). *Gender identity* is included in the definition of sexual orientation in the Act. The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103. 775 ILCS 5/1-102(A) makes *order of protection status* a protected category.

The IHRA's jurisdiction is specifically limited to: (1) failing to enroll an individual, (2) denying access to facilities, goods, or services, or (3) failing to take corrective action to stop severe or pervasive harassment of an individual. 775 ILCS 5/5-102.2.

*Facilities.*<sup>4</sup> Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure.*<sup>5</sup>

### Sex Equity<sup>6</sup>

No student shall, based on sex, sexual orientation, or gender identity<sup>7</sup> be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure.* A student may appeal the Board's resolution of the complaint to the Regional

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<sup>4</sup> 23 Ill.Admin.Code §200.40(b) prohibits entering into agreements with entities that discriminate against students on the basis on sex. Section 200.80(a)(4) contains an exception for single sex youth organizations, e.g., Boy and Girl Scouts. Note that the U.S. Supreme Court refused to apply N.J.'s public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scouts' freedom of expressive association. *Boy Scouts of America v. Dale*, 530 U.S. 640 (2002). When deciding whether to allow non-school groups to use its facilities, a public school district may not engage in viewpoint discrimination. *Good News Club v. Milford Central Sch.*, 533 U.S. 98 (2001).

<sup>5</sup> Districts must have a grievance procedure. See Legal References following policy. Absent a specific statute or rule, there is no consensus on whether students have the right to appeal a board's decision to the Regional Superintendent and thereafter to the State Superintendent pursuant to 105 ILCS 5/2-3.8.

<sup>6</sup> Every district must have a policy on sex equity. 23 Ill.Admin.Code §200.40(b). The IHRA, Public Accommodation section, prohibits schools from: (1) failing to enroll an individual, (2) denying a individual access to its facilities, goods, or services, or (3) failing take corrective action to stop severe or pervasive harassment of an individual (775 ILCS 5/3-102.2), on the basis of the individual's sex or sexual orientation, among other classifications (775 ILCS 5/5-101). Districts must periodically evaluate their policies and practices to identify and eliminate sex discrimination as well as evaluate course enrollment data to identify disproportionate enrollment based on sex. In-service training for all staff members is required. 23 Ill.Admin.Code §1.420.

With some exceptions, Title IX ~~of the Education Amendments of 1972 (Title IX)~~ guarantees that "[n]o person in the United States shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..." 20 U.S.C. §§1681(a). Equal participation and equal opportunity in athletics is addressed in the U.S. Dept. of Education's implementing rules. 34 C.F.R. §106.41. Generally, when a school district offers a team for one gender but not for the other, a member of the excluded gender is allowed to try out for the team unless the sport is a *contact sport*. Contact sports are boxing, wrestling, rugby, ice hockey, football, basketball, and other sports involving bodily contact. The rules also list the factors that determine whether equal opportunities are available to both genders. These include: whether the selection of athletics accommodates the interests and abilities of both genders; equipment and supplies; scheduling; opportunity to receive coaching and academic tutoring; locker rooms, practice facilities, and fields; and publicity. ~~Title IX prohibits any person from sexually harassing a student. See sample policy 2:265, Title IX Sexual Harassment Grievance Procedure, for further discussion.~~

105 ILCS 5/10-20.60 (final citation pending), added by P.A. 100-29, ~~eff. 1-1-18~~, requires public schools to provide reasonable accommodations to breastfeeding students. See ~~sample administrative procedure 7:10-AP-2, Accommodating Breastfeeding Students~~, for specific *reasonable accommodations* under Illinois law.

105 ILCS 5/10-20.60 (final citation pending), added by P.A. 100-163, ~~eff. 1-1-18~~, requires school districts to make feminine hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in the bathrooms of school buildings serving students in grades 6 through 12. **Note:** The statute does not delineate between types of bathrooms (student, staff, girls, boys, unisex, etc.). Consult with the board attorney about implementing this law.

<sup>7</sup> For boards that want to incorporate ISBE's *Sample District Policy and Administrative Procedures* policy recommendations into this policy (see f/n 2 above), insert:

1. In place of "or gender identity" as follows: "~~or gender identity, or gender expression~~".
2. The following sentence as the second sentence of this subhead: "Students shall be supported in a manner consistent with their gender identity. This will include, but not be limited to, use of restrooms, locker rooms, and other facilities that correspond with the student's gender identity."

Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).<sup>8</sup>

#### Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator, who also serves as the District's Title IX Coordinator.<sup>9</sup> The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures.<sup>10</sup>

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; implemented by 34 C.F.R. Part 106.  
29 U.S.C. §791 et seq., Rehabilitation Act of 1973.  
42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.  
Good News Club v. Milford Central Sch., 533 U.S. 98 (2001).  
Ill. Constitution, Art. I, §18.  
105 ILCS 5/3.25b, 5/3.25d(b), 5/10-20.12, 5/10-20.60 (P.A.s 100-29 and 100-163, final citations pending), 5/10-22.5, and 5/27-1.  
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.  
775 ILCS 35/5, Religious Freedom Restoration Act.  
23 Ill.Admin.Code §1.240 and Part 200.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:130 (Student Rights and Responsibilities), 7:160 (Student Appearance), 7:165 (Student Uniforms), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:330 (Student Use of Buildings - Equal Access), 7:340 (Student Records), 8:20 (Community Use of School Facilities)

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>8</sup> Districts must have a grievance procedure and must tell students that they may appeal a board's resolution of a sex equity complaint to the Regional Superintendent and, thereafter, to the State Superintendent. 23 Ill.Admin.Code §-200.40. Student complaints regarding breastfeeding accommodations must also be processed in accordance with these procedures. See sample policy 2:260, Uniform Grievance Procedure, at f/n §§.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center."

<sup>9</sup> Required by regulations implementing Title IX. 34 C.F.R. Part 106.8(a). See f/n 19 in sample policy 2:260, Uniform Grievance Procedure. If the district's Nondiscrimination Coordinator does not also serve as the Title IX Coordinator, amend this sentence to state: "The Superintendent shall appoint a Nondiscrimination Coordinator and a Title IX Coordinator."

<sup>10</sup> Required by regulations implementing Title IX. 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. Faculty handbooks may contain working conditions and be subject to mandatory collective bargaining. The Illinois Principals Association maintains a handbook service that coordinates with PRSSE material. Online Model Student Handbook (MSH), at: [www.ilprincipals.org/resources/model-student-handbook](http://www.ilprincipals.org/resources/model-student-handbook).

## Students

### Nonpublic School Students, Including Parochial and Home-Schooled Students 1

#### Part-Time Attendance

The District accepts nonpublic school students, including parochial and home-schooled students, who live within the District for part-time attendance in the District's regular education program on a space-available basis.<sup>2</sup> Requests for part-time attendance must be submitted to the Building Principal of the school in the school attendance area where the student resides. All requests for attendance in the following school year must be submitted before May 1.<sup>3</sup>

A student accepted for partial enrollment must comply with all discipline and attendance requirements established by the school. He or she may participate in any co-curricular activity associated with a District class in which he or she is enrolled. The parent(s)/guardian(s) of a student accepted for partial enrollment must pay all fees, pro-rated on the basis of a percentage of full-time fees. Transportation to and/or from school is provided on regular bus routes to or from a point on the route nearest or most easily accessible to the nonpublic school or student's home. This transportation shall be on the same basis as the District provides transportation for its full-time students.<sup>4</sup> Transportation on other than established bus routes is the responsibility of the parent(s)/guardian(s).

#### Students with a Disability 5

The District accepts for part-time attendance those children for whom it has been determined that special education services are needed, are enrolled in nonpublic schools, and otherwise qualify for enrollment in the District. Requests must be submitted by the student's parent/guardian. Special educational services shall be provided to such students as soon as possible after identification, evaluation, and placement procedures provided by State law, but no later than the beginning of the next school semester following the completion of such procedures. Transportation for such students

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1 State or federal law controls this policy's content. The compulsory attendance law (~~105 ILCS 5/26-1 et seq.~~) requires that parent(s)/guardian(s) of a child between the ages of 7 and 17 years send their child to public school. ~~105 ILCS 5/26-1 et seq.~~ An exception is provided for any child attending a private or parochial school "where children are taught the branches of education taught to children of corresponding age and grades in public schools, and where the instruction of the child in the branches of education is in the English language." (~~Id.~~) Home schooling is included in this exception if the teacher is competent, the required subjects are taught, and the student receives an education that is at least equivalent to public schooling. ~~People v. Levisen, 404 Ill. 574, 90 N.E.2d 213 (1950).~~

2 As of January 1, 1996, many of the duties imposed on school boards became powers. (~~105 ILCS 5/10-20~~). Thus, boards have the power to accept students enrolled in nonpublic schools for part-time attendance. (~~105 ILCS 5/10-20.24~~). A board should consult its attorney before deciding not to accept nonpublic students for part-time attendance.

3 ~~Id.~~ The deadline for submitting a request is at the local district's option. Consult the board attorney if the district or a school receives a request after this deadline.

4 Such transportation is required by ~~105 ILCS 5/29-4~~.

5 This paragraph restates State law. (~~105 ILCS 5/14-6.01~~). Federal law requires districts to develop and implement a system to locate, identify, and evaluate children with disabilities who attend private schools (including religiously affiliated schools and home-schools) located within the district. Moreover, the district must conduct child find activities for private school children with disabilities that are similar to those for children with disabilities in public schools. See 34 C.F.R. §§300.130-300.144 (children with disabilities enrolled by their parents in private schools). See Section 2, **Child Find**, in the [IASB/MI Council of School Attorneys sample 2015-Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities](#), at [www.iasb.com/law/icsaspeded.cfm](http://www.iasb.com/law/icsaspeded.cfm). Information from the U.S. Dept. of Education is at: [www2.ed.gov/admins/lead/speced/privateschools/index.html?exp=3](http://www2.ed.gov/admins/lead/speced/privateschools/index.html?exp=3), including the publication *Provisions Related to Children with Disabilities Enrolled by their Parents in Private Schools*.

shall be provided only if required in the child's Individualized Educational Program on the basis of the child's disabling condition or as the special education program location may require.

#### Extracurricular Activities, Including Interscholastic Competition

A nonpublic school student is eligible to participate in: (1) interscholastic competition, provided his or her participation adheres to the regulations established by any association in which the School District maintains a membership, and (2) non-athletic extracurricular activities, provided the student attends a District school for at least two class periods during the regular school day, excluding lunch.<sup>6</sup> A nonpublic student who participates in an extracurricular activity is subject to all policies, regulations, and rules that are applicable to other participants in the activity.

#### Assignment When Enrolling Full-Time in a District School

Grade placement by, and academic credits earned at, a nonpublic school will be accepted if the school has a Certificate of Nonpublic School Recognition from the Illinois State Board of Education, or, if outside Illinois, if the school is accredited by the state agency governing education. <sup>7</sup>

A student who, after receiving instruction in a non-recognized or non-accredited school, enrolls in the District will: (1) be assigned to a grade level according to academic proficiency, and/or (2) have academic credits recognized by the District if the student demonstrates appropriate academic proficiency to the school administration.<sup>8</sup> Any portion of a student's transcript relating to such instruction will not be considered for placement on the honor roll or computation in class rank. <sup>9</sup>

Notwithstanding the above, recognition of grade placement and academic credits awarded by a nonpublic school is at the sole discretion of the District. All school and class assignments will be made according to School Board policy 7:30, *Student Assignment and Intra-District Transfer*, as well as administrative procedures implementing this policy.

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<sup>6</sup> State law is silent on this issue; however, the Illinois High School Association Bylaws, 3.011 and 4.011, state that in order to be eligible to participate in interscholastic competition a student must be enrolled in a district school and take a minimum of 25 credit hours of work for which the district will grant high school credit upon the student's completing and passing the courses. If the board decides not to allow such participation, consider omitting this section of the policy and substituting:

Nonpublic school students, regardless of whether they attend a District school part-time, will not be allowed to participate in any extracurricular activities.

<sup>7</sup> This paragraph is optional; districts are not required to accept the grade placement or academic credits from nonpublic schools. However, the Illinois State Board of Education (ISBE) provides a *recognition* status to nonpublic schools in order to, among other things, provide assurance that the school's educational program meets at least minimum State requirements. See 105 ILCS 5/2-3.250; 23 Ill.Admin.Code Part 425, and ISBE's guidance at: [www.isbe.net/Pages/Nonpublic-Elementary-and-Secondary-School-Registration-and-Recognition.aspx](http://www.isbe.net/Pages/Nonpublic-Elementary-and-Secondary-School-Registration-and-Recognition.aspx). Nonpublic schools may seek a *Certificate of Nonpublic School Recognition* by complying with these guidelines. While nonpublic school certification is entirely voluntary, only nonpublic schools that have met the voluntary recognition requirements are eligible to receive school safety and education improvement block grant funding. See 23 Ill.Admin.Code §425.80.

<sup>8</sup> The question whether to award academic credit based on proficiency is complex. If credit is not given, any incoming secondary student from a nongraded school begins high school as a freshman, regardless of age or proficiency. On the other hand, to award credit based on a student's proficiency only if the student is transferring from a nongraded school will seem unfair to other students. State law is silent on this issue and boards should consult their administrative team for guidance.

<sup>9</sup> Optional.

LEGAL REF.: 105 ILCS 5/10-20.24 and 5/14-6.01.

CROSS REF.: 4:110 (Transportation), 6:170 (Title I Programs), 6:190 (Extracurricular and Co-Curricular Activities), 6:320 (High School Credit for Proficiency), 7:30 (Student Assignment and Intra-District Transfer), 7:300 (Extracurricular Athletics)

## Students

### Prevention of and Response to Bullying, Intimidation, and Harassment 1

Bullying, intimidation, and harassment diminish a student’s ability to learn and a school’s ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is **prohibited** in each of the following situations: <sup>2</sup>

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the School District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require staff members to monitor any nonschool-related activity, function, or program.

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> All districts must have a policy on bullying. 105 ILCS 5/27-23.7, amended by P.A. 100-137. Every two years, each district must review and re-evaluate this policy, make necessary and appropriate revisions, and file the updated policy with ISBE. This sample policy’s first paragraph allows a school board to consider its goals for preventing bullying and remedying its consequences; it may be amended.

In addition to a bullying prevention policy, all districts must have a policy on student behavior. 105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280. Boards must, in consultation with their parent-teacher advisory committees and other community-based organizations, address aggressive behavior, including bullying, in their student behavior policy. See 7:190, *Student Behavior*; 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

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. See f/n 7, below.

<sup>2</sup> This paragraph and its subparts 1-4 are from the bullying prevention statute. 105 ILCS 5/27-23.7(a); see also 775 ILCS 5/1-103 and 23 Ill.Admin.Code §1.240. The protected statuses are mandated by the bullying prevention statute; the list of protected statuses is identical to the list in 7:20, *Harassment of Students Prohibited*.

Definitions from 105 ILCS 5/27-23.7<sup>3</sup>

*Bullying* includes *cyberbullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

*Cyberbullying* means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

*Restorative measures* means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

*School personnel* means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

Bullying Prevention and Response Plan

The Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each

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<sup>3</sup> All definitions are directly from 105 ILCS 5/27-23.7, amended by P.A. 100-137.

numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12. <sup>4</sup>

1. The District uses the definition of *bullying* as provided in this policy. <sup>5</sup>
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District’s bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking.<sup>6</sup> Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying.<sup>7</sup> Anonymous reports are also accepted.

**Nondiscrimination Coordinator: <sup>8</sup>**

Same as per policy 2:260

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Name

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Address

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Email

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Telephone

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<sup>4</sup> As each numbered requirement, 1-12, corresponds with the same number in 5/27-23.7(b)1-12, there are no reference citations in footnotes. All non-statutory requirements, plus alternatives and optional provisions, are described in footnotes.

<sup>5</sup> A board may augment the School Code requirement by using this alternative:

Using the definition of *bullying* as provided in this policy, the Superintendent or designee shall emphasize to the school community that: (a) the District prohibits bullying, and (b) all students should conduct themselves with a proper regard for the rights and welfare of other students. This may include a process for commending or acknowledging students for demonstrating appropriate behavior.

<sup>6</sup> The statute requires that the policy contain the email address and telephone number for the staff person(s) responsible for receiving bullying reports. Using the district Nondiscrimination Coordinator and Complaint Managers is consistent with 2:260, *Uniform Grievance Procedure*. While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. A telephone number for making anonymous reports may also be added.

<sup>7</sup> 105 ILCS 5/27-23.7(d), amended by P.A. 100-137, requires that “[s]chool personnel available for help with a bully or to make a report about bullying” be made known to parents/guardians, students, and school personnel.

<sup>8</sup> Sample policy 2:260, *Uniform Grievance Procedure*, states that a district’s Nondiscrimination Coordinator also serves as its Title IX Coordinator. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, list the Title IX and Nondiscrimination Coordinators’ names separately in this policy. Best practice is that throughout the district’s board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

**Complaint Managers:**

Same as per policy 2:260	Same as per policy 2:260
Name	Name
Address	Address
Email	Email
Telephone	Telephone

4. Consistent with federal and State laws and rules governing student privacy rights, the Superintendent or designee shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.<sup>9</sup>
5. The Superintendent or designee shall promptly investigate and address reports of bullying, by, among other things:
  - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
  - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
  - c. Notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.
  - d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The Superintendent or designee shall investigate whether a reported incident of bullying is within the permissible scope of the District’s jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs.<sup>10</sup>

6. The Superintendent or designee shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.<sup>11</sup>

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<sup>9</sup> 105 ILCS 5/10-20.14 contains a similar requirement. See 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

<sup>10</sup> This sentence contains requirements found in 105 ILCS 5/27-23.7(d).

<sup>11</sup> A grant may be available from the Ill. State Board of Education for the promotion of a safe and healthy learning environment. 105 ILCS 5/2-3.176, added by P.A. 101-438. A list of grant funding opportunities is available at: [www.isbe.net/Pages/Grants.aspx](http://www.isbe.net/Pages/Grants.aspx).

