

Moline, Illinois

Notice of Meeting

Members of the Board of Education

Ladies and Gentlemen:

You are hereby notified that there will be a Regular Meeting of the Board of Education, School District No. 40, immediately following the Committee of the Whole Meeting on Monday, September 28, 2020, at the Coolidge Professional Development Room, 3430 Avenue of the Cities, Moline, Illinois 61265.

Kristin Sanders
Secretary, Board of Education

AGENDA AND RECOMMENDATIONS

Board of Education
Moline, Illinois
Monday, September 28, 2020

The public is invited to join the September 28, 2020 Board of Education meeting virtually via Zoom.

To join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join:

<https://zoom.us/j/99055801349?pwd=djh!akxORmJhaVVINXdWeW5sMDA4dz09>

Passcode: 8989

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799

Webinar ID: 990 5580 1349

All public comments need to be emailed to the Board Secretary, Kristin Sanders, at ksanders@molineschools.org no later than 4:30 p.m. on Monday, September 28, 2020, with "Public Comment" in the subject line. You also have the option of making a comment in person. Should attendees at the Coolidge Professional Development Room exceed the Illinois Department of Public Health safety guidelines, the Board asks that the public comments be emailed to the Board secretary. Face masks will be required for attendees. Doors will open at 5:45 for the public.

1. Opening of Meeting - Roll Call

2. Recitation of Pledge of Allegiance

3. Approval of Minutes

The meeting of the Board of Education was called to order by Board President Sangeetha Rayapati at 6:44 p.m. at the Coolidge Professional Development Room, 3430 Avenue of the Cities, Moline, IL 61265.

Roll Call

Members Present: Audrey Adamson, Justin Anderson, Sangeetha Rayapati, Kate Schaefer, Andrew Waeyaert

Members Present via Zoom: Maria S. Trigueros

Members Absent: Erin Waldron-Smith

The Board of Education Members led those in attendance in reciting the Pledge of Allegiance.

APPROVAL OF BOARD OF EDUCATION MINUTES

The minutes of the Open Session of the Regular Board of Education meeting on August 24, 2020 were presented for approval as presented.

A motion was made by Andrew Waeyaert, seconded by Kate Schaefer, that the minutes of the Open Session of the Regular Board of Education meeting on August 24, 2020 be approved as presented and placed on file.

Ayes: Justin Anderson, Kate Schaefer, Andrew Waeyaert, Maria S. Trigueros, Audrey Adamson, Sangeetha Rayapati

Nays: None

Absent: Erin Waldron-Smith

The minutes of the Closed Session of the Regular Board of Education meeting on August 24, 2020 were presented for approval as presented

A motion was made by Audrey Adamson, seconded by Maria S. Trigueros, that the minutes of the Closed Session of the Regular Board of Education meeting on August 24, 2020 be approved as presented and placed on file.

Ayes: Kate Schaefer, Andrew Waeyaert, Audrey Adamson, Justin Anderson, Maria S. Trigueros, Sangeetha Rayapati

Nays: None

Absent: Erin Waldron-Smith

COMMUNICATIONS, PUBLIC COMMENT AND PARTICIPATION

There was no public comment or participation.

APPROVAL OF CONSENT AGENDA

The Board of Education considered Consent Agenda Items A, C and E through P as presented:

A. Employment – Certified Staff

- 1) the temporary employment of the following named certified staff for the 2020-2021 school year with wages in accordance with district schedules:

Dellitt, Lisa

Kindergarten, Bicentennial

B.A. Degree, Illinois State University

To teach on a temporary contract basis

One-year previous teaching experience with Moline-Coal Valley schools

Fernandez, Elizabeth

Pre-K, Jefferson

M.A. +30 Degree, Western Illinois University

To teach on a temporary contract basis

31 years previous teaching experience with Moline-Coal Valley schools

- 2) the temporary employment of the following named certified substitute teachers for the 2020-2021 school year with wages in accordance with district schedules:

Ellis, Courtney

Gosa, Terrina

Moon, Deon

Mostafa, Ila

Resler, Michael

Schrup, Beth Ann

- 3) the temporary employment of the following named Certified Hourly Instructors beginning for the 2020-2021 school year with wages in accordance with district schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Brooks, Rachel	Homebound Instructor	Varied	09/14/20
Dauw, Lorna	Homebound Instructor	Varied	09/14/20
Luebbers, Jennifer	Certified Hourly Instructor	Willard	08/18/20
Timmerman, Dawn	Homebound Instructor	Varied	09/14/20

C. Resignation from Differential Assignment

- 1) the resignation of the following named certified staff member from differential assignment for the 2020-2021 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Slininger, Tom	Head Grades 7&8 Girls Tennis	John Deere
Slininger, Tom	Head Grades 7&8 Boys Tennis	John Deere

- 2) the appointment of the following named non-certified staff members to differential assignment for the 2020-2021 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Austin, Jamie	Lights on Program Support	Wilson	08/31/20
Roberts, Richard	Lights on Program Support	John Deere	08/17/20
Ventris, Austin	Lights on Program Support	Wilson	08/31/20
Wallace, Anthony	Lights on Program Support	John Deere	09/02/20

- 3) the resignation of the following named non-staff member from differential assignments for the 2020-2021 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Hoskins, Emily	Head Flags and Twirlers	High School
Hroma, Joe	Assistant Varsity Girls Swimming	High School
Hroma, Joe	Assistant Varsity Boys Swimming	High School
Hroma, Joe	Assistant Grades 7&8 Swimming	Wilson
Percak-Dennett, George	Assistant Grade 9 Football (.5)	High School
Puls, Tyler	Head Sophomore Wrestling	High School

E. Salary Reclassification – Certified Staff

a change in salary classification for the following Certified Staff effective for the first semester of the 2020-2021 school year:

DeWilde, Judy from M.A. to M.A. +30
 Fetter, Sarah from B.A. +15 to M.A.
 Gravert, Melissa from M.A. to M.A. +30
 Henkins, Karen from B.A. +15 to M.A.
 Polizzi, Laura from B.A. +15 to M.A.
 Sundberg, Steve from M.A. to M.A. +30

F. Approval of Family Medical Leave Act – Certified Staff

that the Board of Education grant approval of a Family and Medical Leave for the following Certified Staff:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Hill, Hailey	Bilingual Ed	High School	Beginning approximately 02/8/21 and ending approximately 04/16/21

Motika Rome, Ashley	Speech & Lang Pathologist	Jane Addams	Beginning approximately 01/05/21 and lasting six weeks
Naab, John	Safe Schools	High School – CC	Beginning approximately 09/18/20 and ending approximately 12/18/20

G. Employment – Educational Support Personnel

- 1) the employment of the following named educational support personnel effective for the 2020-2021 school year with wages in accordance with district schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Bartlett, Susan	Safe Schools Para	High School – CC	09/03/20
Garman, Diana	Reading/Math Interventionist	Logan	08/17/20
Guse, Mara	Special Ed Para	Roosevelt	09/08/20
Lara, Monica	Reading/Math Interventionist	Lincoln-Irving	08/26/20
Moss, Mason	Accompanist	Wilson	08/24/20
Oestman, Wendie	Special Ed Para	Roosevelt	08/26/20
Parry, Beth	Reading/Math Interventionist	Washington	08/17/20
Williams, Elizabeth	Reading/Math Interventionist	Logan	08/17/20

- 2) the temporary employment of the following named educational support personnel for the 2020-2021 school year with wages in accordance with district schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Calderon-Williams, Margaret	Classroom Para	Bicentennial	08/18/20
Carizey, Duwen	Classroom Para	Hamilton	09/09/20
Feaster, Julie	Classroom Para	Bicentennial	08/18/20
Inskeep, Annelyse	Classroom Para	Hamilton	08/31/20
Passini, Sherri	Classroom Para	Washington	09/08/20
Wynn, Sara	Classroom Para	Hamilton	09/02/20

- 3) the temporary employment of the following named substitute educational support personnel for the 2020-2021 school year with wages in accordance with district schedules:

<u>Name</u>	<u>Position</u>
Franks, Ellen	Classroom Paraprofessional
Franks, Ellen	Breakfast/Lunchroom Aide
Jordan, Stephanie	Classroom Paraprofessional
Jordan, Stephanie	Breakfast/Lunchroom Aide

McConnell, Robin	Classroom Paraprofessional
Mostafa, Ila	Classroom Paraprofessional
Pitman, Robert	Classroom Paraprofessional
Quist, Juliana	Administrative Assistant
Resch, Kristi	Classroom Paraprofessional
Rhea, Melissa	Administrative Assistant
Vestal, Barry	Custodian
Wehr, Lisa	Classroom Paraprofessional

- 4) the temporary employment of the following named non-staff member as an interpreter for the 2020-2021 school year with wages in accordance with district schedules:

Yambele, Gerald

H. Transfer/Reassignment – Educational Support Personnel

- 1) the transfer of Jennifer St. Dennis from the first split shift custodial position at Coolidge/Deere to the first shift custodial position at Logan Elementary, effective August 24, 2020.
- 2) the transfer of Kevin Mayberry from the second shift custodial position at John Deere to the first split shift custodial position at Coolidge/Deere, effective September 1, 2020.
- 3) the transfer of Keith Broyles from the second shift custodial position at Moline High School to the second shift custodial position at John Deere, effective September 16, 2020.