7. A reprisal or retaliation against any person who reports an act of bullying is prohibited. A student's act of reprisal or retaliation will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
9. The District's bullying prevention and response plan must be based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Superintendent or designee shall post this policy on the District's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.<sup>12</sup>
11. The Superintendent or designee shall assist the Board with its evaluation and assessment of this policy's outcomes and effectiveness. This process shall include, without limitation:
  - a. The frequency of victimization;
  - b. Student, staff, and family observations of safety at a school;
  - c. Identification of areas of a school where bullying occurs;
  - d. The types of bullying utilized; and
  - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. The Superintendent or designee must post the information developed as a result of the policy evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students.

12. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following:<sup>13</sup>

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<sup>12</sup> 105 ILCS 5/27-23.7(b)(10), amended by P.A. 100-137.

<sup>13</sup> The statute requires that the bullying policy *be consistent with* other board policies. The list of policies may be deleted and the following alternative used: "12. The District's bullying prevention plan must be consistent with other Board policies." If a policy list is included, be sure the referenced policies were adopted locally and amend the list accordingly.

The bullying statute does not identify staff member duties regarding the prevention of or response to student bullying. The following optional provision addresses staff member responsibilities and may be added as a new paragraph 13:

13. The Superintendent or designee shall fully inform staff members of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes each of the following:
  - a. Communicating the District's expectation and State law requirement that teachers and other certificated or licensed employees maintain discipline.

- a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
- b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
- b.c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
- e.d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
- d.e. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
- e.f. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
- f.g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
- g.h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
- h.i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.<sup>14</sup>

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- b. Establishing the expectation that staff members: (1) intervene immediately to stop a bullying incident that they witness or immediately contact building security and/or law enforcement if the incident involves a weapon or other illegal activity, (2) report bullying, whether they witness it or not, to an administrator, and (3) inform the administration of locations on school grounds where additional supervision or monitoring may be needed to prevent bullying.
- c. Where appropriate in the staff development program, providing strategies to staff members to effectively prevent bullying and intervene when it occurs.
- d. Establishing a process for staff members to fulfill their obligation to report alleged acts of bullying.

<sup>14</sup> For elementary districts, delete: ~~and 7:315, *Restrictions on Publications; High Schools*~~ and delete the Cross Reference to 7:315, *Restrictions on Publications; High Schools*. For high school districts, delete ~~7:310, *Restrictions on Publications; Elementary Schools*~~, and delete the Cross Reference to 7:310, *Restrictions on Publications; Elementary Schools*. In both cases, revise the beginning of the sentence to read: "These policies prohibit students from and provides."

LEGAL REF.: 405 ILCS 49/, Children's Mental Health Act.  
105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.  
23 Ill.Admin.Code §1.240 and §1.280.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Food Allergy Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

## Students

### Student Fundraising Activities 1

No individual or organization is allowed to ask students to participate in fundraising activities while the students are on school grounds during school hours or during any school activity. Exceptions are:

1. School-sponsored student organizations; and
2. Parent organizations and booster clubs that are recognized pursuant to policy 8:90, *Parent Organizations and Booster Clubs*.

The Superintendent or designee shall manage student fundraising activities in alignment with the following directives: 2

1. Fundraising efforts shall not conflict with instructional activities or programs.
2. For any school that participates in the School Breakfast Program or the National School Lunch Program, fundraising activities involving the sale of food and beverage items to students during the school day while on the school campus must comply with the Ill. State Board of Education rules concerning the sale of competitive food and beverage items. 3
3. Participation in fundraising efforts must be voluntary.
4. Student safety must be paramount. 4
5. For school-sponsored student organizations, a school staff member must supervise the fundraising activities and the student activity funds treasurer must safeguard the financial accounts.
6. The fundraising efforts must be to support the organization’s purposes and/or activities, the general welfare, a charitable cause, or the educational experiences of students generally.
7. The funds shall be used to the maximum extent possible for the designated purpose.

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<sup>1</sup> State law requires this subject matter be covered by policy. 105 ILCS 5/10-20.19(3) requires districts to have rules governing: (1) “conditions under which school classes, clubs, and associations may collect or acquire funds,” and (2) “the safekeeping of such funds for the educational, recreational, or cultural purposes they are designed to serve.”

<sup>2</sup> Except for #2 ([see f/n 3, below](#)), all numbered directives are optional and may be deleted or amended. These directives are intended to comply with 105 ILCS 5/10-20.19(3) by stating the conditions under which funds may be collected and by providing for their safekeeping.

<sup>3</sup> Selling popular food items to raise funds is restricted by federal and State rules. ISBE limits the sale of competitive food and beverages sold to students on the school campus of any school that participates in the School Breakfast Program or the National School Lunch Program (*participating schools*). 23 Ill.Admin.Code §305.15(a). *Competitive foods* are all food and beverages that are offered by any person, organization, or entity for sale to students on the school campus during the school day that are not reimbursed under programs authorized by federal law. 7 C.F.R. §210.11(a)(2); 23 Ill.Admin.Code §305.5). ~~Beginning in the 2015-16 school year, Participating schools with grades 8 and below have zero exempted fundraising days, and participating schools with grades 9-12 may have no more than nine~~ <sup>9</sup> *exempted fundraising days*. 23 Ill.Admin.Code §305.15 (b)(2)(A)-(B). *Exempted fundraising day* means a school day on which foods and/or beverages not meeting the “general nutrition standards for competitive foods” may be sold to students on the school campus. 7 C.F.R. §210.11 (b)(4); 23 Ill.Admin.Code §305.5). See 4:120, *Food Services*; 4:120-AP, *Food Services; Competitive Foods; Exemptions*.

<sup>4</sup> Two alternatives follow:

- Alternative 1: 4. Student safety must be paramount ~~and door-to-door solicitations are prohibited~~.
- Alternative 2: 4. Student safety must be paramount ~~and door-to-door solicitations are discoura~~<sup>ed</sup>.

8. Any fundraising efforts that solicit donor messages for incorporation into school property (e.g., tiles or bricks) or placement upon school property (e.g., posters or placards) must: <sup>5</sup>
  - a. Develop viewpoint neutral guidelines for the creation of messages;
  - b. Inform potential donors that all messages are subject to review and approval, and that messages that do not meet the established guidelines must be resubmitted or the donation will be returned; and
  - c. Place a disclaimer on all fundraising information and near the completed donor messages that all messages are “solely the expression of the individual donors and not an endorsement by the District of any message’s content.”

LEGAL REF.: 105 ILCS 5/10-20.19(3).  
23 Ill.Admin.Code Part 305, School Food Service.

CROSS REF.: 4:90 (Activity Funds), 4:120 (Food Services), 8:80 (Gifts to the District), 8:90 (Parent Organizations and Booster Clubs)

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<sup>5</sup> The issue of soliciting or receiving donor messages is an unsettled area of the law that is frequently litigated because of its many complex legal and practical issues. The U.S. Constitution’s Free Speech, Establishment, and Equal Protection Clauses may be triggered. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate on the basis of viewpoint. Requiring that donor messages go through a thorough review process prior to their permanent placement on any medium can avoid issues that may occur when messages are reviewed after placement and found to be unacceptable. For sample cases discussing the issue of a district’s exclusion of donor messages on school property, see Fleming v. Jefferson County Sch.ool Dist.riet R-1, 298 F.3d 918 (10th Cir. 2002), *cert. denied* (school’s restriction on the use of religious symbols on tiles that would become a part of the rebuilt school allowed because the messages were school-sponsored speech, and the restrictions had a reasonable relation to legitimate teaching concerns); DiLoreto v. Downey Unified Sch.ool Dist. Beard. of Educ., 196 F.3d 958 (9th Cir. 1999), *cert. denied* (school district’s refusal to post an advertisement featuring the text of the Ten Commandments on its baseball field upheld because the field was a nonpublic forum for a limited purpose); Gernetzke v. Kenosha Unified Sch.ool Dist.riet No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied* (school district disallowed religious symbols on Bible Club’s mural so it would not have to allow speech that would cause a disruption like white supremacists who wanted to display the swastika); and Kiesinger v. Mexico Acad.emy and Central Sch.ool, 427 F.Supp. 2d 182 (N.D.N.Y. 2006)(school district’s removal of bricks inscribed with a donor’s religious messages from a walkway in front of a school was viewpoint discrimination because the district allowed messages about God generally, but not a specific religious viewpoint on God).

## Students

### Student Records 1

School student records are confidential. Information from them shall not be released other than as provided by law.<sup>2</sup> A school student record is any writing or other recorded information concerning a

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<sup>1</sup> State law requires school boards to adopt a policy and procedures implementing the Illinois School Student Records Act (ISSRA) and specifying the content of school student records. 23 Ill.Admin.Code §§375.100 and 226.740. Both State and federal law address school student records. See the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) implemented by federal rules at 34 C.F.R. Part 99) and ISSRA (105 ILCS 10/, amended by P.A. § 101-515 and 100-532, implemented by ISBE rules at 23 Ill.Admin.Code Part 375).

In addition, the U.S. Dept. of Education's (DOE) Protecting Student Privacy webpage, a service of the Privacy Technical Assistance Center (PTAC) and the Family Student Privacy Policy Compliance Office, is a *one-stop* resource for education stakeholders to learn about student privacy and confidentiality, including data privacy and security practices related to student-level longitudinal data systems, at: [www.studentprivacy.ed.gov/](http://www.studentprivacy.ed.gov/). PTAC published a guide for school officials titled *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices* (2014), at:

[www.studentprivacy.ed.gov/resources/protecting-student-privacy-while-using-online-educational-services-requirements-and-best](http://www.studentprivacy.ed.gov/resources/protecting-student-privacy-while-using-online-educational-services-requirements-and-best).

The DOE also issued a summary of resources on FERPA and virtual learning (2020) at: [www.studentprivacy.ed.gov/resources/ferpa-and-virtual-learning](http://www.studentprivacy.ed.gov/resources/ferpa-and-virtual-learning). **School officials/Boards that wish to interested in enter into cloud computing and other operator contracts must comply with the Student Online Personal Protect Act (SOPPA), 105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21, and should contact the board attorney for implementation guidance. See also fn 2, item #7, below.**

Confusion persists regarding the interplay between the FERPA and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191). The Privacy Rule implementing HIPAA, issued by the U.S. Dept. of Health and Human Services (DHS), addresses the disclosure of individuals' health information by *covered entities*. 45 C.F.R. Parts 160 and 164, Subparts A and E. Generally speaking, a school district becomes a *covered entity*, and must comply with applicable sections in the Privacy Rule, if it provides health care and transmits health information in electronic form in connection with transactions. However, *educational records* as defined by FERPA are excluded from HIPAA's definition of *protected health information*. 45 C.F.R. §160.103. In most cases this exception relieves school districts of complying with burdensome privacy notices and authorization forms. In December 2019, DHS and DOE issued an update to its *Joint Guidance on the Application of FERPA and HIPAA to Student Health Records*, at:

[www.studentprivacy.ed.gov/sites/default/files/resource\\_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf](http://www.studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf).

The board attorney should be consulted on all HIPAA-related questions.

<sup>2</sup> A plethora of statutory and decisional law protects student records. Aside from the laws identified in fn 1, other laws protecting student records include:

1. Schools may not provide a student's *personal information* to a business organization or financial institution that issues credit or debit cards. 105 ILCS 5/10-20.38.
2. Schools may not sell personal information concerning a child under the age of 16, with a few exceptions, unless a parent has consented. Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/.
3. The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is governed by the Mental Health and Developmental Disabilities Confidentiality Act. 740 ILCS 110/.
4. Schools must keep a sex offender registration form received from law enforcement separately from school student records maintained on behalf of the juvenile sex offender. 730 ILCS 152/121.
5. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. The Ill.~~inois~~ Marriage and Dissolution of Marriage Act (IMDMA), 750 ILCS 5/602.11.
6. Schools may not provide a parent/guardian access to his or her child's school records if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. Id. IMDMA, 750 ILCS 5/602.11.

student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below: 3

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school. 4
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses<sup>5</sup>) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 17 years who has been arrested or taken into custody. 6

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy<sup>7</sup>, and challenge school student records.<sup>8</sup> The information contained in school student

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7. ~~The protection of student data collected by educational technology companies is governed by the Student Online Personal Protection Act, 105 ILCS 85/, added by P.A. 100-315. The Student Online Personal Protection Act SOPPA (105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21) addresses a school district's obligations related to covered information of students and contracts with educational technology operators. In some instances, covered information as defined under SOPPA may also qualify as education records under FERPA and school student records under ISSRA. See policy 7:345, *Educational Technology Use; Student Data Privacy and Security*, and administrative procedure 7:345-API, *Educational Technology Use; Student Data Privacy and Security*, for a description of SOPPA obligations.~~

Note: Nos. 5 and 6 above may conflict with FERPA in that they restrict a parent/guardian's right to access his or her child's school records more than is expressly permitted by FERPA. 20 U.S.C. 1232g(a)(1)(A), (B); 34 C.F.R. 99.10(a). Consult the board attorney for guidance.

Allowing students to grade each other's papers does not violate FERPA; such student work is not a *school record* until it is recorded by the teacher. *Owasso I.S.D. No. I-011 v. Falvo*, 534 U.S. 426 (2002). School student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. *Chicago Tribune Co. v. Chicago Bd. of Educ.*, 332 Ill.App.3d 60 (1st Dist. 2002).

3 20 U.S.C. §1232g(a)(4); 34 C.F.R. §99.3; 105 ILCS 10/2(d); 705 ILCS 405/1-7 and 5-905; 23 Ill.Admin.Code. §375.10. Rather than listing the exceptions in the policy, a school board may choose to end the sentence after the proviso "except as provided in State or federal law."

4 For a helpful resource, see *f/n* 1 in policy 7:150, *Agency and Police Interviews*.

5 For an explanation, see footnotes in *policy* 7:220, *Bus Conduct*.

6 Many lawyers believe that once these records are received by a school, they are protected as *education records* under FERPA. Consult the board attorney for advice.

7 105 ILCS 10/5(a).

105 ILCS 10/5(c), amended by P.A. 100-532, requires that a parent's or student's request to inspect and copy records be granted no later than 10 business days (previously 15 school days) after the date of receipt of such a request by the official records custodian.

105 ILCS 10/5(c-5), added by P.A. 100-532, outlines how a school district may extend the timeline for response by not more than five business days from the original due date if one or more of these six reasons applies:

1. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
2. The request required the collection of a substantial number of specified records;
3. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
5. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or

records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child.<sup>9</sup> The District may release directory information as permitted by law, but a parent/guardian shall have the right to ~~object to opt-out~~ of the release of directory information regarding his or her child.<sup>10</sup> However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian.<sup>11</sup> Upon request, the District discloses school student records without parent consent to the officials records custodian of another school ~~district~~ in which a

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6. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

The person making the request and the school district may also agree in writing to extend the timeline for compliance for a period to be determined by the parties. Id.

~~8~~ 23 Ill.Admin.Code §375.10, ~~amended at 42 Ill. Reg. 5899~~, provides that districts may, through board policy, allow scores received on college entrance examinations to be included on a student's academic transcript if that inclusion is requested in writing by a student, parent or person who enrolled the student. If the board of a unit or high school district wants to allow this, insert:

A student or the student's parent/guardian may request, in writing, that scores received on college entrance examinations be included on the student's academic transcript.

**Note:** Though 23 Ill.Admin.Code §375.10 uses the phrase "student, parent or person who enrolled the student," student records rights under ISSRA and FERPA attach to *eligible students* and their parents/guardians, not to "a person who enrolled the student" (though that person is typically a parent or guardian).

If a board allows for the inclusion of college entrance examination scores on academic transcripts, amend the district's notification to parents/guardians and students of their school student records rights with the process for requesting the inclusion. 23 Ill.Admin.Code §375.30(d)(5), ~~amended at 42 Ill. Reg. 5899~~. See 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, for an example.

~~9~~ 23 Ill.Admin.Code §226.740(a).

~~10~~ This sentence is required if the board allows schools to release student directory information. 20 U.S.C. §1232g; 23 Ill.Admin.Code §375.80; 34 C.F.R. §99.37. There is at least one instance in Illinois in which parents were upset that their school district released students' names and addresses pursuant to a Freedom of Information Act (FOIA) request. FOIA contains an exemption for home addresses. Many lawyers, however, say that a district must release student information pursuant to a FOIA request when each of the following has occurred: the FOIA request seeks information that is included in the district's definition of student directory information, the district notified parents that it releases directory information, and the parents did not opt out of allowing directory information to be released concerning their child. An opinion from the Ill. Public Access Counselor supports that a district may not rely on the FOIA exemption for home addresses. PAO 12-3.

The **PRESS** policy does not identify the components of *directory information*, leaving that task to implementing material. Boards may want to discuss this quagmire with the superintendent knowing that there are good reasons to release directory information, e.g., to allow the district to publish information about specific students, and good reasons to not release directory information, e.g., to avoid releasing names and addresses pursuant to a FOIA request.

23 Ill.Admin.Code §375.80(a)(1), ~~amended at 42 Ill. Reg. 5899~~, no longer includes *gender* as information which may be designated as directory information. This is consistent with attorneys' views, that Illinois' past practice of including *gender* within directory information may have violated FERPA. FERPA regulations provide that directory information "means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed" and it "includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended." 34 C.F.R. §99.3. Though FERPA regulations do not explicitly preclude the designation of *gender* as directory information, U.S. Dept. of Education (DOE) guidance has consistently advised schools not to disclose a student's sex as directory information because it would be considered harmful or an invasion of privacy. See *Letter to Institutions of Postsecondary Education*, DOE Family Policy Compliance Office (September 2009). Consult the board attorney about the practical implementation of this issue. Some attorneys, for example, believe photos of the "Girls Volleyball Team" may contradict DOE guidance.

~~11~~ 20 U.S.C. §1232(g)(j), as added by ~~the~~ Sec. 507 of the U.S.A. Patriot Act of 2001.

student has enrolled or intends to enroll, as well as to any other person as specifically required or permitted by State or federal law. <sup>12</sup>

The Superintendent shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records. <sup>13</sup>

#### Student Biometric Information Collection <sup>14</sup>

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention.<sup>15</sup> Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

Before collecting student biometric information, the District shall obtain written permission from the person having legal custody/parental responsibility<sup>16</sup> or the student (if over the age of 18).<sup>17</sup> Upon a student's 18th birthday, the District shall obtain written permission from the student to collect student biometric information.<sup>18</sup> Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

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<sup>12</sup> 34 C.F.R. §99.31; 105 ILCS 10/6.

<sup>13</sup> Each school must have an *official records custodian*. 105 ILCS 10/4(a). Districts must notify students and parents/guardians of their rights concerning school student records. 105 ILCS 10/3; 105 ILCS 10/4, amended by P.A. 101-161, ~~eff. 1-1-20~~; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7. Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. See 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records*, and 7:340-AP1, *School Student Records*.

<sup>14</sup> This program is optional; however, districts either wishing to implement such a program or districts that have already engaged in the collection of student biometric information must have a policy consistent with the requirements of 105 ILCS 5/10-20.40 ~~et seq.~~ This section restates the School Code's requirements for a student biometric information policy.

<sup>15</sup> For districts already collecting biometric information, the following is an alternative:

The Superintendent or designee shall maintain a biometric screening program that is consistent with budget requirements and in compliance with State law.

<sup>16</sup> Several statutes define legal custody and when a court may grant it; the term requires statutory construction/interpretation and school boards should discuss this issue with their attorney prior to adopting a policy on collection of student biometric information.

105 ILCS 5/10-20.40(b)(1) states the definition of legal custody is the same as the definition of legal custody for purposes of residency, payment of tuition, hearings, and criminal penalties at 105 ILCS 5/10-20.12b(2)(i)-(v).

The IMDMA, 750 ILCS 5/, changed the terms *custody* and *visitation* to *parental responsibility* and *parenting time*, respectively. It also requires a *parenting plan* that allocates: (1) significant decision-making responsibilities; and (2) each parent's right to access his or her child's school records. The new law does not amend ISSRA or the School Code.

<sup>17</sup> Based upon 105 ILCS 5/10-20.40, written permission is not required annually; it is valid until a request for discontinuation of the use of biometric information is received or until the student reaches the age of 18. See 7:340-AP1, E5, *Biometric Information Collection Authorization*.

<sup>18</sup> Districts must reissue 7:340-AP1, E5, *Biometric Information Collection Authorization* to students turning 18 years of age during the school year. This is because all rights and privileges accorded to a parent under ISSRA become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military service, whichever comes first. 105 ILCS 10/2(g).

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited. <sup>19</sup>

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from the person having legal custody/parental responsibility of the student or the student (if over the age of 18).<sup>20</sup> Requests to discontinue using a student's biometric information shall be forwarded to the Superintendent or designee.

The Superintendent or designee shall develop procedures to implement this policy consistent with State and federal law. <sup>21</sup>

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<sup>19</sup> State law contains two exceptions: (1) the individual who has legal custody/parental responsibility of the student or the student (if over the age of 18) consents to the disclosure; and (2) the disclosure is required by court order. 105 ILCS 10-20.40(b)(5).

<sup>20</sup> 105 ILCS 5/10-20.40(d). No notification to or approval from the district's local records commission, pursuant to the Local Records Act, is required to destroy student biometric information. See *fn* 15 for a discussion about the terms *custody* and *parental responsibility*.

<sup>21</sup> Whether the student biometric information is an education record under FERPA, ~~20 U.S.C. §1222g~~, or falls under an exception to an education record under FERPA is an issue about which school boards should consult their board attorney. Protected Health Information under the DHS's interpretations of HIPAA excludes education records covered by FERPA, and thus HIPAA requirements are not expected to be triggered by districts collecting student biometric information. However, before implementing policies and procedures to collect student biometric information, a board should discuss these issues with the board attorney.

- LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act, implemented by 34 C.F.R. Part 99.  
 50 ILCS 205/7.  
 105 ILCS 5/10-20.21b, 5/20.37, 5/20.40, and 5/14-1.01 et seq.  
 105 ILCS 10/, Ill. School Student Records Act.  
 105 ILCS 85/, Student Online Personal Protection Act.  
 325 ILCS 17/, Children’s Privacy Protection and Parental Empowerment Act.  
 750 ILCS 5/602.11, Ill. Marriage and Dissolution of Marriage Act.  
 23 Ill.Admin.Code Parts 226 and 375.  
Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002).  
Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 (1st Dist. 2002).
- CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)
- ADMIN. PROC.: 7:15-E (Notification to Parents of Family Privacy Rights), 7:340-AP1 (School Student Records), 7:340-AP1, E1 (Notice to Parents/Guardians and Students of Their Rights Concerning a Student’s School Records), 7:340-AP1, E3 (Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information), 7:340-AP1, E4 (Frequently Asked Questions Regarding Military Recruiter Access to Students and Student Information, 7:340-AP1, E5 (Biometric Information Collection Authorization), 7:340-AP2 (Storage and Destruction of School Student Records), 7:340-AP2, E1 (Letter Containing Schedule for Destruction of School Student Records)

## Community Relations

### Connection with the Community

#### Public Relations

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Superintendent or designee 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 accurately informed.
8. Coordinate with the District Safety Coordinator to provide accurate and timely information to the appropriate individuals during an emergency.

The public relations program should include:

1. Regular news releases concerning District programs, policies, activities, and special event management for distribution by, for example, posting on the District website, using social media platforms,<sup>2</sup> e.g., Facebook, Twitter, etc., or sending to the news media.
2. News conferences and interviews, as requested or needed. The Board President and Superintendent will coordinate their respective media relations efforts. Individuals may speak for the District only with prior approval from the Superintendent. 3

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> These objectives are examples only and should be customized for each district. The District Safety Coordinator is identified as the responsible person for compiling information and preparing communications covering an emergency or crisis (4:170-AP1, *Comprehensive Safety and Crisis Security Plan*). An alternative to the entire first subhead follows:

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Superintendent or designee shall plan and implement a District public relations program to keep the community informed and build support through open and authentic communications. The public relations program shall include, without limitation, media relations; internal communications; communications to the community; communications to students and parents/guardians; emergency communications in coordination with the District Safety Coordinator; the District website and social media platforms/channels; and other efforts to reach all audiences using suitable mediums.

<sup>2</sup> District social media accounts are likely either limited public forms or public forums. See Knight First Amendment Inst. at Columbia Univ. v. Trump, 302 F.Supp.3d 541 (S.D.N.Y. 2018) (holding that the @realDonaldTrump Twitter account is a public forum under the First Amendment; therefore, (a) it could not exclude plaintiffs based simply on their views because excluding them on that basis is a violation their First Amendment right to petition their government, and (b) by purging critics from the @realDonaldTrump account, the White House deprived those who remained in the public forum the opportunity to hear the critics). Consider that school districts are different than the President of the United States and must ensure other duties to students, e.g., safety and security, which may require excluding certain comments from the district's social media accounts.

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. 4

### Community Engagement 5

Community engagement is a process that the Board uses to actively involve diverse citizens in dialogue, deliberation, and collaborative thinking around common interests for the District's schools.6

The Board, in consultation with the Superintendent, determines the purpose(s) and objective(s) of any community engagement initiative.

For each community engagement initiative,5

1. ~~¶~~The Board will: 7
  - a. ~~e~~Commit to the determined purpose(s) and objective(s), and
  - b. ~~p~~Provide information about the expected nature of the public's involvement.;
2. ~~¶~~The Superintendent ~~or designee~~ will: 8
  - a. Identify the effective tools and tactics that will advance the Board's purpose(s) and objective(s).
  - b. ~~The Superintendent will: (1) a~~At least annually, prepare a report ~~for theof each~~ community engagement initiative, and/or (2)
  - c. ~~p~~Prepare a final report of ~~theeach~~ community engagement initiative.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

3 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.

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

5 This section is optional. A board that includes this subhead should complete the work necessary to develop and implement a community engagement initiative. See *Connecting with the Community: The Purpose and Process of Community Engagement as Part of Effective School Board Governance*, (*Connecting with the Community*) available at [www.iasb.com/IASB/media/Documents/communityengagement.pdf](http://www.iasb.com/IASB/media/Documents/communityengagement.pdf) ~~iasb.mys1cloud.com/communityengagement.pdf~~. This publication and other materials about community engagement are listed at: [www.iasb.com/training/connecting.cfm](http://www.iasb.com/training/connecting.cfm).

The community engagement process differs from public relations (discussed in the **Public Relations** section, above) or public polling. Public relations push out information to the community. Public polling pulls information or opinions from the community. While most school districts understand how to push and pull information from their communities, the community engagement process is part of the two-way conversation for school boards that involves listening. Listening should not be limited only to the public comment period during board meetings. It is reaching out to the community and having conversations not only with parents but other community members, and then taking into consideration their thoughts and ideas as boards make their decisions. This method of listening must be purposeful for community engagement to work as intended.

6 Optional. This sentence applies the definition of community engagement to a board and its school district. See *Connecting with the Community*, pg. 9, available at [www.iasb.com/IASB/media/Documents/communityengagement.pdf](http://www.iasb.com/IASB/media/Documents/communityengagement.pdf) ~~iasb.mys1cloud.com/communityengagement.pdf~~.

An alternative introductory sentence that repeats the definition of community engagement follows: "For purposes of this policy, community engagement is the process that school boards use to actively involve diverse citizens in dialogue, deliberation and collaborative thinking around common interests for their public schools."

7 This action clarifies a board's reason(s) for engaging its community in an initiative and frames it to share with all participants in the process. (*Connecting with the Community*, pg. 10).

8 See *Connecting with the Community* at pg. 10 for examples of resources that a superintendent could use to implement the board's purpose and objectives.

The Board will periodically: (1) review whether its community engagement initiative(s) are achieving the identified purpose(s) and objective(s); (2) consider what, if any, modifications would improve effectiveness; and (3) determine whether to continue individual initiatives.

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

DRAFT

## Community Relations

### Visitors to and Conduct on School Property 1

The following definitions apply to this policy:

**School property** - District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. 2

**Visitor** - Any person other than an enrolled student or District employee.

All visitors to school property are required to report to the Building Principal’s office and receive permission to remain on school property. All visitors must sign a visitors’ log, show identification, and wear a visitor’s badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto school property or when community members are attending Board meetings, visitors are not required to sign in but must follow school officials’ instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution. 3

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member to make an appointment. Conferences with teachers are held, to the extent possible, outside school hours or during the teacher’s conference/preparation period.

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student’s special education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee. 4

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1 State or federal law controls this policy’s content. Boards may make and enforce reasonable rules of conduct and sportsmanship for school events and deny future admission to school events to violators for up to one year provided a notice and hearing are given. 105 ILCS 5/24-24. See f/n 20 below.

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.

2 School-sponsored or school-sanctioned events or activities aligns with the text of 105 ILCS 5/27-23.7(a).

3 This paragraph is up to the local board’s discretion. Many public school buildings were built before school security was the concern it is now. A first step in creating a secure environment is to manage access to school buildings. Along with limiting the entrances that may be used, school officials should post signs with instructions for visitors and a warning to trespassers. Signs may be as simple as “Visitors Must Report to Office” and “No Trespassing – Violators will be Prosecuted.” Applicable criminal trespass laws include: 720 ILCS 5/21-1 (criminal damage to property); 5/21-1.2 (institutional vandalism); 5/21-3 (criminal trespass to real property); 5/21-5 (criminal trespass to State supported land); 5/21-5.5 (criminal trespass to a safe school zone); 5/21-9 (criminal trespass to a place of public amusement); 5/21-11 (distributing or delivering written or printed solicitation on school property). This sample policy identifies board members as visitors.

The following optional provisions must be modified according to local conditions:

Option 1: The Superintendent or designee may post certain school facilities for the community’s use on non-school days when they are not being used for school purposes.

Option 2: The Superintendent or designee shall manage a program to allow community use of the following facilities on non-school days, during the daylight, provided they are not being used for school purposes: tennis courts, playground, and track.

4 105 ILCS 5/14-8.02(g-5). See administrative procedure 6:120-AP2, *Access to Classrooms and Personnel*, and exhibit 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*.

The School District expects mutual respect, civility, and orderly conduct among all people on school property or at a school event. No person on school property or at a school event (including visitors, students, and employees) shall perform any of the following acts:

1. Strike, injure, threaten, harass, or intimidate a staff member, Board member, sports official or coach, or any other person. <sup>5</sup>
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device. <sup>6</sup>
4. Damage or threaten to damage another's property. <sup>7</sup>
5. Damage or deface school property. <sup>8</sup>
6. Violate any Illinois law,<sup>9</sup> or town or county ordinance.
7. Smoke or otherwise use tobacco products. <sup>10</sup>
8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug. <sup>11</sup>
9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectable, regardless of when and/or where the use occurred. <sup>12</sup>

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<sup>5</sup> See e.g., 720 ILCS 5/12-2 (aggravated assault); 5/12-3.05(c) and ~~(d)(3)~~ (crimes aggravated battery on school-public property; aggravated battery); 5/12-3.05(d)(3) (a sports official or coach or aggravated battery against a school employee); 5/12-2(b)(9) (aggravated assault against a sports official or coach); 5/12-9 (threats to public officials); 5/24-1.2 (discharge of a firearm).

<sup>6</sup> With one exception, a license to carry a firearm does not permit an individual to carry a concealed firearm on or into any building, real property, and/or parking area under the control of an elementary or secondary school, or any bus paid for in whole or part with public funds. 430 ILCS 66/65(a), ~~amended by P.A. 99-29~~. The following optional provision adds that exception, which is a restatement of 430 ILCS 66/65(b), ~~amended by P.A. 99-29~~, to the text in number 3:

An individual licensed to carry a concealed firearm under the Illinois Firearm Concealed Carry Act is permitted to: (a) carry a concealed firearm within a vehicle into a parking area controlled by a school or the District and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area, and/or (b) carry a concealed firearm in the immediate area surrounding his or her vehicle in a parking area controlled by a school or the District for the limited purpose of storing or retrieving a firearm within the vehicle's trunk.

Other relevant weapons laws include 705 ILCS 405/5-407, 720 ILCS 5/24-9; 725 ILCS 5/110-4, 5/110-10 (firearms in schools); 720 ILCS 5/24-1.2, 5/24-3 (discharge of firearm ~~and unlawful delivery or sale of a firearm~~ near school); 705 ILCS 405/5-130, 405/5-805 (minor 15 years or older who commits aggravated battery with a firearm at school is tried as an adult).

<sup>7</sup> See e.g., 720 ILCS 5/2-19.5, 5/16-1, 5/18-1, 5/19-1, 21-1, and 5/21-1.3 (property damage penalties).

<sup>8</sup> See e.g., 720 ILCS 5/21-1.01, 21-1.3.

<sup>9</sup> See e.g., 720 ILCS 5/11-9.3 (presence within school zone by child sex offenders prohibited), 5/11-14 (prostitution), 5/11-15 (repealed), and 5/11-18 (patronizing a prostitute); 720 ILCS 5/21-11 (soliciting students to commit illegal act).

<sup>10</sup> Required by 105 ILCS 5/10-20.5b and 410 ILCS 82/1 *et seq.* Federal law prohibits smoking inside schools (20 U.S.C. §6083); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

<sup>11</sup> See 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school) and 410 ILCS 705, added by P.A. 101-27. See also the discussion in fns 5 and 6 of policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*; this statement must be consistent with employee working conditions and employee conduct standards (see 5:120-AP2, *Employee Conduct Standards*).

<sup>12</sup> Each board and superintendent may want to engage in a conversation regarding how the district might partner with local law enforcement to enforce this policy and the penalties available under the Cannabis Regulation Tax Act, e.g., posting signs barring community members from bringing in weapons, alcohol, cannabis, tobacco, etc. Signage reminding visitors of the policy may make it easier for staff and/or local law enforcement to enforce.

10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*. 13
11. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner). 14
12. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board.
13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive. 15
14. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding. 16
15. Violate other District policies or regulations, or a directive from an authorized security officer or District employee.
16. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

#### Convicted Child Sex Offender 17

State law prohibits 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 the offender is:

1. A parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending

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<sup>13</sup> Managing cannabis on district property and the school setting presents many unsettled and complex legal issues. To legally use medical cannabis in Illinois, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)). 410 ILCS 130/, amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis, including (a) in a school bus, (b) on the grounds of any preschool or primary or secondary school, or (c) in close physical proximity to anyone under the age of 18 years of age. 410 ILCS 130/30(a)(2), (3), and (4), amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20. However, *Ashley's Law*, 105 ILCS 5/22-33(b) and (g), added by P.A. 100-660, allows *designated caregivers* to administer medical cannabis infused products to students who are *registered qualifying patients* at school or on the school bus, and requires school boards to adopt a policy to implement the law unless the district would lose federal funding. See policy 7:270, *Administering Medicines to Students* and its f/n 20.

Remember that *Ashley's Law* requires the designated caregiver to remove the product from the school premises or the school bus after administering it to the student, so as a result, policy 7:270, *Administering Medicines to Students*, requires immediate removal of medical cannabis infused products after administering them to the student (see f/n 25 of that policy for further discussions).

<sup>14</sup> See e.g., 720 ILCS 5/21.2-1 *et seq.* (interference with a public institution of education).

<sup>15</sup> See e.g., 625 ILCS 5/11-605 (special speed limit zones). 625 ILCS 5/12-610.1(e), prohibits wireless telephone use while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes.

<sup>16</sup> The pivotal question in a negligence case is whether the defendant acted reasonably. A ban on roller-blading demonstrates that the district took reasonable steps to reduce the risk of injury.

<sup>17</sup> 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*); Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, *Safety*; and administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*.

conferences to discuss other student issues concerning his or her child such as retention and promotion; or

2. Has permission to be present from the Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.

#### Exclusive Bargaining Representative Agent 18

~~Upon notifying the Building Principal's office, a~~ Authorized agents of an exclusive bargaining representative will be provided reasonable access to employees in the bargaining unit they represent in accordance with State law. Such access shall be conducted in a manner that will not impede the normal operations of the District. ~~upon notifying the Building Principal's office, may meet with a school employee (or group of employees) in the school building during duty free times of such employees.~~

#### Enforcement

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act.<sup>19</sup> The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from school property. The person is also subject to being denied admission to school events or meetings for up to one calendar year.<sup>20</sup>

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>18</sup> 105 ILCS 5/24-24 and 24-25; 115 ILCS 5/3(c), added by P.A. 101-620. If a provision contained in a collective bargaining agreement addresses this issue, it will supersede this policy for those covered employees. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement." For employees whose collective bargaining agreement does not address this subject-not covered, the policy should reflect the board's current practice. ~~Duty free time is used to provide a district with discretion about whether preparation time, etc. may be used.~~

Consult the board attorney about this subhead. It is an item on which collective bargaining may be required. Any policy that impacts wages, hours, or 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. Amend the language to reflect what is recommended by the board attorney.