I. Payments for Board Approval

approval of payments:

Fund 1 Educational	1,993,191.98
Fund 2 Operations & Maintenance	288,927.55
Fund 3 Debt Service	0.00
Fund 4 Transportation	73.63
Fund 5 Retirement	144,287.34
Fund 6 Capital Projects	2,317,622.69
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	135,954.32
Fund 9 Life Safety Code	0.00
Fund 10 Group Insurance	635,385.62
Fund 11 Student Activity	<u>14,792.06</u>
TOTAL	5,530,235.19

See Exhibit A.

J. Freedom of Information Act Requests

No Freedom of Information Act Requests have been received since the last regularly scheduled Board of Education meeting.

K. Acceptance of Gift

A donation of \$100 from Royal Neighbors of America Chapter 20081 to the Moline-Coal Valley School District to be used to purchase school supplies.

L. Approval of Sponsored Credit Course

that the Board of Education approve Moline-Coal Valley Unit School District No. 40 sponsoring the continuing education course provided by Western Illinois University entitled Educational Studies 457G, "Methods and Materials of Teaching ESL." **See Exhibit B.**

M. Approval of Cooperative Agreement – Practicum and Student Interns

that the Board of Education approve the cooperative agreement between National Louis University and the Moline-Coal Valley Unit School District No. 40 for the 2020-2021 school year. **See Exhibit C.**

N. Engage Services

that the Board of Education engage the services of Carlos Johnson from Image of Success, based in Charlotte, North Carolina, to conduct October 15, 2020, family engagement at a cost not to exceed \$4,000. **See Exhibit D.**

O. Approval to Purchase

that the Board of Education approve the purchase of nine remaining classroom projectors needed at Jane Addams from Bradfield's Computer Supply, Peoria, Illinois, for a total cost of \$11,880. **See Exhibit E.**

P. Approval of Employee Code of Professionalism

that the Board of Education approve the distribution of the Employee Code of Professionalism. **See Exhibit F.**

A motion was made by Kate Schaefer, seconded by Audrey Adamson, that the Board of Education approve Consent Agenda Items A, C and E through P as presented.

Ayes: Maria S. Trigueros, Andrew Waeyaert, Audrey Adamson, Justin Anderson, Kate Schaefer, Sangeetha Rayapati

Nays: None

Absent: Erin Waldron-Smith

The Board of Education then considered Consent Agenda Item B as presented:

B. Appointment to Differential Assignment

- 1) the appointment of the following named certified staff members to differential assignments for the 2020-2021 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Adams, Teri	Mini Theater/After School Choir	Logan
Ambrozi, Taylor	Student Council (.5)	Hamilton
Anselmi, Andrew	Safety Patrol	Franklin
Beck, Heather	Lights on Program Teacher	John Deere
Beeth, Melissa	Safety Supervisor (.33)	Bicentennial
Bender, Julie	Student Council (.5)	Willard
Brems, Alyssa	Assistant Grades 7&8 Cross Country	Wilson
Cockerill, Andy	Student Council	Jane Addams
Cockerill, Andy	Cup Stacking	Jane Addams
Brooks, Katie	Lights on Program Teacher	Wilson
Brooks, Rachel	Lights on Program Teacher	Wilson
Bybee, Sarah	Lights on Program Teacher	Wilson
Carizey, Robert	Lights on Program Teacher	Wilson
Christiansen, Kami	Lights on Program Teacher	Wilson
Conant, Julianne	Academic Team	Butterworth
Conant, Julianne	Student Council	Butterworth
Culley, Megan	Safety Patrol (.5)	Hamilton
Culley, Megan	Mini Theater/After School Choir	Hamilton
Curnyn, Angie	Lights on Program Teacher	Wilson
Davila, Melissa	Lights on Program Teacher	Wilson
DeBlaey, Tara	Lights on Program Teacher	John Deere
DeClerck, Chris	Lights on Program Teacher	John Deere
Denys, Tiffany	Lights on Program Teacher	Wilson
Dykstra, Darren	Cup Stacking	Logan
Dykstra, Darren	Safety Patrol	Logan
Dykstra, Maggie	Student Council	Logan
Eastman, Markaye	Safety Supervisor (.5)	Franklin
Ehlers, Mary	Lights on Program Teacher	Wilson
Epperly, Annette	Lights on Program Teacher	John Deere
Erb, Hillary	Lights on Program Teacher	Wilson
Evans, Kathy	Safety Supervisor (.5)	Jane Addams
Evans, Kathy	Safety Patrol	Jane Addams
Evans, Kathy	Academic Team (.5)	Jane Addams
Faith, Arika	Safety Patrol	Willard
Faith, Arika	Academic Team	Willard
Fanello, Mara	Student Council (.5)	Roosevelt
Fetty Ward, Jamie	Academic Team	Bicentennial
Fetty Ward, Jamie	Safety Patrol	Bicentennial
Foltz, Christy	Lights on Program Teacher	Wilson

Forbes, Molly	Lego Team	Bicentennial
Ford, Sharon	Lights on Program Teacher	Wilson
Frieden, Kimber	Safety Supervisor (.5)	Jane Addams
Glessner, Allison	Lights on Site Coordinator	Wilson
Hernandez, Luz	Student Council (.5)	Willard
Henson, Brian	Academic Team	Logan
Horton, Jill	Safety Supervisor (.5)	Franklin
Huber, Jamie	Lego Team	Roosevelt
Johnson, Maggie	Cup Stacking	Bicentennial
Johnson, Maggie	Student Council	Bicentennial
Jones, Raegan	Lights on Program Teacher	Wilson
Karstens, Kelly	Academic Team (.5)	Jane Addams
Klein, Brooke	Lights on Program Teacher	Wilson
Knollenberg, Ali	Safety Patrol (.5)	Roosevelt
Knollenberg, Ali	Academic Team (.5)	Roosevelt
Laird, Julie	Safety Supervisor	Logan
Lampton, Janessa	Lights on Program Teacher	John Deere
Lebo, Justin	Mini Theater/After School Choir	Butterworth
Lebo, Justin	Mini Theater/After School Choir	Roosevelt
Madison, Stacey	Safety Supervisor (.33)	Bicentennial
McKee, Michele	Lights on Program Teacher	Wilson
McKenzie, Chris	Lights on Program Teacher	John Deere
McKinney, Emily	Student Council (.5)	Roosevelt
Miller, Alison	Lego Team (.5)	Willard
Mitchell, Paul	Head Grades 7&8 Girls Tennis	Wilson
Morrissey, Rebecca	Safety Supervisor (.5)	Roosevelt
Myers, Tawny	Lights on Program Teacher	John Deere
Okurowski, Allison	Lights on Program Teacher	Wilson
Palmer, Shelly	Lights on Program Teacher	Wilson
Perkins, Matthew	Lights on Program Teacher	Wilson
Polizzi, Laura	Safety Supervisor	Hamilton
Polizzi, Laura	Lego Team	Hamilton
Potter, Chad	Lights on Site Coordinator	John Deere
Rasche, Lincoln	Lights on Program Teacher	Wilson
Reed, Kayla	Student Council (.5)	Hamilton
Reynolds, Bari	Safety Patrol	Butterworth
Rittenhouse, Mark	Cup Stacking Team	Willard
Rosenthal, Ryan	Safety Patrol (.5)	Hamilton
Rosenthal, Ryan	Cup Stacking	Hamilton
Ross, Elisabeth	Safety Supervisor (.5)	Roosevelt
SantAmour, Christian	Assistant Grade 9 Football (.5)	High School
Shull, Danielle	Safety Supervisor	Willard
Simmons, Mikaela	Lego Team (.5)	Willard
Smice, Susan	Lights on Program Teacher	Wilson
Spindel, Christine	Safety Supervisor (.33)	Bicentennial
VanDamme, Jill	Safety Supervisor	Butterworth
Walters, Amanda	Lights on Program Teacher	Wilson

Weeks, Jennifer	Lights on Program Teacher	Wilson
Wetherell, Anna	Academic Team (.5)	Roosevelt
Wetherell, Anna	Safety Patrol (.5)	Roosevelt
Young, Kristen	Lights on Program Teacher	John Deere
Zacharewicz, Kate	Head Grades 7&8 Girls Tennis	John Deere

- 2) the appointment of the following named non-staff member to differential assignments for the 2020-2021 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Martinez, Isaac	Head Sophomore Wrestling (.5)	High School
Neels, Mike	Head Sophomore Wrestling (.5)	High School
Roche, Jennifer	Assistant Varsity Girls Swimming (.45)	High School
Roche, John	Assistant Varsity Girls Swimming (.10)	High School
Wages, Tim	Head Freshmen Boys Basketball	High School

A motion was made by Kate Schaefer, seconded by Audrey Adamson, that Consent Agenda Item B be approved as presented and placed on file.