~~The School Code permits bargaining representatives to meet with employees during duty-free time upon notice to the school office. The Ill. Educational Labor Relations Act, amended by P.A. 101-620, expanded the rights of access by bargaining representatives to also include meeting with employees during the employee work day if the meeting: (1) is to investigate and discuss grievances and workplace-related complaints (no time limit is specified) or (2) is with a newly hired employee within the first two weeks of employment (or on a later date if mutually agreed upon by the employee and bargaining representative) for one hour or less. In those circumstances, the district may not dock employee pay or charge leave time. 115 ILCS 5/3(c). However, the access must be "reasonable" and "shall at all times be conducted in a manner so as not to impede normal operations." Id. Consult the board attorney for guidance regarding specific requests and whether, if granted, they would impede normal operations, e.g., requests for access to staff while they are performing instructional or supervisory duties. Determining whether normal operations are impeded will likely depend upon the position and duties of the employee in the district.~~

<sup>19</sup> Id.

8:30

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### Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain: <sup>21</sup>

1. The date, time, and place of the Board hearing;
2. A description of the prohibited conduct;
3. The proposed time period that admission to school events will be denied; and
4. Instructions on how to waive a hearing. <sup>22</sup>

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>20</sup> See Nuding v. Cerro Gordo Community Comm. Unit School Sch. Dist., 313 Ill. App.3d 344 (4th Dist. 2000) (board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting); Jordan ex rel. Edwards v. O'Fallon Tp. High School Sch. Dist., 302 Ill.App.3d 1070 (5th Dist. 1999) (105 ILCS 5/24-24 did not give a high school athlete the right, under the due process clause, to a notice and hearing before he could be suspended from participating in interscholastic athletics; the statute expands the schools' authority to ban people from attending school events for breaching conduct and sportsmanship code).

<sup>21</sup> *Id.* For ease of administration, this text is broader than 105 ILCS 5/24-24, requiring a hearing for both *school events* and *meetings*. The court in Nuding (see *f/n* 20, above) did not specifically answer whether a board meeting qualified as a *school event* under 105 ILCS 5/24-24, but upheld the board's right to enforce conduct rules at its meetings under 105 ILCS 5/10-20.5.

For boards that wish to narrow the policy text to mirror 105 ILCS 5/24-24, delete the following text from the subhead and the first sentence of the policy:

Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board.

Consult the board attorney before deleting the above text, especially if the board has put the current text into practice and now plans to narrow it. This issue involves a balancing of a board's interest in the orderly transaction of its public business and the efficiency of its meetings against an individual's: (a) statutory rights attend meetings and/or comment to and ask questions of the board (105 ILCS 5/10-16 and 5 ILCS 120/2.06(g)) and (b) constitutional freedoms and rights of speech, the press, assembly, and to petition the government (U.S. Constitution, First Amendment and Ill. Constitution, Art. I, §§ 1, 2, 4, and 5).

If a violator is a student, the hearing should be held in a closed meeting. 5 ILCS 120/2(c)(9).

If, however, the violator is not a student, the hearing must be held in an open session.

<sup>22</sup> The hearing requirement is for the violator's benefit and, consequently, the violator should be able to waive it.

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).  
20 U.S.C. §7181 et seq., Pro-Children Act of 1994.  
105 ILCS 5/10-20.5b, 5/22-33, ~~5/24-24~~, 5/24-25, and 5/27-23.7(a).  
[115 ILCS 5/3\(c\). Ill. Educational Labor Relations Act.](#)  
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.  
430 ILCS 66/, Firearm Concealed Carry Act.  
410 ILCS 705/, Cannabis Tax and Regulation Act.  
720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270 (Administering Medicines to Students), 8:20 (Community Use of School Facilities)

DRAFT

## Community Relations

### Gifts to the District <sup>1</sup>

The School Board appreciates gifts from any education foundation, <sup>2</sup> other entities, or individuals. All gifts must adhere to each of the following:

1. Be accepted by the Board or, if less than \$500.00 in value, the Superintendent or designee.<sup>3</sup> Individuals should obtain a pre-acceptance commitment before identifying the District, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt. <sup>4</sup>
2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
3. Be consistent with the District's mandate to provide equal educational and extracurricular opportunities to all students in the District as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the District to provide equal treatment for members of both sexes to educational programing, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities. <sup>5</sup>
4. Permit the District to maintain resource equity among its learning centers. <sup>6</sup>
5. Be viewpoint neutral. The Superintendent or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property. <sup>7</sup>

~~The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.~~

<sup>1</sup> State and federal law control this policy's content. 105 ILCS 5/16-1 grants authority to school boards to accept and manage gifts. Specifying the criteria for gifts in the board policy provides important information to potential donors and promotes a common understanding, uniform treatment, and adherence to legal requirements. ~~The statute provides that a~~ gift to a school district or attendance center becomes ~~the~~ district property to be "held, managed, improved, invested or disposed of by such board in such manner as the board, in its discretion, sees fit..." ~~Id. According to this statute, w~~hen a donor expresses an intention that a gift be used for a certain purpose, the board must "promote and carry into effect" that intention until the "board determines in its discretion that it is no longer possible, practical or prudent to do so." ~~Id.~~

<sup>2</sup> An education foundation can be an effective tool for collecting and donating financial and non-financial resources to a school district. An education foundation is a separate entity from the school district. In order to be exempt from federal income taxes and allow donors to deduct their donations, it must be organized as a tax-exempt organization, such as, under Section 501(c)(3) of the Internal Revenue Code.

<sup>3</sup> The board may remove or amend ~~in any way~~ the value of a gift that the superintendent or designee is permitted to accept.

<sup>4</sup> Well-intentioned people can raise funds in a variety of ways, e.g., putting donation jars in retail establishments, 50/50 drawings, and websites designed for fundraising like *GoFundMe*. Addressing fundraising by individuals in policy allows the board to manage donations and minimize liability in a manner consistent with its policies and legal requirements.

<sup>5</sup> 20 U.S.C. §1681 *et seq.*, Title IX of the Education Amendments, implemented by 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. See ~~Title IX Resource Guide, the April 2015 Title IX Resource Guide~~ ~~U.S. Department of Education and the U.S. Dept. of Education~~ Office for Civil Rights (April 2015), at: ~~www.ed.gov/ocr/www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf.~~

<sup>6</sup> See ~~policy~~ 6:210, *Instructional Materials*.

6. Comply with all laws applicable to the District including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The District will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the District's property. The acceptance of a gift is not an endorsement by the Board, District, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift. <sup>8</sup>

LEGAL REF.: 20 U.S.C. §1681 *et seq.*, Title IX of the Education Amendments implemented by 34 C.F.R. Part 106.  
105 ILCS 5/16-1.  
23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional Materials), 7:10 (Equal Educational Opportunities)

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>7</sup> The U.S. Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered when a donation comes with a message. Contact the board attorney for assistance. The second sentence is optional. Soliciting or receiving donor messages raises many complex legal and practical issues. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate against groups or individuals on the basis of their viewpoints. For more detailed explanations of viewpoint-neutrality and forum issues, see *f/n 1* in policy 8:20, *Community Use of School Facilities*, and *f/n 1* in policy 8:25, *Advertising and Distributing Materials in Schools Provided by Non-School Related Entities*.

A publicized procedure for reviewing donor messages according to pre-established viewpoint-neutral guidelines may limit misunderstandings or disputes with donors or other members of the public. Each board may want to discuss with the superintendent what expectations exist based upon the scope and scale of the donor message project, so that the superintendent can manage the expectations in the procedure. Consult the board attorney to assist with this process. Lastly, posting disclaimers informing members of the public that the donor messages incorporated into school property or placed upon school property are the personal expressions of individual donors and not the district's may avoid Establishment Clause arguments. For a more detailed discussion of the issues pertaining to excluding donor messages on school property and implementing procedures to review donor messages, see *f/n 5* in policy 7:325, *Student Fundraising Activities*.

<sup>8</sup> Examples of ways to recognize a gift include a letter of appreciation, mentioning the gift on the district or school website or publication, a shout-out at a public event, and a recognition plaque.

## 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~~ by contacting any District or School office. Community members who e-mail the District or any District employee or board member are expected to abide by the standards in Board policy 6:235, *Access to Electronic Networks*, and should, to the extent possible, limit their communications to relevant individuals.<sup>1</sup> 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 may file a grievance under Board policy 2:260, *Uniform Grievance Procedure*. The Board encourages, but does not require, individuals to follow the channels of authority prior to filing a grievance. Neither this policy nor the *Uniform Grievance Procedure* create an independent right to a hearing before the Board.

**LEGAL REF.:** [115 ILCS 5/14\(c-5\), Ill. Educational Labor Relations Act.](#)

**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), [6:235 \(\*Access to Electronic Networks\*\)](#), 6:260 (Complaints About Curriculum, Instructional Materials and Programs), 8:10 (Connection with the Community)

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> The Ill. Educational Labor Relations Act requires employers to establish email policies in an effort to prohibit the use of its email system by outside sources. 115 ILCS 5/14(c-5), added by P.A. 101-620. Policy 6:235, *Access to Electronic Networks*, states that the district's network, which includes its email system, is not a public forum for general use. Further, acceptable uses of the network by any party are limited to uses in support of education and/or research or for legitimate school business purposes. See policy 6:235, *Access to Electronic Networks*, at ¶n 6 for additional discussion. Including this statement also discourages school community members from engaging in the disruptive practice of mass cc'ing district staff who have no involvement in a particular issue.

## **7. CONSENT AGENDA**

### **Recommendation:**

That the Board of Education approves the Consent Agenda as presented:

### **RESOLUTION 7.1.**

Be it resolved that the Board of Education hereby approves the minutes as follows:

- 7.1.1. Regular Board Meeting Minutes – September 14, 2020
- 7.1.2. Executive Session Meeting Minutes – September 14, 2020
- 7.1.3. School Board Policy Committee Meeting Minutes – October 8, 2020

### **RESOLUTION 7.2.**

Be it resolved that the Board of Education hereby approves the payment of bills as presented, the payroll per contract, and that the Treasurer be permitted to issue orders for the payment of the same.

### **Suggested Motion:**

That the Board of Education approves the Consent Agenda and Resolutions 7.1. and 7.2 as recommended.

WCHS Board of Education

Regular Board Meeting

September 14, 2020

**7:00 PM**

Washington Community High School - Library

Agenda

**1. CALL TO ORDER**

The meeting was called to order at 7:04 p.m.

**2. ROLL CALL**

Board members attending: Essig, Seaman, Ward, Butler, Fischer, Nofsinger, McNett

WCHS administration attending: Freeman, Sander, Stevens

**3. PLEDGE OF ALLEGIANCE**

**4. PUBLIC HEARING AND OVERVIEW OF FY 2021 BUDGET**

Dr. Sander shared a presentation about the tentative 2020-2021 budget that was available at the school for public review since August 7, 2020. District #308, in compliance with School Code of Illinois, adopted a balanced budget (within the operating funds) with approval from the board of education. In summary, revenues are \$21,323,993, expenditures are 21,501,766 and contingency is \$500,000. The balanced budget (within the operating funds) was made possible through the hard work of our outstanding board, teachers, staff and administration.

Seaman motioned and Nofsinger seconded at 7:25 p.m. that District 308 has complied with the requirement of the School Code of Illinois prior to the adoption of the School District 2020-2021 Budget. ROLL CALL: Yes-McNett, Essig, Seaman, Ward, Butler, Fischer, Nofsinger. No-None. MOTION CARRIED: 7-0

**5. VISITORS AND CORRESPONDENCE**

None

**6. REPORTS**

1. Enrollment Report

The enrollment report as of September 8, 2020, includes a total of 1,436 students. Approximately 175 students are enrolled in distance learning for the fall semester.

2. Deans' Report

3. Athletic Director's Report

4. Financial Reports

5. Board Committee Reports

Facilities Committee: The facilities committee met and discussed the summer maintenance closeout report, health/life/safety report, facility strategic plan proposal,

front of Torry gym repairs, bell restoration and placement, and the new scoreboards at the softball and baseball fields.

Finance Committee: The finance committee discussed the 2021 FY budget, 2020 Levy, and renewing the bus lease for the next three years.

## **6. DISCUSSION AND INFORMATIONAL ITEMS**

### **1. In-Person and Remote Learning Update**

Dr. Freeman provided a high level update about how the school year is going with in-person and distance learning. Overall, students and faculty/staff are adjusting to the new schedule and are enjoying being back at school. Each week the district communicates with parents and students the number of students/faculty/staff in self-isolation or quarantine. The numbers reported are a snapshot in time and represent the counts as of Thursday evening each week. There are currently about 175 students in full-time distance learning and any students requesting a move to distance learning must meet one of three criteria listed on the updated form located on the school website. Faculty and staff are continuing to work hard to provide in-person and distance learning instruction for students and are to be commended for their dedication and commitment to education. It is important that everyone continues to work together to keep each other as healthy and safe as possible. Students should not attend school if they are ill or have any of the common COVID-19 symptoms.

2. Resignation - Joseph Wright, Maintenance Specialist (HVAC)

3. 6th Day Enrollment

Data is not available from all Washington schools due to varied school start dates. Will report next month at the regular board meeting.

4. Postponed Summer 2021 Europe Trip – new date is June 13-22, 2022.

5. Other - none

## **7. CONSENT AGENDA**

Nofsinger motioned and McNett seconded that the Board approve the consent agenda as presented. ROLL CALL: Yes-McNett, Essig, Seaman, Ward, Butler, Fischer, Nofsinger. No-None. MOTION CARRIED: 7-0

## **8. ACTION ITEMS**

### **1. Personnel**

Ward motioned and Seaman seconded that the Board approve the non-certified employment of Lisa Fish, School Nurse. ROLL CALL: Yes-Ward, Essig, Seaman, McNett, Butler, Fischer, Nofsinger. No-None. MOTION CARRIED: 7-0

### **2. Adoption of the FY 2021 Budget**

Seaman motioned and Nofsinger seconded that the Board approve the 2020-2021 budget as presented. ROLL CALL: Yes-Seaman, Essig, Ward, McNett, Butler, Fischer, Nofsinger. No-None. MOTION CARRIED: 7-0

**3. Approve Employment for WCHS Co-Op positions**

Fischer motioned and Butler seconded that the Board approve the non-certified co-op positions as recommended. ROLL CALL: Yes-Butler, Essig, Seaman, Ward, McNett, Fischer, Nofsinger. No-None. MOTION CARRIED: 7-0

**4. Approve 10-year Health/Life/Safety Report**

Ward motioned and Nofsinger seconded that the Board approve the 10-year Health/Life/Safety Report as recommended. ROLL CALL: Yes-Nofsinger, Essig, Seaman, Ward, McNett, Butler, Fischer. No-None. MOTION CARRIED: 7-0

**9. EXECUTIVE SESSION**

Ward motioned and Seaman seconded that the Board approve the non-certified employment of Lisa Fish, School Nurse. ROLL CALL: Yes-Fischer, Essig, Seaman, Ward, McNett, Butler, Nofsinger. No-None. MOTION CARRIED: 7-0

- 1. 5 ILCS 120/2 (c)(2) - Collective negotiating matters between the District and its employees of their representatives, or deliberations concerning salary schedules for one or more classes of employees.

The board returned from executive session at 8:24 p.m. Roll call: Nofsinger, McNett, Essig, Seaman, Ward, Butler, Fischer.

**10. ACTION FOLLOWING EXECUTIVE SESSION**

McNett motioned and Nofsinger seconded that the Board approve the MOU as discussed. ROLL CALL: Yes-Ward, Essig, Seaman, McNett, Butler, Fischer, Nofsinger. No-None. MOTION CARRIED: 7-0

Fischer motioned and Butler seconded that the Board approve the COVID related stipends as discussed. ROLL CALL: Yes-Nofsinger, Essig, Seaman, Ward, McNett, Butler, Fischer. No-None. MOTION CARRIED: 7-0

**11. ADJOURNMENT**

McNett motioned and Seaman seconded that the meeting adjourn at 8:26 p.m. ROLL CALL: Yes-Essig, Seaman, Ward, McNett, Butler, Fischer, Nofsinger. No-None. MOTION CARRIED: 7-0

The next regular meeting is scheduled for Tuesday, October 13, 2020.

President: \_\_\_\_\_

Secretary: \_\_\_\_\_

WCHS Board of Education  
School Board Policy Committee Meeting  
October 8, 2020

**2:00 PM**

Washington Community High School – Administration Office  
Agenda

**1. Call Meeting to Order**

The meeting was called to order at 2:04 p.m.

**2. Roll Call**

Butler, Seaman, Ward, Freeman

**3. Visitors and Correspondence**

None

**4. Review Press Plus Policy Packets - Issue 103, Issue 104, and Issue 105**

Dr Freeman reviewed all new policies and discussed other minor changes to current policies. The committee voted to recommend approval to the board of all changes discussed.

Seaman motioned and Ward seconded that the committee recommend to the board the approval of the Press Plus Policy packet Issue 103, 104 and 105 as discussed. All yeas.

**5. Other**

Mandy Seaman discussed the need to continue with the mission and vision statement committees which had been postponed due to the Covid pandemic. Jewel Ward stated she would reach out to Mandy to work on the mission and vision statements.

**6. Adjournment**

Butler motioned and Seaman seconded that the meeting adjourn at 3:00 p.m. All yeas.