Ayes: Audrey Adamson, Justin Anderson, Kate Schaefer, Maria S. Trigueros, Sangeetha Rayapati

Nays: None

Absent: Erin Waldron-Smith

Abstain: Andrew Waeyaert

The Board of Education then considered Consent Agenda Item D as presented:

D. Appointment to Additional Assignment

- 1) the appointment of the following named certified staff members to sixth assignments at Moline High School for the first semester of the 2020-2021 school year:

<u>Name</u>	<u>Position</u>
Albrecht, Tim	Business
Bisinger, Mary	Family and Consumer Science
Bohnsack, Jay	Business
Brown, Jacqueline	English
Brown, Katie	Alternative Education
Byrne, Dan	Business
Carlough, Bill	Industrial Technology
Castro, Jose	World Language
Ciucci, Amy	World Language
Davis, Karen	Bilingual Education
Dillie, Chris	Alternative Education
Ehlers, Scott	Social Studies
Firch, Dion	Mathematics

Ford, Steve	Physical Education
Francescon, Dan	Alternative Education
Gorgal, Kevin	Physical Education
Hafner, Susan	English
Henderson, Karen	English
Lamphier, Leslie	Mathematics
Lamphier, Trent	Social Studies
Larson, Chris	Social Studies
Lawrence, Donna	Mathematics
Lindstrom, David	Science
Mitchell, Nancy	Special Education
Nelson, Tamara	Special Education
Norcross, Heidi	English
O'Meara, Vincent	English
Reade, Ryan	Special Education
Sundberg, Steve	Science
Thompson, Todd	Industrial Technology
Ulam, Jennifer	Special Education
VanVooren, Larry	Social Studies
Weller, Jeff	Mathematics
Zacharewicz, James	Alternative Education

- 2) the appointment of the following named certified staff member to sixth assignments for the first and second semesters of the 2020-2021 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Schieberl, Kyle	Special Education	Wilson
Vroman, Kelly	Special Education	John Deere

- 3) the appointment of the following named certified staff members to an additional assignment for the 2020-2021 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Johnston, Deborah	Elementary Art	Butterworth
McMaster, Kim	Elementary Library	Roosevelt

A motion was made by Kate Schaefer, seconded by Maria S. Trigueros, that Consent Agenda Item D be approved as presented and placed on file.

Ayes: Justin Anderson, Kate Schaefer, Maria S. Trigueros, Audrey Adamson, Sangeetha Rayapati

Nays: None

Absent: Erin Waldron-Smith

Abstain: Andrew Waeyaert

REPORTS, REQUESTS AND OPEN DISCUSSION**Superintendent's Report**

Dr. Rachel Savage, Superintendent of Schools, presented an enrollment update. There are currently 7,210 active students enrolled for the 2020-2021 school year. In October of 2019, the Moline-Coal Valley School District had 7,302 students, which is a difference of 92 students. The district is still in the process of reaching out to families to determine whether they have moved, have chosen to home school, or still need to complete the registration process.

Dr. Savage presented a return to learn update. The district is currently in week four of the blended learning plan. There are approximately 70% of families sending their students to school on their identified days. According to Dr. Savage, the district is naturally shifting its focus to teaching and learning now that the safety protocols have been established. The district continues to receive parent input and work with principals and teachers to determine where and how the district can adjust so more students can find success.

Dr. Savage stated that staff members have done an amazing job putting together academic programs that can be transitioned from in-person learning to virtual learning, and noted the district is aware there are still adjustments that need to be made. Feedback is being gathered regarding the academic workload. During the most recent community conversation, many parents voiced that their student's workload is too much and/or students are not able to navigate the requested tasks independently. The Illinois State Board of Education mandates five hours of instructional time and administration is researching how that five hours should look depending on the grade of the student. Dr. Savage stated more information will be gathered. One way that information is being gathered is through school surveys. Teachers will have an opportunity to gather with their teams and within their buildings to figure out how to adjust so more families are finding success and teachers are able to continue to move forward successfully.

Dr. Savage stated the district understood it was likely there would be positive COVID-19 cases. The district has also made sure the plans for COVID-19 prevention and preparation are in lock-step with the Illinois Department of Public Health (IDPH) and the Center for Disease Control (CDC). The district is adhering very strictly to those guidelines as to how to respond when a positive COVID-19 case is presented. Kim Nelson, Lead Nurse, has ensured the district can easily communicate with the IDPH. The Moline-Coal Valley School District has a COVID-19 positive case tracker on its website. This data is available to the public because the district wants to take a transparent approach when communicating COVID-19 data. COVID-19 statistics will be updated weekly.

Dr. Savage stated that public school have requirements for students for physicals as well as immunizations. The district has not received any waivers for these health requirements due to COVID-19 and a waiver is not anticipated. Therefore, the date of October 15, 2020 remains the deadline for all families, whether remote or blended learners. Families must provide verification that they have met the requirements of the law for physicals and immunizations. The district has been working with the Regional Office of Education to possibly host a few clinics which would provide resources to families to meet compliance. At this time there are still over 1,000 students who do not have the verifications needed. The school nurses, Kim Nelson, and Kristin Sanders, Assistant Superintendent for Pupil/Personnel and Special Services, will prepare letters and send them to families. Ms. Nelson is also working with School Health Link to provide preventative medical care and acute medical care for children and adolescents including immunizations and physical clinics at selected school sites.

Ms. Sanders stated the district hopes to set up multiple clinics over multiple days. Ms. Nelson stated that the district is working with Genesis, as we have in the past, to organize a flu clinic as well. The details are still being worked out for that.

Open Discussion

Justin Anderson, Board Member, noted he has heard from multiple parents that the students do not have enough classwork. He stated he also wants to remind parents that students are half way to their semester grade. Dr. Savage noted that while most students are engaged, the district does have some students signed up for full remote who are not engaging in the classroom. Dr. Savage stated it is imperative to remind students these are instructional days. All students need to be engaged and we want to encourage our parents to be checking in with their students. Sangeetha Rayapati, Board Member, stated there are some cases where instead of a student only spending a few hours, they may be spending all day on class work.

Board of Education Discussion

Ms. Rayapati asked what kind of metrics the district needs to see to send kids back into more face-to-face learning and also what would it take the district to be full remote. Ms. Rayapati believes the board needs further discussions with Dr. Savage regarding thoughts on metrics. Dr. Savage thanked board members for allowing her to process ideas in the weekly Board of Education updates.

Ms. Rayapati stated she recently sent two emails with the list of board member attendance for the community conversation series. There has been a request for a Spanish language community conversation and Ms. Rayapati is coordinating that with board member Maria S. Trigueros. The event will be held virtually on September 23, 2020.

The second email Ms. Rayapati relayed was in reference to the rules for board members continuing to meet virtually. That will cease at the end of September unless it is extended by the State. Therefore, members must adhere to the Open Meetings Act (OMA) guidelines for attending the meetings virtually as of September 30, 2020.

A motion was made by Audrey Adamson, seconded by Andrew Waeyaert, unanimously carried, that the Board of Education meeting be adjourned. Time: 7:16 p.m.

President

Secretary

4. Communications, Public Comment and Participation

5. Consent Agenda

16

Recommended Motion: that the Board of Education approve the actions contained in the Consent Agenda as presented.