Policy Committee - Butler/Seaman/Ward

President \_\_\_\_\_

Secretary \_\_\_\_\_

**Washington Community High School**  
**Balance Sheet**  
 As of September 30, 2020

	Sep 30, 20
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Checking-Activity Account	471,234.38
ISDLAF Interest	45,909.37
Total Checking/Savings	517,143.75
Total Current Assets	517,143.75
<b>TOTAL ASSETS</b>	<b>517,143.75</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Advocate For Awareness	341.28
After Midnight	6,060.20
Art Club	3,205.16
Athletics General	
Orange Crush	737.51
Athletics General - Other	7,166.22
Total Athletics General	7,903.73
Automobile	242.28
Band	
Drumline - T. Weston Memorial	301.00
Band - Other	1,234.80
Total Band	1,535.80
Baseball	612.21
Basketball-Boys	11,735.20
Basketball-Camps	127.47
Basketball-Girls	5,626.48
Bass Fishing	2,051.78
Block PE	2,375.20
Bloom	4,040.79
Book Club	4,535.45
Boys Track	2,843.22
Brian Wisner Memorial	2,014.56
Broadway	9,555.61
Chaps	946.46
Cheerleaders	4,216.53
Chess	902.46
Chorus	4,398.37
Concession Upkeep	41.85
Counseling	1,015.17
CPR Health Fund	1,581.53
Cross Country	1,647.82
Dean's Office	96.89
Drama Club	6,344.69
Driving Skills For Life	831.54
Engineering Technology	130.12
Evan Knoblauch Memorial	459.67
Fellowship Of Christian Athlete	40.39
Fitness Club	
Fitness Fair	3,005.94
Hope Week	1,384.67
Fitness Club - Other	5,074.28
Total Fitness Club	9,464.89
Former Class Funds	17,465.07
French Club	1,717.56
Game Club	13.88
Gay Straight Alliance (GSA)	388.07

## Washington Community High School

## Balance Sheet

As of September 30, 2020

	Sep 30, 20
General	4,287.35
Girls Track	36.88
Global Affairs	267.65
Golf	4,169.82
GRANT - Science Symposium	109.31
IMC Fine Fund	291.05
Impact	6,347.68
Inter Rel Co-op	6,913.22
Interest ISDLAF	20,816.68
International Club	1,331.87
Intramurals	690.80
Intrst NOW Acct	16,034.14
JFL Football	3,783.23
Junior Class	2,449.90
Lacrosse-Boys	8,508.52
Lacrosse - Girls	1,681.59
Leadership & Community Service	1,684.62
Leadership Challenge	217.98
Library grant-PNC Bank	840.88
Life Skills Class	234.27
Lift A Thon	4,270.38
Manufacturing	3,142.76
Mathletes	30.71
Media Subscribers	525.90
Mini Bakery	0.10
National Honor Society	5,281.95
Operation Snowball	3,058.04
Panther Embroidery Shop	305.68
Panther Perk	
Greeting Cards/Buttons	516.78
Panther Perk - Other	432.33
Total Panther Perk	949.11
Panther Professionals	505.37
Pantherettes	8,768.85
Pep Club	570.41
Pepsi & 7Up Mkt	-8,893.22
Preschool (FCS)	1,365.69
Readapalooza	572.99
Renaissance Fair	1,000.00
Robotics	27,879.05
Rotary Club Relief	829.97
Scholarships	
Classmates Music	0.16
Eric Eblen Memorial Scholarship	0.09
Erick Norlin Fund	2,907.00
Floyd O'Reed Memorial	243.05
Hunkler Stagen	122,090.50
Impact Scholarship	1,000.00
James Ashbrook Memorial Fund	15,826.55
Marilyn Drake Scholarship	4,250.00
Mike Sluder Fund	143.00
Orange & Black/Herff Jones	250.00
Scott Wehnes Memorial	12,538.81
Stephen F Mason Fund	2,990.79
Whittaker Scholarship Fund	45.78
WLCS Scholarship Fund	210.00
Scholarships - Other	1,549.30
Total Scholarships	164,045.03
Scholastic Bowl	430.00
Science Club	850.54
Senior Class	12,988.52
Soccer-Boys	313.67
Soccer-Girls	72.09

Washington Community High School  
**Balance Sheet**  
As of September 30, 2020

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	<u>Sep 30, 20</u>
Softball	3,054.28
Sophomore Class	822.02
Spanish Club	1,513.79
Special Ed Co-op	2,103.81
Special Events-Athletics	8,659.51
Speech	1,856.39
State Football Playoff	1,411.92
Student Council	5,208.07
Swim Team	282.69
Tennis - Boys	4,571.70
Tennis - Girls	
Fence Sign Fundraiser	1,100.00
Tennis - Girls - Other	4,217.91
	<hr/>
Total Tennis - Girls	5,317.91
Tough Love	883.99
Tournament of Champions	34,494.31
Volleyball	4,637.05
Washington Township Special Ed	55.00
WCHS Hardship	1,316.08
Wrestling	5,770.29
Yearbook	9,070.93
	<hr/>
Total Other Current Liabilities	517,100.15
	<hr/>
Total Current Liabilities	517,100.15
	<hr/>
Total Liabilities	517,100.15
Equity	
Retained Earnings	43.60
	<hr/>
Total Equity	43.60
	<hr/>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>517,143.75</b>
	<hr/> <hr/>

**Washington Community High School**  
**Transactions by Account**  
**As of September 30, 2020**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Advocate For Awareness</b>							341.28
Total Advocate For Awareness							341.28
<b>After Midnight</b>							5,595.20
Deposit	07/30/2020	31023	Lisa Roberts	Refund from Game On		465.00	6,060.20
Total After Midnight							6,060.20
<b>Art Club</b>							3,242.67
Check	09/28/2020	13962	Amazon Business	tie dye supplies - 1J69-CN6M-6MHJ	37.51		3,205.16
Total Art Club							3,205.16
<b>Athletics General</b>							7,361.42
<b>Orange Crush</b>							737.51
Total Orange Crush							737.51
<b>Athletics General - Other</b>							6,623.91
Deposit	08/27/2020	31027	Lisa Roberts	Coke Cola donation		27.75	6,651.66
Check	09/04/2020	13943	Dunlap High School	Bibs for cross country meets	27.16		6,624.50
Deposit	09/22/2020	31046	Herb Knoblach	Advertising		541.72	7,166.22
Total Athletics General - Other							7,166.22
Total Athletics General							7,903.73
<b>Automobile</b>							242.28
Total Automobile							242.28
<b>Band</b>							1,535.80
<b>Drumline - T. Weston Memorial</b>							301.00
Total Drumline - T. Weston Memorial							301.00
<b>Band - Other</b>							1,234.80
Total Band - Other							1,234.80
Total Band							1,535.80
<b>Baseball</b>							-387.79
Deposit	08/27/2020	31029	Herb Knoblach	pitcher mound project		1,000.00	612.21
Total Baseball							612.21
<b>Basketball-Boys</b>							12,979.93
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	1,424.73		11,555.20
Deposit	07/09/2020		Herb Knoblach	Metamora entry fee		90.00	11,645.20
Deposit	07/09/2020		Herb Knoblach	Manual entry fee		90.00	11,735.20
Total Basketball-Boys							11,735.20
<b>Basketball-Camps</b>							127.47
Total Basketball-Camps							127.47
<b>Basketball-Girls</b>							6,781.15
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	1,424.73		5,356.42
Deposit	09/15/2020	31035	Herb Knoblach	Donation from State Farm covid relief fund		300.00	5,656.42
Check	09/17/2020	13954	Amazon Business	Face masks-Inv 1WVK-HDMD-CLNY	29.94		5,626.48
Total Basketball-Girls							5,626.48
<b>Bass Fishing</b>							1,551.78
Deposit	09/15/2020	31041	Budget	Mini grant from WCHS		500.00	2,051.78
Total Bass Fishing							2,051.78
<b>Block PE</b>							2,375.20
Total Block PE							2,375.20
<b>Bloom</b>							3,040.79
Deposit	09/15/2020	31041	Budget	Mini grant from WCHS		1,000.00	4,040.79
Total Bloom							4,040.79
<b>Book Club</b>							3,086.71
General...	08/17/2020	390		Payment for cafeteria services on 3/3/20		112.74	3,199.45
Deposit	09/15/2020	31041	Budget	Mini grant from WCHS		1,000.00	4,199.45
Deposit	09/18/2020		Revtrak	Dues/book purchases		336.00	4,535.45
Total Book Club							4,535.45
<b>Boys Track</b>							1,870.47
Deposit	07/09/2020		Herb Knoblach	Champion teamwear		972.75	2,843.22
Total Boys Track							2,843.22
<b>Brian Wisher Memorial</b>							2,014.56
Total Brian Wisher Memorial							2,014.56
<b>Broadway</b>							9,555.61
Total Broadway							9,555.61
<b>Chaps</b>							946.46
Total Chaps							946.46
<b>Cheerleaders</b>							4,216.53

**Washington Community High School**  
**Transactions by Account**  
**As of September 30, 2020**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
Total Cheerleaders							4,216.53
<b>Chess</b>							902.46
Total Chess							902.46
<b>Chorus</b>							4,537.37
Check	09/28/2020	13960	Knight-Shtick Press, LLC	Inv E7237	139.00		4,398.37
Total Chorus							4,398.37
<b>Concession Upkeep</b>							41.85
Total Concession Upkeep							41.85
<b>Counseling</b>							1,015.17
Total Counseling							1,015.17
<b>CPR Health Fund</b>							1,581.53
Total CPR Health Fund							1,581.53
<b>Cross Country</b>							1,647.82
Total Cross Country							1,647.82
<b>Dean's Office</b>							96.89
Total Dean's Office							96.89
<b>Drama Club</b>							6,480.69
Check	09/10/2020	13952	O'Dea's Cleaners	Play costume cleaning	136.00		6,344.69
Total Drama Club							6,344.69
<b>Driving Skills For Life</b>							831.54
Total Driving Skills For Life							831.54
<b>Engineering Technology</b>							130.12
Total Engineering Technology							130.12
<b>Evan Knoblauch Memorial</b>							459.67
Total Evan Knoblauch Memorial							459.67
<b>Fellowship Of Christian Athlete</b>							40.39
Total Fellowship Of Christian Athlete							40.39
<b>Fitness Club</b>							9,744.89
<b>Fitness Fair</b>							3,005.94
Total Fitness Fair							3,005.94
<b>Hope Week</b>							1,664.67
Check	09/04/2020	13946	The Dax Foundation	Donation from the WCHS Fitness Club	500.00		1,164.67
Deposit	09/15/2020	31036	April Wenzel	Spring 2020 donations		220.00	1,384.67
Total Hope Week							1,384.67
<b>Fitness Club - Other</b>							5,074.28
Total Fitness Club - Other							5,074.28
Total Fitness Club							9,464.89
<b>Former Class Funds</b>							17,465.07
General...	07/10/2020	389		Moved from Senior 2020 class		11,379.09	28,844.16
Check	07/20/2020	13922	Washington Community Foundation	Donation for WCHS Class of 2020 for scholarship	11,379.09		17,465.07
Total Former Class Funds							17,465.07
<b>French Club</b>							1,717.56
Total French Club							1,717.56
<b>Freshman Class</b>							822.02
General...	07/10/2020	389		Move to Sophomore class	822.02		0.00
Total Freshman Class							0.00
<b>Game Club</b>							13.88
Total Game Club							13.88
<b>Gay Straight Alliance (GSA)</b>							388.07
Total Gay Straight Alliance (GSA)							388.07
<b>General</b>							1,108.35
Deposit	07/09/2020		Cookie Jordan	Computer desk sale		10.00	1,118.35
Check	08/13/2020	13937	Sophie Freeman	Freshman registration worker	50.00		1,068.35
Check	09/10/2020	13951	Amanda Donald	PSAT test refund for Emery	17.00		1,051.35
Check	09/17/2020	13957	Randi Oehlke	Reund for PSAT test	17.00		1,034.35
Deposit	09/18/2020		Revtrak	PSAT test payments by students		3,145.00	4,179.35
Deposit	09/18/2020		Revtrak	PSAT test payments by students		91.00	4,270.35
Deposit	09/22/2020	31045	Laurie Ryan	PSAT payment		17.00	4,287.35
Total General							4,287.35
<b>Girls Track</b>							36.88
Total Girls Track							36.88
<b>Global Affairs</b>							267.65
Total Global Affairs							267.65
<b>Golf</b>							3,195.82
Deposit	08/27/2020	31026	Dan Garske	Donation for March 2020		1,000.00	4,195.82

**Washington Community High School**  
**Transactions by Account**  
**As of September 30, 2020**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
Check	09/04/2020	13944	VISA - Panther 2 card	Golf fee for team	26.00		4,169.82
Total Golf					26.00	1,000.00	4,169.82
<b>GRANT - Science Symposium</b>							109.31
Total GRANT - Science Symposium							109.31
<b>IMC Fine Fund</b>							291.05
Total IMC Fine Fund							291.05
<b>Impact</b>							6,347.68
Total Impact							6,347.68
<b>Inter Rel Co-op</b>							6,913.22
Total Inter Rel Co-op							6,913.22
<b>Interest ISDLAF</b>							20,816.68
Total Interest ISDLAF							20,816.68
<b>International Club</b>							1,331.87
Total International Club							1,331.87
<b>Intramurals</b>							690.80
Total Intramurals							690.80
<b>Intrst NOW Acct</b>							15,911.32
Deposit	07/31/2020			Interest		43.80	15,955.12
Deposit	08/31/2020			Interest		41.31	15,996.43
Deposit	09/30/2020			Interest		37.71	16,034.14
Total Intrst NOW Acct					0.00	122.82	16,034.14
<b>JFL Football</b>							3,783.23
Total JFL Football							3,783.23
<b>Junior Class</b>							12,988.52
General...	07/10/2020	389		Moved from Sophomore class		2,449.90	15,438.42
General...	07/10/2020	389		Move to Senior class	12,988.52		2,449.90
Total Junior Class					12,988.52	2,449.90	2,449.90
<b>Lacrosse-Boys</b>							9,636.43
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	1,127.91		8,508.52
Total Lacrosse-Boys					1,127.91	0.00	8,508.52
<b>Lacrosse - Girls</b>							5,967.00
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	1,127.91		4,839.09
Check	08/18/2020	13938	Butch's Pizza	Pizza sales fundraiser	3,157.50		1,681.59
Total Lacrosse - Girls					4,285.41	0.00	1,681.59
<b>Leadership &amp; Community Service</b>							1,984.62
Check	07/07/2020	13919	Indiana University	Becca Bambrick - 2020 recipient	300.00		1,684.62
Total Leadership & Community Service					300.00	0.00	1,684.62
<b>Leadership Challenge</b>							217.98
Total Leadership Challenge							217.98
<b>Library grant-PNC Bank</b>							840.88
Total Library grant-PNC Bank							840.88
<b>Life Skills Class</b>							308.83
Check	09/04/2020	13942	Kroger Company	Supplies - Ref 281228	40.98		267.85
Check	09/17/2020	13956	Kroger Company	Supplies - Ref 150411	33.58		234.27
Total Life Skills Class					74.56	0.00	234.27
<b>Lift A Thon</b>							4,270.38
Total Lift A Thon							4,270.38
<b>Manufacturing</b>							3,142.76
Total Manufacturing							3,142.76
<b>Mathletes</b>							175.71
Check	09/04/2020	13948	American Scholastic Mathematics Ass...	Entry fee for competition	145.00		30.71
Total Mathletes					145.00	0.00	30.71
<b>Media Subscribers</b>							525.90
Total Media Subscribers							525.90
<b>Mini Bakery</b>							0.10
Total Mini Bakery							0.10
<b>National Honor Society</b>							5,821.95
Check	07/22/2020	13924	Nate Faivre	Refund for NHS stole	25.00		5,796.95
Check	07/22/2020	13925	Luke Zobrist	Refund for NHS stole	25.00		5,771.95
Check	07/22/2020	13926	Emily Biagini	Refund for stole	25.00		5,746.95
Check	07/22/2020	13927	Grant Reed	Refund for stole	25.00		5,721.95
Check	07/22/2020	13928	Maddie Norman	Return of stole	25.00		5,696.95
Check	07/22/2020	13929	Rachel Blankenship	Return of stole	25.00		5,671.95
Check	07/27/2020	13930	Joy English	Refund for NHS stole	25.00		5,646.95
Check	07/27/2020	13931	Joshua Madsen	Refund for stole	25.00		5,621.95
Check	07/31/2020	13934	Logan Spahn	Refund for stole	25.00		5,596.95

**Washington Community High School**  
**Transactions by Account**  
**As of September 30, 2020**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
Check	09/04/2020	13941	Johnsons Floral	Roses for ceremony	315.00		5,281.95
Total National Honor Society					540.00	0.00	5,281.95
<b>Operation Snowball</b>							2,958.04
Deposit	09/15/2020	31042	Sunnyland Christian Church	Donation		100.00	3,058.04
Total Operation Snowball					0.00	100.00	3,058.04
<b>Panther Embroidery Shop</b>							305.68
Total Panther Embroidery Shop							305.68
<b>Panther Perk</b>							949.11
<b>Greeting Cards/Buttons</b>							516.78
Total Greeting Cards/Buttons							516.78
<b>Panther Perk - Other</b>							432.33
Total Panther Perk - Other							432.33
Total Panther Perk							949.11
<b>Panther Professionals</b>							505.37
Total Panther Professionals							505.37
<b>Pantherettes</b>							8,475.25
Deposit	07/30/2020	31024	Lauren Metz	Kroger fundraiser		49.13	8,524.38
Deposit	07/30/2020	31025	Lauren Metz	Unpaid balances pre covid		244.47	8,768.85
Total Pantherettes					0.00	293.60	8,768.85
<b>Pep Club</b>							570.41
Total Pep Club							570.41
<b>Pepsi &amp; 7Up Mkt</b>							2,945.78
Check	07/13/2020	13921	Dan Gray Signs, LLC	2nd payment for watchfire board for school sign - Inv D20-149	5,919.50		-2,973.72
Check	07/22/2020	13923	Dan Gray Signs, LLC	Final payment	5,919.50		-8,893.22
Total Pepsi & 7Up Mkt					11,839.00	0.00	-8,893.22
<b>Preschool (FCS)</b>							1,365.69
Total Preschool (FCS)							1,365.69
<b>Readapalooza</b>							572.99
Total Readapalooza							572.99
<b>Renaissance Fair</b>							0.00
Deposit	09/15/2020	31041	Budget	Mini grant from WCHS		1,000.00	1,000.00
Total Renaissance Fair					0.00	1,000.00	1,000.00
<b>Robotics</b>							25,179.05
Deposit	09/18/2020		Revtrak	Dues		2,700.00	27,879.05
Total Robotics					0.00	2,700.00	27,879.05
<b>Rotary Club Relief</b>							829.97
Total Rotary Club Relief							829.97
<b>Scholarships</b>							180,945.03
<b>Classmates Music</b>							0.16
Total Classmates Music							0.16
<b>Cody Carlin Memorial</b>							5,000.00
Check	07/07/2020	13914	Illinois Central College	2020 recipient-Melody Cline	2,500.00		2,500.00
Check	08/24/2020	13940	Illinois Central College	Alex Warfield scholarship 2020	2,500.00		0.00
Total Cody Carlin Memorial					5,000.00	0.00	0.00
<b>Eric Eblen Memorial Scholarship</b>							500.09
Check	07/07/2020	13913	University of Missouri - Columbia	2020 recipient - Elly Smith	500.00		0.09
Total Eric Eblen Memorial Scholarship					500.00	0.00	0.09
<b>Erick Norlin Fund</b>							5,707.00
Check	07/07/2020	13918	Saint Louis University	2020 recipient - Allisyn Higgins	2,800.00		2,907.00
Total Erick Norlin Fund					2,800.00	0.00	2,907.00
<b>Floyd O'Reed Memorial</b>							1,243.05
Check	07/07/2020	13915	Illinois Central College	2020 recipient-Jaiden Wynn	1,000.00		243.05
Total Floyd O'Reed Memorial					1,000.00	0.00	243.05
<b>Hunkler Stagen</b>							125,090.50
Check	07/31/2020	13933	University Of Illinois	Addison Prina - scholarship recipient	3,000.00		122,090.50
Total Hunkler Stagen					3,000.00	0.00	122,090.50
<b>Impact Scholarship</b>							1,000.00
Total Impact Scholarship							1,000.00
<b>James Ashbrook Memorial Fund</b>							16,326.55
Check	08/13/2020	13935	Iowa State University	2020 recipient - Nathan Faivre	500.00		15,826.55
Total James Ashbrook Memorial Fund					500.00	0.00	15,826.55
<b>Marilyn Drake Scholarship</b>							5,000.00

**Washington Community High School**  
**Transactions by Account**  
**As of September 30, 2020**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
Check	07/07/2020	13917	University of Nebraska-Lincoln	2020 recipient - Joshua Madsen	750.00		4,250.00
Total Marilyn Drake Scholarship					750.00	0.00	4,250.00
<b>Mike Sluder Fund</b>							143.00
Total Mike Sluder Fund							143.00
<b>Orange &amp; Black/Herff Jones</b>							250.00
Total Orange & Black/Herff Jones							250.00
<b>Scott Wehnes Memorial</b>							12,538.81
Total Scott Wehnes Memorial							12,538.81
<b>Stephen F Mason Fund</b>							3,340.79
Check	07/31/2020	13932	Heartland Community College	Brook Evans scholarship recipient	350.00		2,990.79
Total Stephen F Mason Fund					350.00	0.00	2,990.79
<b>Washington Township United Fund</b>							3,000.00
Check	07/07/2020	13916	Illinois Central College	2020 recipient-Dylan Kurima	1,500.00		1,500.00
Check	09/17/2020	13953	Illinois Central College	Emily Shute - 2020 recipient	1,500.00		0.00
Total Washington Township United Fund					3,000.00	0.00	0.00
<b>Whittaker Scholarship Fund</b>							45.78
Total Whittaker Scholarship Fund							45.78
<b>WLCS Scholarship Fund</b>							210.00
Total WLCS Scholarship Fund							210.00
<b>Scholarships - Other</b>							1,549.30
Total Scholarships - Other							1,549.30
Total Scholarships					16,900.00	0.00	164,045.03
<b>Scholastic Bowl</b>							430.00
Total Scholastic Bowl							430.00
<b>Science Club</b>							850.54
Total Science Club							850.54
<b>Senior Class</b>							11,379.09
General...	07/10/2020	389		Moved from Junior class		12,988.52	24,367.61
General...	07/10/2020	389		Move to Former class funds	11,379.09		12,988.52
Total Senior Class					11,379.09	12,988.52	12,988.52
<b>Soccer-Boys</b>							2,641.58
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	1,127.91		1,513.67
General...	08/17/2020	391		Funds to help pay for Hudl	1,200.00		313.67
Total Soccer-Boys					2,327.91	0.00	313.67
<b>Soccer-Girls</b>							0.00
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	1,127.91		-1,127.91
General...	08/17/2020	391		Funds to help pay for Hudl		1,200.00	72.09
Total Soccer-Girls					1,127.91	1,200.00	72.09
<b>Softball</b>							2,904.28
Deposit	07/09/2020		Herb Knoblach	Shear Heaven salon softball sign		150.00	3,054.28
Total Softball					0.00	150.00	3,054.28
<b>Sophomore Class</b>							2,449.90
General...	07/10/2020	389		Moved from Freshman Class		822.02	3,271.92
General...	07/10/2020	389		Move to Junior class	2,449.90		822.02
Total Sophomore Class					2,449.90	822.02	822.02
<b>Spanish Club</b>							1,513.79
Total Spanish Club							1,513.79
<b>Special Ed Co-op</b>							2,103.81
Total Special Ed Co-op							2,103.81
<b>Special Events-Athletics</b>							8,659.51
Total Special Events-Athletics							8,659.51
<b>Speech</b>							2,008.13
General...	08/17/2020	390		Payment for cafeteria services on 3/3/20	112.74		1,895.39
Check	09/30/2020	13964	Teresa Noe	Reimburse for for ICTA conference	39.00		1,856.39
Total Speech					151.74	0.00	1,856.39
<b>State Football Playoff</b>							3,963.92
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	2,552.00		1,411.92
Total State Football Playoff					2,552.00	0.00	1,411.92
<b>Student Council</b>							11,089.96
Check	08/18/2020	13939	Master Video, Inc.	Class of 2020 graduation video	1,045.00		10,044.96
Check	09/04/2020	13945	VISA - Joe Sander	Jimmy Johns - meal for teaches & staff	1,336.89		8,708.07
Check	09/08/2020	13947	KB Strong Foundation	Donation from WCHS Student Council	3,500.00		5,208.07
Total Student Council					5,881.89	0.00	5,208.07

**Washington Community High School**  
**Transactions by Account**  
**As of September 30, 2020**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Swim Team</b>							184.20
Deposit	09/15/2020	31038	Katie Tollakson	Girls swimsuit purchase		40.00	224.20
Deposit	09/15/2020	31034	Katie Tollakson	Girls swimsuit purchase		1,120.00	1,344.20
Deposit	09/15/2020	31032	Katie Tollakson	Girls swimsuit purchase		40.00	1,384.20
Check	09/28/2020	13961	WCHS	Team swimwear payments	1,101.51		282.69
Total Swim Team					1,101.51	1,200.00	282.69
Tennis - Boys							4,571.70
<b>Tennis - Girls</b>							5,521.91
<b>Fence Sign Fundraiser</b>							1,100.00
Total Fence Sign Fundraiser							1,100.00
<b>Tennis - Girls - Other</b>							4,421.91
Check	08/13/2020	13936	Teamworks	screen print for uniforms-Inv 53457	112.00		4,309.91
Deposit	08/27/2020	31028	April Wenzel	Donation		500.00	4,809.91
Check	09/10/2020	13950	Teamworks	Shirts - Inv 53567	560.00		4,249.91
Check	09/10/2020	13950	Teamworks	Shirts - Inv 53588	32.00		4,217.91
Total Tennis - Girls - Other					704.00	500.00	4,217.91
Total Tennis - Girls					704.00	500.00	5,317.91
<b>Tough Love</b>							883.99
Total Tough Love							883.99
<b>Tournament of Champions</b>							36,275.21
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	1,780.90		34,494.31
Total Tournament of Champions					1,780.90	0.00	34,494.31
<b>Volleyball</b>							6,532.12
Check	07/07/2020	13912	VISA - Joe Sander	Hudl - mobile analysis kit	273.90		6,258.22
Check	07/07/2020	13912	VISA - Joe Sander	Eastside Volleyball Club - registration for summer league	465.17		5,793.05
Check	07/08/2020	13920	Hudl	Hudl subscription - Inv 00916757	1,306.00		4,487.05
Deposit	07/09/2020		Herb Knoblach	Pekin entry fee		150.00	4,637.05
Total Volleyball					2,045.07	150.00	4,637.05
<b>Washington Township Special Ed</b>							55.00
Total Washington Township Special Ed							55.00
<b>WCHS Hardship</b>							713.05
Check	09/10/2020	13949	Amazon Business	Storage bins - 1K6D-LH1C-7F77	142.93		570.12
Deposit	09/15/2020	31037	Holly Raubach-Davis	Donation		276.45	846.57
Deposit	09/15/2020	31031	Holly Raubach-Davis	Donation from Class of 1959		630.00	1,476.57
Deposit	09/15/2020	31036	Holly Raubach-Davis	Donation		25.01	1,501.58
Deposit	09/15/2020	31033	Holly Raubach-Davis	Donation		50.00	1,551.58
Check	09/17/2020	13955	Holly Raubach-Davis	Food purchases for Panther Pro Shop	90.83		1,460.75
Check	09/28/2020	13962	Amazon Business	Storage bins - 1J4H-W79C-DFCX	19.98		1,440.77
Check	09/28/2020	13962	Amazon Business	Drawstring bags - 1GF7-J3HQ-CCP7	38.99		1,401.78
Check	09/28/2020	13962	Amazon Business	Laundry detergent - 1PQ1-7F34-199H	39.95		1,361.83
Check	09/30/2020	13963	Gabberts Cleaning Service	toilet paper	45.75		1,316.08
Total WCHS Hardship					378.43	981.46	1,316.08
<b>Wrestling</b>							5,870.29
Check	09/28/2020	13958	Thomas Blackorby	Sponsorship	100.00		5,770.29
Total Wrestling					100.00	0.00	5,770.29
<b>Yearbook</b>							21,316.19
Check	09/28/2020	13959	Josten's Inc.	Final payment of 2018-19 yearbook	12,245.26		9,070.93
Total Yearbook					12,245.26	0.00	9,070.93
<b>Retained Earnings</b>							43.60
Total Retained Earnings							43.60
<b>TOTAL</b>					<b>108,456.19</b>	<b>46,956.37</b>	<b>517,143.75</b>

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
0109 SPECIALIZED		CM67112	20200924B	AUGUST ESY 2020 Billing	09/23/2020	228247	-2,620.50
0109 SPECIALIZED		INV101743	20200924B	AUGUST ESY 2020 Billing	09/14/2020	228247	9,548.70
0109 SPECIALIZED		INV101844	20200924B	AUGUST ESY 2020 Billing	09/15/2020	228247	2,620.50
0109 SPECIALIZED		INV101975	20200924B	AUGUST ESY 2020 Billing	09/23/2020	228247	3,843.40
<b>0109 SPECIALIZED</b>			<b>13,392.10</b>				
AISLE	0002100213	2020084	20200917B	ANNUAL CONFERENCE FOR TOM	09/10/2020	228248	176.00
<b>AISLE</b>			<b>176.00</b>				
ALLEN TRANSPSERV		920308	20201007B	Transportation services SEPTEMBER	09/30/2020	228249	21,856.54
<b>ALLEN TRANSPSERV INC</b>			<b>21,856.54</b>				
ALPHA BAKING		200415254024	20200916B	CAFE	09/10/2020	228250	37.85
ALPHA BAKING		200415265021	20200930B	CAFE	09/21/2020	228250	36.04
ALPHA BAKING		200415270012	20201008B	CAFE	09/26/2020	228250	59.77
<b>ALPHA BAKING COMPANY</b>			<b>133.66</b>				
AMAZON		457365587676	20200916B	RULER	07/09/2020	228251	14.99
<b>AMAZON</b>			<b>14.99</b>				
AMAZON BUSINESS	0002100214	1THT-677G-3YCX	20200916B	VIVO STANDING DESK	09/16/2020	228252	325.58
AMAZON BUSINESS	0002100216	19NX-P9HQ-C1J3	20200916B	STANDING DESK	09/10/2020	228252	139.95
AMAZON BUSINESS	0002100218	1GLQ-TGMK-WVGQ	20200916B	TECH SUPPLIES	09/13/2020	228252	34.95
AMAZON BUSINESS	0002100219	1P6K-YL39-H4H3	20200916B	TECH SUPPLIES	09/15/2020	228252	185.31
AMAZON BUSINESS	0002100220	11X7-MGQR-W1WM	20200923B	STEP PURCHASES	09/22/2020	228252	809.90

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
AMAZON BUSINESS	0002100220	1C6K-K4L4-CP94	20200916B	STEP PURCHASES	09/15/2020	228252	10.99
AMAZON BUSINESS	0002100220	1GKX-WWP1-CDNL	20200916B	STEP PURCHASES	09/15/2020	228252	10.99
AMAZON BUSINESS	0002100220	1VNT-VHRL-LMVJ	20200916B	STEP PURCHASES	09/11/2020	228252	880.76
AMAZON BUSINESS	0002100220	1W9P-CD9L-HLQJ	20200923B	STEP PURCHASES- HEPA FILTER	09/20/2020	228252	288.49
AMAZON BUSINESS	0002100221	1DHG-J116-39DM	20200916B	STAPLERS	09/13/2020	228252	20.07
AMAZON BUSINESS	0002100223	1GYK-4HPM-7QHR	20200916B	PORTABLE STRETCHER	09/14/2020	228252	49.00
AMAZON BUSINESS	0002100227	1DD7-M977-3NVN	20200917B	IPHONE CASE FOR KAREN S	09/16/2020	228252	17.99
AMAZON BUSINESS	0002100228	1CRL-69PT-6NWX	20200917B	PHONE CASE FOR DR. FREEMAN	09/16/2020	228252	17.99
AMAZON BUSINESS	0002100232	14J4-QG7K-H4KD	20200917B	PHONE CASE	09/17/2020	228252	16.99
AMAZON BUSINESS	0002100233	1JW7-G9G7-G61V	20200917B	MEASURED POURER FOR BLEACH IN	09/16/2020	228252	49.99
AMAZON BUSINESS	0002100235	11X7-MGQR-CCDV	20200923B	BLACK STANCTIONS	09/21/2020	228252	1,625.99
AMAZON BUSINESS	0002100238	1NQH-7RGM-FPXW	20200923B	TECH SUPPLIES	09/23/2020	228252	114.78
AMAZON BUSINESS	0002100242	1TQ4-4GXT-NVL9	20200930B	SUPPLIES FOR ART	09/25/2020	228252	5.99
AMAZON BUSINESS	0002100243	1MJH-YKQC-7DM4	20200930B	KEYBOARD REST FOR DEBBIE	09/25/2020	228252	11.99
AMAZON BUSINESS	0002100246	1KC1-DDYL-DRGL	20200930B	WHITE VIEW BINDERS - 2" AND 3"	09/27/2020	228252	84.59
AMAZON BUSINESS	0002100249	19NF-PCXW-J1PK	20200930B	LIBRARY GAMES	09/29/2020	228252	53.67
AMAZON BUSINESS	0002100250	1TNX-VTFL-N7MN	20200930B	BOOKS FOR THE LIBRARY	09/29/2020	228252	119.96
AMAZON BUSINESS	0002100251	1G1Y-WYWT-HYLH	20200930B	CHROMEBOOK BATTERY	09/25/2020	228252	19.99

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Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
AMAZON BUSINESS	0002100253	1FCP-HNJT-J737	20200930B	BOOKS	09/29/2020	228252	56.82
AMAZON BUSINESS	0002100254	1GD7-9TLD-PRCN	20201001B	CHROMEBOOK BATTERY	09/30/2020	228252	19.99
AMAZON BUSINESS	0002100259	1WQT-HJLL-WXL4	20201007B	STAND UP DESKS	09/29/2020	228252	349.94
AMAZON BUSINESS	0002100262	13FC-MKV6-F4V3	20201007B	PRINTER TONER CARTRIDGES FOR	10/07/2020	228252	54.78
AMAZON BUSINESS	0002100263	13P4-LYG6-VD4G	20201007B	ADJUSTABLE STANDING DESK	09/24/2020	228252	99.99
AMAZON BUSINESS	0002100264	1FCY-7RGH-FPT1	20201007B	RUBBER BANDS	10/07/2020	228252	20.44
<b>AMAZON BUSINESS</b>			<b>5,497.87</b>				
AMEREN CILCO		202009161028	20200918B	ACCT 5294731028	09/16/2020	228253	284.13
AMEREN CILCO		202009189011	20200923B	ACCT 5445919011	09/18/2020	228253	78.82
AMEREN CILCO		202010051001	20201007B	ACCT 9467381001	10/05/2020	228253	615.19
AMEREN CILCO		202010054007	20201007B	Acct 6345014007	10/05/2020	228253	71.77
AMEREN CILCO		202010056012	20201007B	Acct 2211156012	10/05/2020	228253	102.07
<b>AMEREN CILCO</b>			<b>1,151.98</b>				
AMPLIFIED IT, LLC	0002100257	25244	20201001B	G SUITE ENTERPRISE FOR	09/30/2020	228254	4,320.00
<b>AMPLIFIED IT, LLC</b>			<b>4,320.00</b>				
ANDERSON AUTO		00010242	20201009B	WCHS DIST 308	10/07/2020	228255	48.23
<b>ANDERSON AUTO CENTER</b>			<b>48.23</b>				
Banzhoff, Jayme Carol		20200914JB	20200917B	ART SUPPLIES	09/17/2020	9000000572	11.80
<b>Banzhoff, Jayme Carol</b>			<b>11.80</b>				
BENNETT		31747	20201002B	ACCT W194	09/23/2020	228256	330.00
<b>BENNETT ELECTRONIC INC</b>			<b>330.00</b>				