5. **Consent Agenda**

Recommended Motion: that the Board of Education approve the actions contained in Consent Agenda Items A –K:

A. **Employment – Certified Staff**

- 1) the temporary employment of the following named certified substitute teachers for the 2020-2021 school year with wages in accordance with district schedules:

Casel, Todd

- 2) the temporary employment of the following named Certified Hourly Instructors for the 2020-2021 school year with wages in accordance with district schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Camarillo, Karina	ELL Certified Hourly Instructor	Lincoln-Irving	09/21/20

B. **Appointment to Differential Assignment**

the appointment of the following named certified staff members to differential assignments for the 2020-2021 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Boxell, Shelley	Safety Supervisor	Lincoln-Irving
Trevor, Leah	Student Council	Lincoln-Irving

C. **Approval of Family Medical Leave Act – Certified Staff**

that the Board of Education grant approval of a Family and Medical Leave for the following Certified Staff:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Waterman, Erica	Adaptive Phys Ed	Roosevelt	Beginning approximately 11/02/20 and ending approximately 12/18/20

D. Employment – Educational Support Personnel

- 1) the employment of the following named educational support personnel effective for the 2020-2021 school year with wages in accordance with district schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Bohlman, Phelps	Classroom Paraprofessional	Washington	09/21/20
Rosas, Heather	Parent Coordinator	Lincoln-Irving	09/21/20

- 2) the temporary employment of the following named substitute educational support personnel for the 2020-2021 school year with wages in accordance with district schedules:

<u>Name</u>	<u>Position</u>
Bohlman, Phelps	Classroom Paraprofessional
Evans, Sydney	Breakfast/Lunchroom Aide
Gosa, Terrina	Classroom Paraprofessional
Rosas, Heather	Classroom Paraprofessional
Moon, Deon	Classroom Paraprofessional
Vestal, Barry	Custodian

E. Resignation for the Purpose of Retirement – Educational Support Personnel

the resignation from employment for the purpose of retirement of the following named educational support personnel:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Duax, David	Custodial Headperson	Wharton/Browning Field	03/31/21

F. Resignation/Termination – Educational Support Personnel

the resignation/termination from employment of the following named educational support personnel:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Clong, Jill	Health Professional (RN)	Jefferson	10/30/20

G. Payments for Board Approval

approval of payments:

Fund 1 Educational	\$554,018.22
Fund 2 Operations & Maintenance	110,647.69
Fund 3 Debt Service	0.00
Fund 4 Transportation	291.40
Fund 5 Retirement	0.00
Fund 6 Capital Projects	1,038,232.22
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	85,798.20
Fund 9 Life Safety Code	0.00
Fund 10 Group Insurance	2,500.00
Fund 11 Student Activity	<u>7,943.83</u>
TOTAL	1,799,431.56

See Attachment No. 1.

H. Freedom of Information Act Requests

No Freedom of Information Act Requests have been received since the last regularly scheduled Board of Education meeting.

I. Facility Usage Request Recommended for Approval Subject to Compliance with Board of Education Policy 8:20

- 1) Wharton Field House parking lot only for Moline-Coal Valley School District student flu shots, administered by Genesis Health System. In case of inclement weather, Wharton Field House will be accessed. The dates are as follows: October 8, 2020, from 1:00 p.m. until 5:00 p.m. and October 13, 2020 from 3:00 p.m. until 7:00 p.m. The rental fee and custodial fee for this program will be waived. However, should the facility require additional cleanup due to the program, compensation will be requested in the amount of \$49 per hour.
- 2) Wharton Field House for Moline-Coal Valley School District student physicals and an immunization clinic, administered by School Health Link, on October 9, 2020, from 8:00 a.m. until 4:30 p.m. The rental fee and custodial fee for this program will be waived. However, should the facility require additional cleanup due to the program, compensation will be requested in the amount of \$49 per hour.

J. Acceptance of Gift

A donation of \$1,000 from Sharon Butterfield to be used at the Curtis Butterfield Prairie at Moline High School.

K. Approval of Change Order

that the Board of Education approve the increased contract amount for Centennial Contractors, Moline, Illinois, for the Allendale Parking Lot Improvement project for the increased amount of \$30,000. **See Attachment No. 2.**

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer *DMCD*
Dan Smith, Director of Facilities *DS*

DATE: September 24, 2020

SUBJECT: Approval of Change Order No. 1 Allendale Parking Lot Improvement

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested.

Facts: The change order identifies the increased amount of the original contract. This request is being submitted for costs associated with extra work needed to stabilize the parking lot base due to poor soils encountered under the existing pavement being much more than anticipated.

The change in the contract with Centennial Contractors is an increased amount of \$30,000. Centennial Contractors' construction contract costs are shown below.

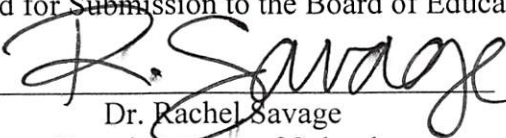
Original Construction Contract – Centennial Contractors	\$176,265
Change order # 1 – Stabilization to Base	<u>\$30,000</u>
Total Project Cost	\$206,265

It is the recommendation of the administration that the Board of Education approve this increase in the contract amount to Centennial Contractors, Moline, Illinois for the Allendale Parking Lot Improvement project.

Cost: The amended increased cost is \$30,000 for an adjusted total cost of \$206,265, which will be supported through the Capital Projects Fund (Fund 6) by the RI County School Facilities 1% revenues.

Recommended Action: That the Board of Education approve the increased contract amount for Centennial Contractors, Moline, Illinois, for the Allendale Parking Lot Improvement project for the increased amount of \$30,000.

Approved for Submission to the Board of Education




Dr. Rachel Savage
Superintendent of Schools

6. First Reading of Revised Board of Education Policy 2:220

21

Recommended Motion: that the Board of Education accept for first reading the revised Board of Education Policies 2:220, *School Board Meeting Procedure*, as presented. **See Attachment No. 3.**

TO: Members of the Board of Education

FROM: Kristin Sanders, Assistant Superintendent for Pupil/Personnel and Director of Special Services 

DATE: September 24, 2020

SUBJECT: Approve Updated Board Policy 2:220

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: Attached are the suggested changes based on PRESS recommendations.

Attached are the suggested changes based on PRESS recommendations for:

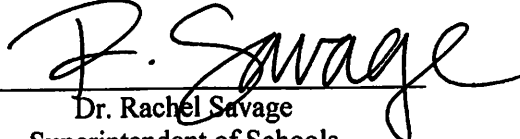
- Policy 2:220, *School Board Meeting Procedure* – The Policy, Legal References, and Cross References are updated in response to amendments to the Open Meetings Act (OMA) 5 ILCS 120/7(e)(1)-(10), amended by P.A. 101-640. The amendments address board meetings in open or closed sessions by audio or video conference without the physical presence of a quorum as long as the board meets certain statutory conditions.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policy 2:220, *School Board Meeting Procedure*, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

School Board

School Board Meeting Procedure

Agenda

The School Board President is responsible for focusing the Board meeting agendas on appropriate content. 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.

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

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. 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. 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.

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.

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. The minutes include:

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 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; 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.

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 confidential treatment and are available for public inspection. The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release.

The Board's meeting minutes must be submitted to the Board Treasurer at such times as the Treasurer may require.

The official minutes are in the custody of the Board Secretary. Open meeting minutes are available for inspection during regular office hours within 10 days after the Board's approval; 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. 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.

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.

Verbatim Record of Closed Meetings

The Superintendent, or the Board Secretary when the Superintendent is absent, shall audio record all closed meetings. 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 meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board's regular meeting location.

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.

Individual Board members may access verbatim recordings in the presence of the Recording Secretary, the Superintendent or designated administrator, or any elected Board member. Access to the verbatim recordings is available at the District's administrative offices or the verbatim recording's official storage location. 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.

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

Quorum and Participation by Audio or Video Means

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

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

The individual who makes this determination for the Board shall put it in writing, including it on the Board's published notice and agenda for the audio or video meeting and in the meeting minutes, 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.

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.

Broadcasting and Recording Board Meetings

Any person may record or broadcast an open Board meeting. 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.

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)

ADOPTED: November 9, 1999

PRESS REVISED: April 2008, August 2014, October 2016, October 2019, June 2020


BOE REVIEWED: December 2016, November 2019, July 2020

7. First Reading of Revised Board of Education Policy 2:260

27

Recommended Motion: that the Board of Education accept for first reading the revised Board of Education Policies 2:260, *Uniform Grievance Procedure*, as presented. **See Attachment No. 4.**

TO: Members of the Board of Education

FROM: Kristin Sanders, Assistant Superintendent for Pupil/Personnel and Director of Special Services 

DATE: September 24, 2020

SUBJECT: Approve Updated Board Policy 2:260

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: Attached are the suggested changes based on PRESS recommendations.