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Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
BOOMBAH	0002100200	145828	20201007B	TANK FOR CROSS COUNTRY	10/05/2020	228257	839.76
<b>BOOMBAH</b>			<b>839.76</b>				
BRADFORD, ANNE		100620	20201007M	Communication Consulting 09.09.2020 -	10/06/2020	9000000573	803.25
<b>BRADFORD, ANNE</b>			<b>803.25</b>				
BRECKLINS BP		SEPTEMBER 20	20201002B	FUEL SEPTEMBER 2020	09/30/2020	228258	648.57
<b>BRECKLINS BP</b>			<b>648.57</b>				
BROAD REACH	0002100248	ARU0309178	20201008B	BOOKS FOR LIBRARY	09/29/2020	228259	58.94
<b>BROAD REACH</b>			<b>58.94</b>				
BUSHUE		WASHINGTON 308-	20201001B	BACK GROUND CHECKS	09/30/2020	228260	57.00
<b>BUSHUE BACKGROUND</b>			<b>57.00</b>				
CARLS PRO BAND INC		228	20201002B	REPAIR INSTRUMENT	08/05/2020	228261	130.00
<b>CARLS PRO BAND INC</b>			<b>130.00</b>				
CDS OFFICE	0002100121	INV1334173	20201002B	BLACK COPY TONER - ACCT 8768	09/29/2020	228262	268.20
<b>CDS OFFICE</b>			<b>268.20</b>				
CENGAGE LEARNING		NO. 72166220	20200923B	CREDIT INVOICE NO. 7213120	09/16/2020	228263	-4,740.00
CENGAGE LEARNING	0002100217	NO. 72134120	20200923B	SAM LICENSES	09/15/2020	228263	4,740.00
<b>CENGAGE LEARNING INC</b>			<b>0.00</b>				
CENTRAL IL		M02153403	20200916B	CAFE - SUPPLIES	09/11/2020	228264	6.50
CENTRAL IL		M02154077	20200916B	CAFE - SUPPLIES	09/11/2020	228264	25.10
CENTRAL IL		M02154155	20200916B	CAFE - SUPPLIES	09/11/2020	228264	7.00
CENTRAL IL		M02154868	20200917B	CAFE SUPPLIES	09/15/2020	228264	46.79
CENTRAL IL		M02154919	20200917B	CAFE SUPPLIES	09/15/2020	228264	44.65

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CENTRAL IL		M02159262	20201008B	CAFE - SUPPLIES	10/01/2020	228264	29.50
<b>CENTRAL IL PRODUCE</b>			<b>159.54</b>				
CHILDRENS HOME		INV1007978	20200924B	WCHS SCHOOL -AUGUST 2020	07/31/2020	228265	2,758.03
CHILDRENS HOME		INV1007979	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	2,758.03
CHILDRENS HOME		INV1008072	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	1,768.47
CHILDRENS HOME		INV1008073	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	1,768.47
CHILDRENS HOME		INV1008074	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	1,768.47
CHILDRENS HOME		INV1008075	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	1,768.47
CHILDRENS HOME		INV1008076	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	1,768.47
CHILDRENS HOME		INV1008077	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	1,768.47
CHILDRENS HOME		INV1008095	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	752.19
CHILDRENS HOME		INV1008096	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	752.19
CHILDRENS HOME		INV1008175	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	482.31
CHILDRENS HOME		INV1008176	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	482.31
CHILDRENS HOME		INV1008177	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	482.31
CHILDRENS HOME		INV1008178	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	482.31
CHILDRENS HOME		INV1008179	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	482.31
CHILDRENS HOME		INV1008180	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	482.31
CHILDRENS HOME		INV1008183	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	964.62

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CHILDRENS HOME		INV1008184	20200924B	WCHS SCHOOL -AUGUST 2020	08/31/2020	228265	482.31
<b>CHILDRENS HOME</b>			<b>21,972.05</b>				
CITY OF		202009249790	20201007B	ACCT 0410009790-00	09/24/2020	228266	6.46
CITY OF		202009269700	20201007B	ACCT 0410009700-00	09/26/2020	228266	925.30
CITY OF		202009269725	20201007B	ACCT 0410009725-00	09/26/2020	228266	1,521.29
CITY OF		202009269740	20201007B	ACCT 0410009740-00	09/26/2020	228266	6.09
CITY OF		202009269760	20201007B	ACCT 0410009760-00	09/26/2020	228266	15.52
CITY OF		202009269850	20201007B	ACCT 0410009850-00	09/26/2020	228266	44.54
<b>CITY OF WASHINGTON</b>			<b>2,519.20</b>				
CONSTELLATION		2993172	20200923B	Utilities-Gas ACCT ID: BG-308740	09/14/2020	228267	186.83
<b>CONSTELLATION</b>			<b>186.83</b>				
Damery, Mary Michael		20201005MMD	20201008B	BOOK STUDY CLASS	10/05/2020	9000000574	72.99
<b>Damery, Mary Michael</b>			<b>72.99</b>				
DAN SCHROCK &		601633	20200916B	TORRY GYM REPAIR	09/12/2020	228268	10,000.00
<b>DAN SCHROCK &amp; SONS</b>			<b>10,000.00</b>				
DE LAGE LANDEN FIN		69699672	20201001B	CONTRACT # 100-10150150	09/30/2020	228269	2,393.00
<b>DE LAGE LANDEN FIN SERV</b>			<b>2,393.00</b>				
DEMCO	0002100191	6841047	20200923B	STOOLS FOR CLASSROOMS	09/11/2020	228270	1,851.07
<b>DEMCO</b>			<b>1,851.07</b>				
DES MOINES STAMP		1167018	20201008B	COUNSELING SUPPLIES	10/04/2020	228271	108.70
<b>DES MOINES STAMP MFG.</b>			<b>108.70</b>				

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Dunnan, James W		Oct20 Ins	20200928M	Reimburse for Oct 2020 Ins Premiums	09/24/2020	9000000575	700.87
<b>Dunnan, James W</b>			<b>700.87</b>				
EBSCO CURRICULUM		1602161	20201008B	MAGINZINE	10/02/2020	228272	404.39
EBSCO CURRICULUM	0002100222	1000137956-1	20200923b	ONLINE MAGAZINE SUBSCRIPTION	09/18/2020	228272	93.98
<b>EBSCO CURRICULUM</b>			<b>498.37</b>				
EDUCATIONAL	0002100013	2208	20200930B	BIO CONNECT LICENSE RENEWAL	06/19/2020	228273	350.00
<b>EDUCATIONAL BIOMETRIC</b>			<b>350.00</b>				
ENVIRONMENTAL		5576	20200923B	WORK ORDER 3697 LABOR - UV	09/18/2020	228274	552.00
<b>ENVIRONMENTAL CONTROL</b>			<b>552.00</b>				
EXPLORELEARNING,	0002100188	2576235	20200916B	SCHOOL GIZMOS DEPARTMENT	08/28/2020	228275	2,256.25
<b>EXPLORELEARNING, LLC.</b>			<b>2,256.25</b>				
FIVE STAR WATER		20200917FIVESTAR	20200923B	BOTTLED WATER IN	09/17/2020	228276	22.15
<b>FIVE STAR WATER</b>			<b>22.15</b>				
FRONTIER		20200919-010165-5	20200923b	PHONE LINES	09/19/2020	228277	1,103.84
FRONTIER		20201001-080111-5	20201007B	PHONE LINES	10/01/2020	228277	53.72
<b>FRONTIER</b>			<b>1,157.56</b>				
GABBERTS CLEANING		7244	20200923B	AUG. MONTHLY JANITORIAL SERV.	09/15/2020	228278	24,486.47
<b>GABBERTS CLEANING</b>			<b>24,486.47</b>				
Garske, Daniel Joseph		Aug-Sep '20 Meals	20201007M	Aug-Sep 2020 Meal Reimbursement	10/07/2020	9000000576	48.00
<b>Garske, Daniel Joseph</b>			<b>48.00</b>				
GEO PASQUEL CO		1103268	20200917B	CAFE SUPPLIES	09/16/2020	228279	200.00
<b>GEO PASQUEL CO</b>			<b>200.00</b>				

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GOODHEART-	0002100210	01748567	20200917B	QUOTE 13651348 ACCT 0006157100	09/14/2020	228280	2,998.71
<b>GOODHEART-WILLCOX CO</b>			<b>2,998.71</b>				
GORDON FOOD		831323970	20200916B	FOOD SERVICES	09/09/2020	228281	21.48
GORDON FOOD		831324345	20200917B	CAFE FOOD SUPPLIES	09/15/2020	228281	8.49
GORDON FOOD		831325008	20201008B	CAFE FOOD SUPPLIES	09/28/2020	228281	86.62
GORDON FOOD		831325116	20201008B	CAFE FOOD SUPPLIES	09/30/2020	228281	18.23
<b>GORDON FOOD SERVICE</b>			<b>134.82</b>				
GRAINGER	0002100244	9665497211	20201002B	BIOHAZARD CONTAINER AND BAGS	09/25/2020	228282	84.87
<b>GRAINGER</b>			<b>84.87</b>				
GRAYBAR	0002100106	9317095932	20201001B	ELECTRICAL EQUIPMENT	07/31/2020	228283	258.30
<b>GRAYBAR</b>			<b>258.30</b>				
GREAT AMERICA		27879675	20200930B	Acct# 014-1372701-000	09/25/2020	228284	214.00
<b>GREAT AMERICA FINANCIAL</b>			<b>214.00</b>				
HERFF JONES INC -		1037733	20200917B	DIPLOMA	09/11/2020	228285	15.36
HERFF JONES INC -		1038406	20200930B	DIPLOMA	09/22/2020	228285	15.36
<b>HERFF JONES INC -</b>			<b>30.72</b>				
IAASE CONFERENCE		20200914LAS	20200923B	ANNUAL IAASE FY2021 MEMBERSHIP	09/14/2020	228286	180.00
<b>IAASE CONFERENCE</b>			<b>180.00</b>				
ICC		2213-WASHINGTON	20201008B	EARLY COLLEGE	10/06/2020	228287	10,325.55
<b>ICC</b>			<b>10,325.55</b>				
ICTM MATH CONTEST		200922ICTM	20200930B	WCHS 308 - MATH CONTEST REG.	09/22/2020	228288	200.00
<b>ICTM MATH CONTEST</b>			<b>200.00</b>				

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IDEAL ENVIRONM		57892	20200916B	JOB 23002	09/14/2020	228289	330.00
IDEAL ENVIRONM		57987	20201009B	JOB 23000 BLEACHER INSPECTION	10/06/2020	228289	845.00
<b>IDEAL ENVIRONM ENG INC</b>			<b>1,175.00</b>				
INTERSTATE		40135478	20201008B	BATTERY	09/30/2020	228290	48.90
INTERSTATE		50037306	20201001B	BATTERIES	09/11/2020	228290	55.73
INTERSTATE		50037552	20201001B	BATTERY - MOWER	09/24/2020	228290	104.95
INTERSTATE		50037785	20201008B	BATTERY	10/05/2020	228290	-48.90
<b>INTERSTATE BATTERY</b>			<b>160.68</b>				
J.W. PEPPER & SON,		362907323	20201008B	CHOIR SUPPLIES	08/19/2020	228291	87.50
J.W. PEPPER & SON,		362911572	20201008B	CHOIR SUPPLIES	08/21/2020	228291	82.49
J.W. PEPPER & SON,		362911626	20201008B	CHOIR SUPPLIES	08/21/2020	228291	180.00
J.W. PEPPER & SON,		362923306	20201008B	CHOIR SUPPLIES	08/28/2020	228291	28.94
J.W. PEPPER & SON,		362924705	20201008B	CHOIR SUPPLIES	08/28/2020	228291	171.00
J.W. PEPPER & SON,		362928067	20201008B	CHOIR SUPPLIES	08/31/2020	228291	154.60
J.W. PEPPER & SON,		362933167	20201008B	CHOIR SUPPLIES	09/02/2020	228291	19.74
J.W. PEPPER & SON,		362953531	20201008B	CHOIR SUPPLIES	09/14/2020	228291	155.00
J.W. PEPPER & SON,		362954299	20201008B	CHOIR SUPPLIES	09/14/2020	228291	104.74
J.W. PEPPER & SON,		362954590	20201008B	CHOIR SUPPLIES	09/14/2020	228291	1.90
J.W. PEPPER & SON,		36297898	20201008B	CHOIR FOLIO	09/22/2020	228291	66.64

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J.W. PEPPER & SON,		362984034	20201008B	CHOIR SUPPLIES	09/29/2020	228291	49.99
J.W. PEPPER & SON,		362995862	20201008B	CHOIR SUPPLIES	10/05/2020	228291	60.89
<b>J.W. PEPPER &amp; SON, INC.</b>			<b>1,163.43</b>				
JOHNSON		113197	20200917B	ICE MACHINE REPAIRS EQUIP ID	09/10/2020	228292	722.92
JOHNSON		133115	20200917B	DISHROOM EQUIPMENT ID #17407	09/08/2020	228292	140.00
JOHNSON		133198	20200917B	DISH MACHINE REPAIR	09/10/2020	228292	907.12
<b>JOHNSON MECHANICAL</b>			<b>1,770.04</b>				
KIDDER MUSIC		1000252401	20201008B	ACCT WASH1	09/17/2020	228293	120.00
<b>KIDDER MUSIC SERVICE</b>			<b>120.00</b>				
KIEFER AQUATICS		INV001003046	20201008B	SWIMMING CAPS	09/25/2020	228294	1,000.00
<b>KIEFER AQUATICS</b>			<b>1,000.00</b>				
KIMPLING ACE		191918	20200924B	MAINTENANCE - WASPS	08/28/2020	228295	30.75
KIMPLING ACE		192036	20201002B	CABLE/BASKETBALL NET	09/04/2020	228295	3.95
KIMPLING ACE		192173	20200924B	FASTENERS	09/15/2020	228295	1.41
KIMPLING ACE		192176	20200924B	MAINTENANCE SUPPLIES	09/15/2020	228295	2.82
KIMPLING ACE		192204	20200924B	MAINTENANCE	09/17/2020	228295	14.49
KIMPLING ACE		192236	20200924B	MAINTENANCE	09/18/2020	228295	5.85
KIMPLING ACE		192311	20201002B	GROUNDS	09/24/2020	228295	24.99
KIMPLING ACE		192437	20201008KL	Bx out 1 gwg deep mtl iv	10/01/2020	228295	8.99
<b>KIMPLING ACE HARDWARE</b>			<b>93.25</b>				

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KOENER ELECTRIC		46519	20201001B	FOOTBALL FIELD	09/09/2020	228296	3,759.44
<b>KOENER ELECTRIC INC</b>			<b>3,759.44</b>				
KOHL WHOLESale		710058	20200916B	Acct 96528 - CAFE	09/11/2020	228297	626.43
KOHL WHOLESale		715390	20200930B	Acct 96528 - CAFE	09/18/2020	228297	1,125.46
KOHL WHOLESale		720847	20200930B	Acct 96528 - CAFE	09/25/2020	228297	2,308.84
KOHL WHOLESale		726269	20201008B	CAFE	10/02/2020	228297	1,693.51
<b>KOHL WHOLESale</b>			<b>5,754.24</b>				
KONE INC		1158036953	20200918B	HOISTWAY ACCESS FOR	09/11/2020	228298	634.00
<b>KONE INC</b>			<b>634.00</b>				
KROGER CO - IN DIV		200928NONE	20200930B	FAMILY CONSUMER FOODS	09/28/2020	228299	84.29
KROGER CO - IN DIV		256477	20200917B	SPED FOOD SUPPLIES	09/17/2020	228299	30.68
<b>KROGER CO - IN DIV</b>			<b>114.97</b>				
LANE WEAVER		1070	20201002B	PARKING LOT	09/24/2020	228300	1,625.00
<b>LANE WEAVER EXCAVATING</b>			<b>1,625.00</b>				
LIBERTY TERMITE&		176100	20200930B	Acct 8951 -	09/25/2020	228301	105.00
<b>LIBERTY TERMITE&amp;</b>			<b>105.00</b>				
LINCOLN PRAIRIE		2021-14443	20200916B	TUITION OUT OF DISTRICT	09/09/2020	228302	250.00
<b>LINCOLN PRAIRIE BHC</b>			<b>250.00</b>				
MENARDS -		32841	20200924B	MAINTENANCE SUPPLIES	09/17/2020	228303	10.57
MENARDS -		33241	20201002B	MAINTENANCE SUPPLIES	09/23/2020	228303	9.99
MENARDS -		33293	20201001B	TIE DOWNS	09/24/2020	228303	29.99

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Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
MENARDS -		33618	20201002B	MAINTENANCE SUPPLIES	09/29/2020	228303	46.91
MENARDS -		33663	20201002B	MAINTENANCE SUPPLIES	09/30/2020	228303	87.84
MENARDS -		33673	20201002B	MAINTENANCE SUPPLIES	09/30/2020	228303	20.46
MENARDS -		33747	20201008B	MAINTENANCE	10/01/2020	228303	3.01
MENARDS -		33983	20201008KL	Maintenance supplies	10/05/2020	228303	17.64
MENARDS -		33996	20201008KL	8k / sacc 5.3k btu pac	10/05/2020	228303	249.99
MENARDS -		34064	20201008KL	30w quart shell oil	10/06/2020	228303	11.96
MENARDS -		34128	20201008KL	Maintenance Supplies	10/07/2020	228303	10.97
<b>MENARDS - WASHINGTON</b>			<b>499.33</b>				
MICROTECH		5687	20200930B	MAINTENANCE MICROSCOPES	09/24/2020	228304	367.50
<b>MICROTECH</b>			<b>367.50</b>				
MIDWEST PATCH		2913	20201008B	HIGH PERFORMANCE PATCH	10/08/2020	228305	772.80
<b>MIDWEST PATCH</b>			<b>772.80</b>				
MIDWEST TRANSIT		R312005967:01	20200924B	BUS 1, VIN B444960	08/08/2020	228306	171.28
MIDWEST TRANSIT		R312005968:01	20200924b	BUS 2, VIN B444961	07/08/2020	228306	166.23
MIDWEST TRANSIT		R312005969:01	20200924B	BUS 3, VIN B444962	07/08/2020	228306	171.28
MIDWEST TRANSIT		R312005970:01	20200924B	BUS 4, VIN B444963	07/08/2020	228306	166.23
MIDWEST TRANSIT		R312005971:01	20200924B	BUS 5, VIN B444964	07/08/2020	228306	166.23
MIDWEST TRANSIT		R312005972:01	20200924B	BUS 6, VIN B444965	07/08/2020	228306	166.23

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
MIDWEST TRANSIT		R312005973:01	20200924B	BUS 7, VIN B444966	07/08/2020	228306	166.23
MIDWEST TRANSIT		R312005974:01	20200924B	BUS 8, VIN B444967	07/08/2020	228306	166.23
MIDWEST TRANSIT		R312005975:01	20200924B	BUS 9, VIN B714352	08/08/2020	228306	166.23
MIDWEST TRANSIT		R312005976:01	20200924B	BUS 10, VIN B714353	07/08/2020	228306	166.23
<b>MIDWEST TRANSIT EQUIP</b>			<b>1,672.40</b>				
MIDWEST TRUCKERS		P 717821	20201002B	DRUG TESTING - PRE-EMPLOYMENT	09/25/2020	228307	68.75
<b>MIDWEST TRUCKERS</b>			<b>68.75</b>				
MILLER HALL &		202009141080m	20200916B	LEGAL FEES	09/14/2020	228308	1,780.20
<b>MILLER HALL &amp; TRIGGS</b>			<b>1,780.20</b>				
MOBILE DEFENDERS,	0002100256	EDU-000001853	20201007b	CHROMEBOOK PARTS - QUOTE	10/02/2020	228309	305.85
<b>MOBILE DEFENDERS, LLC</b>			<b>305.85</b>				
MORTON		244921502677173111521	20201002B	EB TAKE TIME FOR YOU	09/23/2020	228310	42.63
MORTON		700024002739000000181	20201002B	DEB ADJ - REVERSE CHARGE	07/31/2020	228310	212.38
MORTON		744310502592005961880	20201002B	CREDIT -SWIMOUTLET	09/15/2020	228310	-4.77
MORTON	0002100190	244921502448529831796	20201002B	PHYSICS CLASSROOM	08/31/2020	228310	245.00
MORTON	0002100225	244921502586376802901	20201002B	ZDNET ACADEMY	09/14/2020	228310	207.00
MORTON	0002100226	245593002589000193018	20201002B	2020 ICTA CONVENTION FOR LISA	09/14/2020	228310	104.00
MORTON	0002100229	242476002603004768766	20201002B	TEN SIGMA STORE	10/16/2020	228310	414.35
MORTON	0002100230	244921502537454386224	20201002B	REGIONAL OFFICE OF EDUCATION	09/09/2020	228310	183.77
MORTON	0002100231	244921150252637187128	20201002B	SIGN WAREHOUSE	09/08/2020	228310	131.94

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
MORTON	0002100236	244310502660837162739	20201002B	IPEVO - DOCUMENT CAMERA	09/22/2020	228310	234.86
MORTON	0002100237	244921502458520503492	20201002B	ARENA SWIMWEAR	09/01/2020	228310	1,016.02
MORTON	0002100239	244921502607438708862	20201002B	CONFERENCE FOR HERB K	09/16/2020	228310	183.77
MORTON	0002100241	246392302669000179001	20201002B	IPA - TRAINING FOR KAREN STEVENS	09/21/2020	228310	199.00
MORTON	0002100260	242042902660035554558	20201002B	EBAY - MOTHER BOARD	09/22/2020	228310	70.11
<b>MORTON COMMUNITY BANK</b>			<b>3,240.06</b>				
MORTON		241374602561002535185	20201007B	LUNCH MTGING	09/12/2020	228311	31.60
MORTON		244921502687153748087	20201007B	EB AA 1865 PRINCIPAL	09/24/2020	228311	183.77
MORTON		247650102442005882001	20201007B	LUNCH MTGING	08/31/2020	228311	16.31
MORTON		247650102732005882000	20201007B	LUNCH MTGING	09/29/2020	228311	13.09
<b>MORTON COMMUNITY BANK</b>			<b>244.77</b>				
MORTON		242263802630910056143	20201002B	FACS - WALMART	09/18/2020	228312	41.70
MORTON		244450002630008054294	20201002B	FACS - DOLLAR TREE	09/18/2020	228312	12.00
MORTON		244457102623004398891	20201002B	FACS - KROGER	09/18/2020	228312	19.38
<b>MORTON COMMUNITY BANK</b>			<b>73.08</b>				
MTCO		11357681	20201007B	ACCOUNT 00043626-6	10/01/2020	228313	2,222.70
<b>MTCO</b>			<b>2,222.70</b>				
MULLLALLY PRINT	0002100015	461489	20201007B	PARKING TAGS	06/18/2020	228314	364.00
<b>MULLLALLY PRINT STUDIO</b>			<b>364.00</b>				
NCS PEARSON, INC	0002100224	11672881	20200923B	TESTING MATERIALS CUSTOMER	09/16/2020	228315	201.40
<b>NCS PEARSON, INC</b>			<b>201.40</b>				

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
Nelson, Curtis E		Sept '20 Meals	20201007M	Sept 2020 Meal Reimbursement	10/07/2020	9000000577	4.00
<b>Nelson, Curtis E</b>			<b>4.00</b>				
O'DEAS CLEANERS		20201008BAND	20201008B	WCHS308 - BAND UNIFORMS	10/08/2020	228316	2,834.00
O'DEAS CLEANERS		20201008CHOIR	20201008B	CHOIR UNIFORMS	10/08/2020	228316	408.00
<b>O'DEAS CLEANERS</b>			<b>3,242.00</b>				
OFFICE OF STATE		5125112842	20200930B	CONVEYANCE CERTIFICATION OF	09/29/2020	228317	300.00
<b>OFFICE OF STATE FIRE</b>			<b>300.00</b>				
OSF OCCUPATIONAL		00097514-00	20201008B	OT DRIVING EVAL	09/30/2020	228318	350.00
<b>OSF OCCUPATIONAL</b>			<b>350.00</b>				
Page, Benjamin T		Oct 2020 Reimburse	20201006M	Spikes for Cross-Country	10/01/2020	9000000578	28.29
<b>Page, Benjamin T</b>			<b>28.29</b>				
PEORIA COUNTY		20200908TH	20200916B	IN HOSPITAL TUTORING AUGUST	09/08/2020	228319	175.00
<b>PEORIA COUNTY REGIONAL</b>			<b>175.00</b>				
PITNEY BOWES		1016549054	20201009B	ACCT 0018172289	09/30/2020	228320	282.60
<b>PITNEY BOWES (SUPPLIES)</b>			<b>282.60</b>				
PITNEY BOWES		20201008PB	20201008B	METER POSTAGE	10/08/2020	228321	500.00
<b>PITNEY BOWES PURCHASE</b>			<b>500.00</b>				
POINTCORE		93420389	20201008B	AED PMS	09/30/2020	228322	700.00
<b>POINTCORE</b>			<b>700.00</b>				
PRAIRIE FARMS		73082	20201008B	DAIRY PRODUCTS	09/10/2020	228323	147.50
PRAIRIE FARMS		73094	20201008B	DAIRY PRODUCTS	09/08/2020	228323	132.55
PRAIRIE FARMS		77376	20201008B	DAIRY PRODUCTS	09/21/2020	228323	280.05

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
PRAIRIE FARMS		78229	20201008B	DAIRY PRODUCTS	09/21/2020	228323	117.60
PRAIRIE FARMS		78248	20201008B	DAIRY PRODUCTS	09/24/2020	228323	221.75
PRAIRIE FARMS		8080918	20201008B	DAIRY PRODUCTS	09/28/2020	228323	221.75
PRAIRIE FARMS		873094	20201008B	DAIRY PRODUCTS	09/08/2020	228323	-266.10
<b>PRAIRIE FARMS DAIRY</b>			<b>855.10</b>				
PRESENCELEARNING		inv35451	20201008B	MPH EVALUATION AND REVIEW	10/06/2020	228324	3,286.70
<b>PRESENCELEARNING, INC</b>			<b>3,286.70</b>				
Reiser, Matthew P		Sept '20 Meals	20201007M	Sept 2020 Meal Reimbursement	10/07/2020	9000000579	26.00
<b>Reiser, Matthew P</b>			<b>26.00</b>				
RICHS AUTO PARTS &		20200911-2450	20200917B	VARIOUS SAFETY TESTS	09/11/2020	228325	498.00
<b>RICHS AUTO PARTS &amp; SERV</b>			<b>498.00</b>				
Ross, Kimberly Kay		Book Study	20201008KL	Book study reimbursement	10/08/2020	9000000580	61.03
<b>Ross, Kimberly Kay</b>			<b>61.03</b>				
Sander, Joseph		JUL-SEP20	20201002B	JULY-SEPT 2020 MILEAGE	10/01/2020	9000000581	106.38
<b>Sander, Joseph Gregory</b>			<b>106.38</b>				
SEQUEL YOUTH &		NIA001083	20201008B	SEPTEMBER Tuition	09/30/2020	228326	5,888.00
<b>SEQUEL YOUTH &amp; FAMILY</b>			<b>5,888.00</b>				
SERVICE AUTO		739354	20201002B	TRANSPORTATION SUPPLIES	09/09/2020	228327	25.71
SERVICE AUTO		739391	20201002B	TRANSPORTATION SUPPLIES	09/11/2020	228327	29.21
SERVICE AUTO		739583	20201002B	TRANSPORTATION SUPPLIES	09/30/2020	228327	7.15
SERVICE AUTO		739633	20201008KL	NAPA Gold Oil Filter	10/05/2020	228327	40.53
<b>SERVICE AUTO SUPPLY</b>			<b>102.60</b>				

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
Sluder, Phillip Michael		Sept '20 Meals	20201007M	Sept 2020 Meal Reimbursement	10/07/2020	9000000582	19.00
<b>Sluder, Phillip Michael</b>			<b>19.00</b>				
SMART APPLE MEDIA		ARU0296357	20201002B	LIBRARY	09/08/2020	228328	27.99
<b>SMART APPLE MEDIA</b>			<b>27.99</b>				
SMARTEST EDU, INC	0002100258	010075	20201001B	TEAM PREMIUM SUBSCRIPTION	09/30/2020	228329	3,959.00
<b>SMARTEST EDU, INC</b>			<b>3,959.00</b>				
SOUTH SIDE		S100643686.001	20200917B	MAINTENANCE SUPPLIES	09/09/2020	228330	22.71
<b>SOUTH SIDE CONTROL</b>			<b>22.71</b>				
Spillman, David Wesley		Sept '20 Meals	20201007M	Sept 2020 Meal Reimbursement	10/07/2020	9000000583	29.00
<b>Spillman, David Wesley</b>			<b>29.00</b>				
STAPLES	0002100215	7313578028-0-1	20200916B	SUPPLIES	09/09/2020	228331	157.15
STAPLES	0002100215	7313578028-0-2	20200916B	SUPPLIES	09/09/2020	228331	10.99
<b>STAPLES ADVANTAGE</b>			<b>168.14</b>				
Strauch, John R		Sept '20 Meals	20200916M	Sept 2020 Meal Reimbursement	09/16/2020	9000000584	5.00
<b>Strauch, John R</b>			<b>5.00</b>				
SWIMOUTLET.COM	0002100240	18796629	20201007B	SWIM OUTLET - CORRECTION OF	08/25/2020	228332	9.76
<b>SWIMOUTLET.COM</b>			<b>9.76</b>				
TEAM WORKS		83745	20201008B	FACE COVERINGS	10/02/2020	228333	1,104.00
<b>TEAM WORKS</b>			<b>1,104.00</b>				
THE HOME DEPOT		576336978	20201008B	MAITNENANCE - HAND SANITIZER	10/02/2020	228334	303.96
THE HOME DEPOT		576336986	20201008B	MAINTENANCE HAND SAN.	10/02/2020	228334	258.60
<b>THE HOME DEPOT PRO DBA</b>			<b>562.56</b>				

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
THE MUSIC SHOPPE		2958613	20201002B	SUPPLIES ACCT 6770	09/04/2020	228335	403.75
THE MUSIC SHOPPE		2964630	20201002B	SUPPLIES ACCT 6770	09/18/2020	228335	51.00
THE MUSIC SHOPPE		2964645	20201002B	SUPPLIES ACCT 6770	09/18/2020	228335	35.99
THE MUSIC SHOPPE		2969213	20201002B	SUPPLIES	09/04/2020	228335	93.50
THE MUSIC SHOPPE		2969945	20201002B	SUPPLIES ACCT 6770	09/25/2020	228335	21.25
<b>THE MUSIC SHOPPE</b>			<b>605.49</b>				
THE SHERWIN-		0302-4	20201008B	MAINTENANCE PAINT	10/06/2020	228336	133.48
THE SHERWIN-		6401-2	20201008B	MAINTENANCE PAINT	09/10/2020	228336	8.55
<b>THE SHERWIN-WILLIAMS CO</b>			<b>142.03</b>				
THRESHOLDS HIGH		TR21-03-13	20201009B	AUG 2020	09/30/2020	228337	389.24
<b>THRESHOLDS HIGH SCHOOL</b>			<b>389.24</b>				
TMCSEA		0421308	20200924B	AUGUST 2020 - WCHS 308	08/31/2020	228338	23,056.05
<b>TMCSEA</b>			<b>23,056.05</b>				
TOUCH TONE		1045619	20201008B	ACCT 1100005309	10/01/2020	228339	92.62
<b>TOUCH TONE</b>			<b>92.62</b>				
TRILITERAL, LLC	0002100209	15540894	20200916B	FRENCH TEXTBOOK	09/10/2020	228340	365.22
<b>TRILITERAL, LLC</b>			<b>365.22</b>				
TRUGREEN		129991565	20201009B	ACCT 7003312417	10/01/2020	228341	125.00
<b>TRUGREEN COMMERCIAL</b>			<b>125.00</b>				
UFTRING CHEV-		2061127A	20201007B	ACCT 122006137	08/31/2020	228342	1,358.00
UFTRING CHEV-		CTCS697184	20201007B	DRIVER ED - BRAKE ACCT 101	09/10/2020	228342	221.16

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
UFTRING CHEV-		CTCS697273	20201007B	DRIVERS ED - REMOVE BRAKES &	09/11/2020	228342	127.60
<b>UFTRING CHEV-OLDS-SAAB</b>			<b>1,706.76</b>				
UPS		00005Y0551390	20201002B	POSTAGE	09/26/2020	228343	9.36
<b>UPS</b>			<b>9.36</b>				
VERIZON WIRELESS		9863111659	20200930B	Acct 780318592-0001	09/18/2020	228344	2,262.24
<b>VERIZON WIRELESS</b>			<b>2,262.24</b>				
WASTE		3081812-2070-5	20201008B	ACCT 20-59268-33005	09/30/2020	228345	979.05
<b>WASTE MANAGEMENT</b>			<b>979.05</b>				
WCHS IMPREST FUND		Sept 2020	20201006M	Replenish Imprest Acct - Sept 2020	10/06/2020	228346	1,112.00
<b>WCHS IMPREST FUND</b>			<b>1,112.00</b>				
WIELAND'S LAWN		782329	20201001B	PARTS - WEEDEATER	09/22/2020	228347	15.28
<b>WIELAND'S LAWN MOWER</b>			<b>15.28</b>				
XELLO INC.	0002100122	INV30629	20200930B	XELLO FOR HIGH SCHOOL	08/11/2020	228348	4,050.00
<b>XELLO INC.</b>			<b>4,050.00</b>				
YODER OIL CO		49942	20201001B	WCHS 308 ACCT 80040076	09/29/2020	228349	167.44
<b>YODER OIL CO</b>			<b>167.44</b>				
ZEEKS COMMICS AND		058	20200930B	LIBRARY	09/24/2020	228350	199.96
<b>ZEEKS COMMICS AND</b>			<b>199.96</b>				
Zehr, Deanna Christine		20201001DCZ	20201008B	BOOK STUDY CLASS	10/01/2020	9000000585	72.98
Zehr, Deanna Christine		20201001zehr	20201002B	REIMBURSEMENT MILITARY BOARD	10/01/2020	9000000585	30.58
<b>Zehr, Deanna Christine</b>			<b>103.56</b>				

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
Total Number of Batch Invoices:			0				\$0.00
Total Number of Open Invoices:			0				\$0.00
Total Number of History Invoices:			275				\$220,932.96
Total Number of Update in Progress Batch Invoices:			0				\$0.00
Total Number of Update in Progress Batch Reversal Invoices:			0				\$0.00
Total Number of Reversal History Invoices:			0				\$0.00
Total Number of Deleted History Invoices:			0				\$0.00
Total Number of Batch Reversal Invoices:			0				\$0.00
<b>Total Invoices:</b>			<b>275</b>				<b>220,932.96</b>

## Invoice Listing (Condensed)

Washington CHSD 308

Full Name	PO Number	Invoice Number	Batch	Description	Invoice Date	Check Number	Net Amount
FIVE POINTS		FY21 KF Renewal	20200928KL	Family Membership - Kyle Freeman	09/28/2020	3686	1,032.00
<b>FIVE POINTS WASHINGTON</b>			<b>1,032.00</b>				
MORTON HIGH		09/12 Entry Fee CC	20200910KL	09/12 Entry Fee for Mid-Illini CC Meet	09/10/2020	3683	175.00
<b>MORTON HIGH SCHOOL</b>			<b>175.00</b>				
Walker, Bruce		09/29 Starter	20200917KL	Girls Swim Meet Starter 09/29	09/17/2020	3684	60.00
Walker, Bruce		09/22 Starter	20200917KL	Girls Swim Meet Starter 09/22	09/17/2020	3685	60.00
<b>Walker, Bruce</b>			<b>120.00</b>				
<b>Total Number of Batch Invoices:</b>			0		\$0.00		
<b>Total Number of Open Invoices:</b>			0		\$0.00		
<b>Total Number of History Invoices:</b>			4		\$1,327.00		
<b>Total Number of Update in Progress Batch Invoices:</b>			0		\$0.00		
<b>Total Number of Update in Progress Batch Reversal Invoices:</b>			0		\$0.00		
<b>Total Number of Reversal History Invoices:</b>			0		\$0.00		
<b>Total Number of Deleted History Invoices:</b>			0		\$0.00		
<b>Total Number of Batch Reversal Invoices:</b>			0		\$0.00		
<b>Total Invoices:</b>			<b>4</b>		<b>1,327.00</b>		

**Action Item: Approve WCHS Europe 2022 Trip - Tentative Dates**

The travel company, Explorica, rescheduled the Europe trip to the dates of June 13 - June 21, 2022.

**Recommendation:**

That the WCHS Board of Education approves the Europe 2022 trip tentative dates of June 13 – June 21, 2022.

**Suggested Motion:**

Move to approve the Europe 2022 trip tentative dates of June 13 – June 21, 2022.

**Recommendation:**

That the Board of Education approve the Evaluation MOU between the Board of Education and the WEA as presented.

**Suggested Motion:**

Move to approve the Evaluation MOU between the Board of Education and WEA as presented.