Attached are the suggested changes based on PRESS recommendations for:

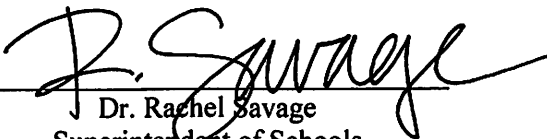
- Policy 2:260, *Uniform Grievance Procedure* – The Policy, Legal References, and Cross References are updated in response to Title IX regulations and to the explicitly direct any sexual harassment complaints involving Title X to NEW policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. Other continuous improvement updates are also made to the policy.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policy 2:260, *Uniform Grievance Procedure*, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

School Board

Uniform Grievance Procedure

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, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
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.
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
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, 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. §20000e et seq. and Title IX of the Education Amendments of 1972) (Title IX sexual harassment complaints are addressed under policy 2:265, Title IX Sexual Harassment Grievance Procedure)
7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
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/
15. Misuse of genetic information prohibited by the (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/2; and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.
16. Employee Credit Privacy Act, 820 ILCS 70/

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 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 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. 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 cyber-bullying 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. 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 ~~of~~ 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.

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.

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), with 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.

Appointing a Nondiscrimination Coordinator and Complaint Managers

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

employees, students, and others. The Nondiscrimination Coordinator also serves as the District’s Title IX Coordinator.

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.

Nondiscrimination Coordinator:

Assistant Superintendent for Administration
and Human Resources

1619 Eleventh Avenue, Moline, IL

309-743-1600

Complaint Managers:

Assistant Superintendent for Administration
and Human Resources

Assistant Superintendent for Pupil/Personnel
and Special Services

1619 Eleventh Avenue, Moline, IL

1619 Eleventh Avenue, Moline, IL

309-743-1600

309-743-1600

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 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.
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)
6:140 (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 School)
8:70 (Accommodating Individuals with Disabilities)
8:95 (Parental Involvement)
8:110 (Public Suggestions and Concerns)

ADOPTED: November 9, 1999

PRESS REVISED: December 2007, April 2008, January 2012, August 2015, July 2017, October 2017, January/February 2018, October/November 2018, October 2019, August 2020

BOE REVIEWED: September 2015, December 2017, November 2019, September 2020

8. First Reading of Revised Board of Education Policy 2:265

35

Recommended Motion: that the Board of Education accept for first reading the revised Board of Education Policy 2:265, *Title IX Sexual Harassment Grievance Procedure*, as presented. **See Attachment No. 5.**

TO: Members of the Board of Education

FROM: Kristin Sanders, Assistant Superintendent for Pupil/Personnel and Director of Special Services

DATE: September 24, 2020

SUBJECT: Approve New Board Policy 2:265



Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept new Board Policy.

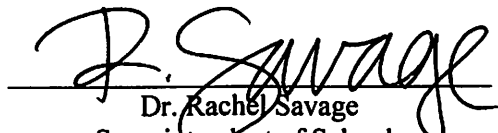
Facts: Attached is a new Board Policy based on PRESS recommendations for:

- Policy 2:265, *Title IX Sexual Harassment Grievance Procedure* – The policy is created to facilitate the 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.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policy, 2:265, *Title IX Sexual Harassment Grievance Procedure*, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

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: ²

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

¹ 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.

² 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).

1. A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;³ or
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).⁴

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.⁵

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.⁶

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³ 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.

⁴ 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.

⁵ 34 C.F.R. §106.30.

⁶ 34 C.F.R. §106.44(a).

Formal Title IX Sexual Harassment Complaint means a document filed by a *Complainant* or signed by the Title IX Coordinator⁷ alleging sexual harassment against a *Respondent* and requesting that the District investigate the allegation.⁸

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

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.¹⁰

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 12,¹¹ and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12.¹² 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*.

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⁷ See l/n 19 in sample policy 2:260. *Uniform Grievance Procedure*.

⁸ 34 C.F.R. §106.30.

⁹ *Id.*

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

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

¹² Required by *Id.* at 110/3.

2. Incorporates education and training for school staff¹³ as recommended by the Superintendent, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager. ¹⁴
3. Notifies applicants for employment,¹⁵ 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. ¹⁶

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.¹⁷ A person who wishes to make a report may choose to report to a person of the same gender.

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

¹⁴ 105 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-AP1, *Title IX Sexual Harassment Response*.

¹⁵ 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."

¹⁶ 34 C.F.R. §106.8. See paragraph 2 of ¶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*.

¹⁷ 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.

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.

The Superintendent shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator. ¹⁸

Title IX Coordinator:

Name

Address

Email

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*.¹⁹

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.²⁰ For

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¹⁸ 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.

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

²⁰ 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.

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*; ²¹ 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.

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. ²²

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. §106.45.²³ The District's grievance process shall, at a minimum: ²⁴

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

²² 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.

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

²⁴ 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."

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.²⁵
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.

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²⁵ 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).

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.²⁶
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.²⁷

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

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²⁶ 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*.

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

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 student behavior policies.²⁸ 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.²⁹

Retaliation Prohibited³⁰

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*.³¹

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.

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²⁸ 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.

²⁹ 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 5/2-4-12; 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*).

³⁰ 34 C.F.R. §106.71.

³¹ 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.

ADOPTED: August 2020

PRESS REVISED:

BOE REVIEWED: September 2020

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)

9. First Reading of Revised Board of Education Policies 5:10 and 5:20

47

Recommended Motion: that the Board of Education accept for first reading the revised Board of Education Policy 5:10, *Equal Employment Opportunity and Minority Recruitment* and 5:20, *Workplace Harassment Prohibited*, as presented. **See Attachment No. 6.**

TO: Members of the Board of Education
FROM: Todd DeTaeve, Assistant Superintendent of Administration & Human Resources *td*
DATE: September 24, 2020
SUBJECT: Approve Updated Board Policies 5:10 and 5:20

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept updated Board Policy.

Facts: Attached are the suggested changes based on PRESS recommendations for:

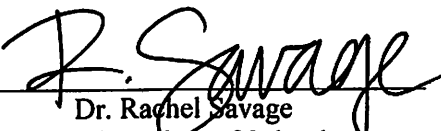
- Policy 5:10, *Equal Employment Opportunity and Minority Recruitment* – The Policy and Cross References are updated in response to Title IX regulations and to explicitly reference the Title IX Coordinator. Other continuous improvement updates are also made to the Policy and Legal References.
- Policy 5:20, *Workplace Harassment Prohibited* – The Policy and Cross References are updated for the reasons discussed in 2:260, *Uniform Grievance Procedure*, above. Continuous improvement updates are also made to the Legal References.

Recall the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policies, 5:10, *Equal Employment Opportunity and Minority Recruitment* and 5:20, *Workplace Harassment Prohibited*, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

General Personnel

Equal Employment Opportunity and Minority Recruitment

The School District shall provide equal employment opportunities to all persons regardless of their race; color; creed; religion; national origin; sex; sexual orientation; age; ancestry; marital status; arrest record; military status; order of protection status; unfavorable military discharge; citizenship status provided the individual is authorized to work in the United States; use of lawful products while not at work; being a victim of domestic violence or sexual violence, or gender violence; genetic information; physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation; pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; or other legally protected categories. 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/.

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.

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.

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.

Nondiscrimination Coordinator:Superintendent of Schools

Name

1619 11th Avenue

Address

Moline, Illinois 61265

Telephone

309-743-1600

Complaint Managers:Assistant Superintendent for Administration
and Human Resources

Name

1619 11th Avenue

Address

Moline, Illinois 61265

Telephone

309-743-1600

Assistant Superintendent for Pupil Personnel
Services and Special Education

Name

1619 11th Avenue

Address

Moline, Illinois 61265

Telephone

309-743-1600

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.

Minority Recruitment

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, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

ADOPTED: November 9, 1999

PRESS REVISED: December 2007, March 2010, June 2014, October 2014, October 2016,
October/November 2018, February/March 2019, October 2019,
August 2020

BOE REVIEWED: April 2016, November 2019, September 2020

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, implemented 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) et. seq., Pregnancy Discrimination Act.
- 42 U.S.C. §12111 et. seq., Americans with Disabilities Act, Title I.
- Ill. Constitution, Art. 1, §§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, 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

Workplace Harassment Prohibited

The School District law expects the workplace environment to be productive, respectful, and free of unlawful harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's actual or perceived race, color, religion, 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, 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

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.

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 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. Sexual harassment prohibited by this policy includes verbal or 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* (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 employee'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.

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

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. Employees 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.

Nondiscrimination Coordinator:

Superintendent of Schools
Name
1619 11th Avenue
Address
Moline, Illinois 61265
309-743-1600
Telephone

Complaint Managers:

Assistant Superintendent for Administration and Human Resources
Name
1619 11th Avenue
Address
Moline, Illinois 61265
309-743-1600
Telephone

Assistant Superintendent for Pupil Personnel Services and Special Education
Name
1619 11th Avenue
Address
Moline, Illinois 61265
309-743-1600
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. ~~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 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*, 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

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 out side of school grounds or nt during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to policy 5:90, *Abused ad 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

A violation of this policy by an employee may result in discipline, up to and including discharge. 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.g., 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.

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.).

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

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.

ADOPTED: November 9, 1999

PRESS REVISED: December 2007, March 2010, July 2013, January/February 2018, October/November 2018, October 2019, August 2020

BOE REVIEWED: April 2016, March 2018, November 2019, September 2020

LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq.; ~~implemented by~~ 29 C.F.R. §1604.11.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.; ~~implemented by~~ 34 C.F.R. §1604.11.
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, 118 S.Ct. 2257 (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 Board of Education, 544 U.S. 167 (2005).
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).
Oncale v. Sundown 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)
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)

10. First Reading of Revised Board of Education Policies 7:10, 7:180, 7:185, 7:190, and 7:340

58

Recommended Motion: that the Board of Education accept for first reading the revised Board of Education Policies 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*, and 7:340, *Student Records*, as presented. **See Attachment No. 7.**

TO: Members of the Board of Education

FROM: Kristin Sanders, Assistant Superintendent for Pupil/Personnel and Director of Special Services 

DATE: September 24, 2020

SUBJECT: Approve Updated Board Policies 7:10, 7:180, 7:185, 7:190, and 7:340

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: Attached are the suggested changes based on PRESS recommendations.

Attached are the suggested changes based on PRESS recommendations for:


- Policy 7:10, *Equal Educational Opportunities* – The Policy and Cross References are updated in response to Title IX regulations, to explicitly reference the Title IX Coordinator. Continuous improvement updates are also made to the Legal References.
- Policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* – The Policy and Cross References are updated in response to Title IX regulations and to reference the NEW policy 2:265, *Title IX Sexual Harassment Grievance Procedure*.
- Policy 7:185, *Teen Dating Violence Prohibited* – The Policy and Cross References are updated to reference the NEW policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. The Cross Reference is also updated to reference policy 2:260, *Uniform Grievance Procedure*.
- Policy 7:190, *Student Behavior* – The Policy and Legal References 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 7:10-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*.
- Policy 7:340, *Student Records* – The Policy, Legal References, 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 5 ILCS 85/. New policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, has been added to the Cross References.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policies 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*, and 7:340, *Student Records*, as presented.

Approved for Submission to the Board of Education


Dr. Rachel Savage
Superintendent of Schools

Students

Equal Educational Opportunities

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, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy. 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 Facilities*. Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*.

Sex Equity

No student shall, based on sex, sexual orientation, or gender identity 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 Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator, who also serves as the District's Title IX Coordinator. The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures.

ADOPTED: November 9, 1999

PRESS REVISED: August 8, 2000, February 2007, August 2015, October 2017, August 2020

BOE REVIEWED: March 2016, September 2020

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).
775 ILCS 35/5, Religious Freedom Restoration Act.
Ill. Constitution, Art. I, §18.
105 ILCS 5/3.25b, 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 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)

Students

Prevention of and Response to Bullying, Intimidation, and Harassment

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:

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.

Definitions from 105 ILCS 5/27-23.7

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 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.

1. The District uses the definition of *bullying* as provided in this policy.
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. 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. Anonymous reports are also accepted.

Nondiscrimination Coordinator:

Superintendent of Schools

Name

1619 11th Avenue

Address

Moline, Illinois 61265

309-743-1600

Telephone

Complaint Managers:Assistant Superintendent for Administration
and Human Resources

Name

1619 11th Avenue

Address

Moline, Illinois 61265

309-743-1600

Telephone

Assistant Superintendent for Pupil/Personnel
Services and Director of Special Services

Name

1619 11th Avenue

Address

Moline, Illinois 61265

309-743-1600

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.
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.

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.
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.
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:
 - 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.

- c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
- 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.
- 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.
- 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).
- 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.
- 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.
- i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. This policy prohibits students from and provides 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.

ADOPTED: August 2009

PRESS REVISED: July 2013, October 2017, October 2019

BOE REVIEWED: August 2014, April 2016, November 2017, January 2020

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 Discipline)
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)
7:315 (Restrictions on Publications; High School)

Students

Teen Dating Violence Prohibited

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. 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.

The Superintendent or designee shall develop and maintain a program to respond to incidents of teen dating violence that:

1. Fully implements and enforces each of the following Board policies:
 - 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.
 - 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).
 - 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:
 - 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.
 - 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*.
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*.

4. Incorporates education for school staff, as recommended by the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager.
5. Notifies students and parents/guardians of this policy.

Incorporated

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

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)
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 Discipline)
7:220 (Bus Conduct)
7:230 (Misconduct by Students with Disabilities)
7:240 (Conduct Code for Participants in Extracurricular Activities)

ADOPTED: July 2014

PRESS REVISED: February 2014, February/March 2019

BOE REVIEWED: April 2016

Students

Student Behavior

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.

When and Where Conduct Rules Apply

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.

Prohibited Student Conduct

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.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. 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*).
 - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription.
 - 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.
 - 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

unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*.

- 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.
- 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 the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy.
- 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.

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.
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.
6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
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.
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*.
12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
13. Entering school property or a school facility without proper authorization.
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.
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.
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.
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.
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.
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.

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.

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. 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.

Disciplinary Measures

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. School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties. Potential disciplinary measures include, without limitation, any of the following:

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.
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.
7. After-school study or Saturday study 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. 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.
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*.
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*. A student who has been suspended may also be restricted from being on school grounds and at school activities.

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*. A student who has been expelled may also be restricted from being on school grounds and at school activities.
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.
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.

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.

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.

Isolated Time Out, Time Out, and Physical Restraint

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

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 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.

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.

Re-Engagement of Returning Students

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.

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. 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 parent/guardian. 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.

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. The Board may suspend a student from riding the bus in excess of ten school days for safety reasons.

Student Handbook

The Superintendent, with input from the parent-teacher advisory committee, 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.

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)

ADOPTED: November 9, 1999

PRESS REVISED: February 2002, February 2007, October 2012, February 2016, October 2016,
October/November 2018, October 2019, June 2020

BOE REVIEWED: April 2016, January 2019, September 2020

Students

Student Records

School student records are confidential. Information from them shall not be released other than as provided by law. A school student record is any writing or other recorded information concerning a 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:

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school.
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses) 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.

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school student records. The information contained in school student 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. 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. 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. Upon request, the District discloses school student records without parent consent to the officials record custodian of another school district in which a student has enrolled or intends to enroll, as well as to any other person as specifically required or permitted by State or federal law.

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.

Student Biometric Information Collection

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention. 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 or the student (if over the age of 18). Upon a student's 18th birthday, the District shall obtain written permission from the student to collect student biometric information. Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

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.

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). 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.

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 Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information)

7:340-AP2 (Storage and Destruction of School Student Records)

7:340-AP2, E1 (Letter Containing Schedule for Destruction of School Student Records)

ADOPTED: November 9, 1999

PRESS REVISED: June 14, 2004, February 2007, July 2013, October 2015, May/June 2018, October 2019, June 2020


BOE REVIEWED: April 2016, July 2020

11. First Reading of Revised Board of Education Policy 7:20

80

Recommended Motion: that the Board of Education accept for first reading the revised Board of Education Policy 7:20, *Harassment of Students Prohibited*, as presented. **See Attachment No. 8.**

TO: Members of the Board of Education

FROM: Kristin Sanders, Assistant Superintendent for Pupil/Personnel and Director of Special Services 

DATE: September 24, 2020

SUBJECT: Approve Updated Board Policy 7:20

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: Attached are the suggested changes based on PRESS recommendations.

Attached are the suggested changes based on PRESS recommendations for:

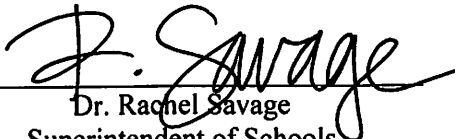
- o Policy 7:20, *Harassment of Student Prohibited* – The Policy and Cross References are updated for the reasons discussed in 7:10, *Equal Educational Opportunities*, above. Continuous improvements are also made to the Legal References.

Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policies 7:20, *Harassment of Students Prohibited*, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Students

Harassment of Students Prohibited

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; 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 property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

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. See policies 2:265, Title IX Sexual Harassment Grievance Procedure, and 2:260, Uniform Grievance Procedure.

~~Any person, including a district employee or agent, or student, engages 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~~
- ~~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, or a Complaint Manager, or any ~~staff member~~ employee with whom the student is comfortable speaking. A student may choose to report to an employee person of the student's same ~~sex~~ gender.

~~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.~~

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. At least one of these individuals will be female, and at least one will be male.

Nondiscrimination Coordinator:

Superintendent of Schools

Name

1619 11th Avenue

Address

Moline, Illinois 61265

309-743-1600

Telephone

Complaint Managers:

Assistant Superintendent for Administration and Human Resources

Name

1619 11th Avenue

Address

Moline, Illinois 61265

309-743-1600

Telephone

Assistant Superintendent for Pupil/Personnel Services and Director of Special Services

Name

1619 11th Avenue

Address

Moline, Illinois 61265

309-743-1600

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.
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. Any employee ~~A 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. §1681 et seq.), the Nondiscrimination Coordinator or designee 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.

Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel

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.

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 any 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* 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 discipline 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 Complaint Manager.


- ADOPTED: November 9, 1999
- PRESS REVISED: February 2007, December 2007, August 2014, October 2017, October 2019, August 2020
- BOE REVIEWED: November 2014, March 2016, December 2017, January 2020, September 2020
- 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)

12. First Reading of Revised Board of Education Policy 7:345

87

Recommended Motion: that the Board of Education accept for first reading the revised Board of Education Policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, as presented. **See Attachment No. 9.**

TO: Members of the Board of Education

FROM: Kristin Sanders, Assistant Superintendent for Pupil/Personnel and Director of Special Services 

DATE: September 24, 2020

SUBJECT: Approve New Board Policy 7:345

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval is requested to accept new Board Policy.

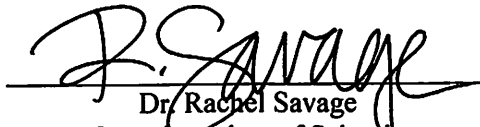
Facts: Attached are the suggested changes based on PRESS recommendations for:

- Policy 7:345, *Use of Educational Technologies; Student Data Privacy and Security* – The Policy is created to facilitate the 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 share general information about how student data is used.

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policy, 7:345, *Use of Educational Technologies; Student Data Privacy and Security*, as presented.

Approved for Submission to the Board of Education


Dr. Rachel Savage
Superintendent of Schools

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*.² The sale, rental, lease, or trading of any school student records or covered information by the District is prohibited.³ Protecting such information is important for legal compliance, District operations, and maintaining the trust of District stakeholders, including parents, students and staff. ⁴

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

¹ 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).

² See policy 7:340, *Student Records*, and its implementing administrative procedure, 7:340-API, *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.

³ 105 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.

⁴ 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 5

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. 6

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. 7

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.8 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. 9

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

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

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

6 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.

7 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.

8 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.

9 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.

covered information from unauthorized access, destruction, use, modification, or disclosure.¹⁰ In the event the District receives notice from an operator of a breach or has determined a breach has occurred, the Superintendent or designee shall also ensure that the District provides any breach notifications required by State law. ¹¹

ADOPTED: June 2020

PRESS REVISED:

BOE REVIEWED: September 2020

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/, III. 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)

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

¹⁰ 105 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. 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.

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.

13. Approval of the Group Health Insurance Renewal for 2021

92

Recommended Motion: that the Board of Education approve the renewal for the administration of the Group Health Insurance for the calendar year 2021 with Blue Cross Blue Shield of Illinois Insurance Company with administrative costs for all active employees and retirees being -\$0.03 per employee per month and Individual Stop Loss fees for all active employees and retirees under age 65 being \$80.56 per employee per month. **See Attachment No. 10.**

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer *DMD.*
Todd DeTaeye, Assistant Superintendent for Administration & Human Resources *Ta.*

DATE: September 24, 2020

SUBJECT: Approval of the Group Health Insurance Renewal for 2021

Reason for Board Consideration: The Board of Education approval is required.


Action Necessary: That the Board of Education approve the renewal for the Group Health Insurance Administrative Services Only and Individual Stop Loss with Blue Cross Blue Shield of Illinois for 2021.

Facts: The District Insurance Committee met September 16, 2020, to discuss the renewal for 2021 Administrative Services of the District's Group Health Insurance Plan and Individual Stop Loss coverage. As a result, the Committee's recommendation is to accept the renewal offer for the calendar year 2021 from Blue Cross Blue Shield of Illinois with administrative costs for all active employees and retirees being $-\$0.03$ per employee per month (previously $\$20.33$) and Individual Stop Loss fees for all active employees and retirees under age 65 being $\$82.68$ per employee per month (previously $\$80.56$).

Cost: The total projected cost is $\$596,336.76$ for the 2021 calendar year, based on current member participation. This represents a decrease of approximately $\$156,662.88$ or -26% from 2020. Premiums will be paid from the Group Insurance Fund which is a shared cost between the Board of Education and Employees.

Recommended Action: That the Board of Education approve the renewal for the administration of the Group Health Insurance for the calendar year 2021 with Blue Cross Blue Shield of Illinois Insurance Company with administrative costs for all active employees and retirees being $-\$0.03$ per employee per month and Individual Stop Loss fees for all active employees and retirees under age 65 being $\$80.56$ per employee per month.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

14. Approval of Group Dental Insurance for 2021

94

Recommended Motion: that the Board of Education approve Blue Cross Blue Shield of Illinois for Group Dental Insurance for the 2021 calendar year. **See Attachment No. 11.**

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer *DMC*
Todd DeTaeye, Assistant Superintendent for Administration & Human Resources *T.D.*

DATE: September 24, 2020

SUBJECT: Approval of Group Dental Insurance for 2021

Reason for Board Consideration: The Board of Education approval is required.

Action Necessary: That the Board of Education approve Blue Cross Blue Shield of Illinois for Group Dental Insurance for 2021.

Facts: The District Insurance Committee met September 16, 2020, to discuss the renewal for 2021 Group Dental Insurance. The current insurance carrier, MetLife, increased the dental rates by 10%. The Committee's recommendation is to accept the offer with Blue Cross Blue Shield of Illinois for the calendar year 2021 with fully insured dental being \$33.79/month for single coverage, \$92.53/month for family coverage. This reflects a 1.6% increase from the 2020 calendar year.

Cost: The total projected cost is \$432,606.24 for the 2021 calendar year based on current member participation. Premiums will be paid from the Group Insurance Fund.

Recommended Action: That the Board of Education approve Blue Cross Blue Shield of Illinois for Group Dental Insurance for the 2021 calendar year.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

15. Approval of Group Ancillary Insurance for 2021-2023

96

Recommended Motion: that the Board of Education approve Fort Dearborn Life Insurance Company for Group Term Life, AD&D, Dependent Life, Voluntary Life, and Long-Term Disability Insurance for 2021-2023. **See Attachment No. 12.**

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer *D McD*
Todd DeTaeye, Assistant Superintendent for Administration & Human Resources *b*

DATE: September 24, 2020

SUBJECT: Approval of Group Ancillary Insurance for 2021-2023

Reason for Board Consideration: The Board of Education approval is required.

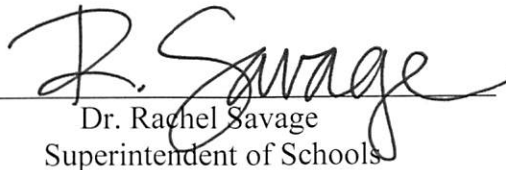
Action Necessary: That the Board of Education approve Fort Dearborn Life Insurance Company for Group Term Life, AD&D, Dependent Life, Voluntary Life, and Long-Term Disability Insurance for 2021-2023.

Facts: The District Insurance Committee met September 16, 2020, to discuss the renewal for 2021 Group Term Life, AD&D, Dependent Life, Voluntary Life, and Long-Term Disability Insurance. The Committee's recommendation is to accept the offer with Fort Dearborn for the calendar year 2021-2023 with the rates \$0.098/\$1,000/month for Life, \$0.016/\$1,000/month for AD&D, and \$0.157/\$100/month for Long-Term Disability Insurance. Rates are guaranteed for three years.

Cost: The total projected cost is \$114,315.60 for the 2021-2023 calendar years based on current member participation. Premiums will be paid from the Group Insurance Fund.

Recommended Action: That the Board of Education approve Fort Dearborn Life Insurance Company for Group Term Life, AD&D, Dependent Life, Voluntary Life, and Long-Term Disability Insurance for 2021-2023.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

16.Approval of Voluntary Vision Insurance with United Healthcare

98

Recommended Motion: that the Board of Education approve the renewal for Voluntary Vision Insurance through United Healthcare for the 2021 calendar year. **See Attachment No. 13.**

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer *DM*
Todd DeTaeye, Assistant Superintendent for Administration & Human Resources *T.D.*

DATE: September 24, 2020

SUBJECT: Approval of Voluntary Vision Insurance with United Healthcare

Reason for Board Consideration: The Board of Education approval is required.

Action Necessary: That the Board of Education approve the renewal with United Healthcare for Voluntary Vision Insurance for 2021.

Facts: The District Insurance Committee met September 16, 2020, to discuss the renewal for Voluntary Vision Insurance. As a result, it is the Committee's recommendation to renew with United Healthcare for Voluntary Vision for 2021.

Cost: Premiums are covered solely by the employees who participate in the program.

Recommended Action: That the Board of Education approve the renewal for Voluntary Vision Insurance through United Healthcare for the 2021 calendar year.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

17. Approval of 2020-2021 Group Insurance Premiums for Retirees

100

Recommended Motion: that the Board of Education approve the District Insurance Committee's Recommendation to increase the Retiree Plan premium contributions to the Group Insurance Fund, effective January 1, 2021, for group insurance premium rates, as attached. **See Attachment No. 14.**

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer ^{DMCD}
Todd DeTaeye, Assistant Superintendent for Administration & Human Resources ^{T.D.}

DATE: September 24, 2020

SUBJECT: Approval of 2020-2021 Group Insurance Premiums for Retirees

Reason for Board Consideration: Board of Education approval is required.

Action Necessary: Board of Education approval for retiree's group insurance premiums.

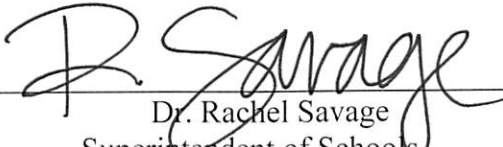
Facts: The District Insurance Committee met May 6, 2020, to discuss projected claims and other group insurance costs and revenues for the Group Insurance Fund for the 2020-2021 school year. As a result of that meeting, the Committee recommended a 5% insurance premium rate increase for retirees, effective for July 1, 2020. The board voted on this recommendation at the May 26, 2020 meeting; however, the vote resulted in a tie. Therefore, the premium rates were unchanged from the 2019-2020 school year, until further possible action.

The District Insurance Committee met on September 16, 2020, for the initial quarterly meeting for the 2020-2021 school year. As a result of the tied vote at the May 26, 2020 Board meeting, the Committee reviewed the previous recommendation relating to retiree premium rates. Based on the Committee's evaluation of the historical claims, projected claims, current fund balances, and industry health care increases, the Committee again recommended a 5% increase of retiree premium rates for the 2020-2021 school year, effective January 1, 2021

Cost/Revenue: The 2020-2021 school year total projected premiums through June 30, 2021, is \$903,336.84 with the BOE share being \$361,426.32. Therefore, the expected increase of 5% will generate approximately a total of \$948,504 or \$45,167 more than last year. These increase will result in a BOE share of \$379,498 or \$18,071 more than last year, assuming relative member participation.

Recommended Action: That the Board of Education approve the District Insurance Committee's Recommendation to increase the Retiree Plan premium contributions to the Group Insurance Fund for the effective January 1, 2021 for group insurance premium rates, as attached.

Approve for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

18. Approval of TaxSlayer Center for Moline High School 2021 Graduating Class

102

Recommended Motion: that the Board of Education approve the rental of the TaxSlayer Center, Moline, Illinois, on Sunday, May 30, 2021 at 7:00 p.m. for the commencement ceremony of the Moline High School graduating class of 2021 for the anticipated amount of \$14,096. **See Attachment No. 15.**

TO: Members of the Board of Education
FROM: Dr. Rachel Savage, Superintendent
DATE: September 24, 2020
SUBJECT: Engage Services - TaxSlayer Center for Moline High School Graduation

Reason for Board Consideration: Board of Education approval is requested.

Action Necessary: Board of Education approval is required for the rental of TaxSlayer Center for the commencement ceremony of Moline High School graduating class of 2021.

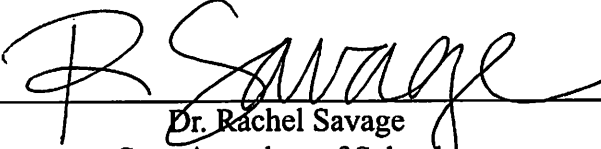
Facts: Unfortunately, due to the COVID pandemic, the 2020 Moline High School commencement ceremony that was planned for the TaxSlayer Center did not occur. The 2021 commencement ceremony is being recommended for May 30, 2021, which is the Sunday of Memorial Day weekend. This venue will allow for our students, parents, guardians, families, and friends all to attend and participate in celebrating our student's success.

The District has partnered with two other Quad City High Schools to share the TaxSlayer on the Sunday of Memorial weekend to reduce the rental fees. This year the High School graduation is scheduled for 7:00 p.m. Therefore, it is the recommendation of the administration to rent the TaxSlayer Center for the commencement ceremony for the Moline High School graduating class of 2021.

Cost: The cost is anticipated at \$14,096 which will be supported from the Education Fund.

Recommended Motion: That the Board of Education approve the rental of the TaxSlayer Center, Moline, Illinois, for the commencement ceremony for Moline High School graduating class of 2021 for the anticipated amount of \$14,096.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools



Event Estimate

Moline High School
Commencement
Sunday, May 30, 2021

	<u>Estimate</u>
Arena Rental	\$2,500
Conference Center Room Rental	\$500
Arena Turnover (if applicable, polar floor covering)	\$1,000
Stage	\$125
Power	\$225
Setup & Clean up (lower, upper & restrooms)	\$500
Videowall (discounted)	\$125
Ribbon Board Production (if applicable, \$29/hour)	TBD
Microphones (wired @ \$15 each; wireless @ \$50 each)	TBD
Screen & Projector (if applicable, \$150 each)	TBD
COVID (preventative measures, sanitation, etc – estimated)	\$1,000
Ushers (supplemented with your volunteers)	\$1,105
Tech/House Light Operator @ \$29/hour	\$684
Parking	\$975
Police	\$3,282
EMT's	\$390
Back Door, Skywalk & Rover Security Guards	<u>\$1,685</u>
Total Estimated Event Costs	\$14,096

- Moline High School to provide volunteers for additional ushers and security
- Expenses based on sharing date with North Scott and Pleasant Valley
- School may provide own EMT's (minimum of 2 required)
- Estimated based on information from the 2020 contract. Any changes may require a new estimate
- COVID expense(s) may increase due to State/CDC/industry requirements

Tentative Schedule (subject to adjustment with the other schools):

North Scott High School Doors 11:00am
 North Scott Ceremony 12:00-1:15pm
 Pleasant Valley High School Doors 2:30pm
 Pleasant Valley Ceremony 3:30-4:45pm
 Moline High School Doors 6:00pm
 Moline Ceremony 7:00pm

Event: 2021 Commencement

Dates: Sunday, May 30, 2021

Times (Tentative): Load-In: 5:00PM Doors Open: 6:00PM Ceremony: 7:00PM - 9:00PM Load-Out by: 10:00PM

Leased Area ("Premises"): Arena & Conference Rooms A-F

Name/Company ("Lessee"): Moline – Coal Valley School District No. 40

Address: 1619 11th Avenue

City, State, Zip: Moline, IL 61265

Contact: Trista Sanders – Principal, Moline HS Phone: 309.743.8802 Email: tsanders@molineschools.org

Contact: Rachel Savage – Superintendent, Moline- Coal Valley School District Phone: 563-495-0463

LESSEE FEES: LESSEE agrees to pay LESSOR as rental for said space for the period covered under this agreement:

Arena & Conference Center Rental: \$3,000 (shared date with NSHS and PVHS)

Expenses: See attached for estimated expenses

Deposit: \$5,000.00 (Paid 10/15/19)

Contract & Deposit Due: November 30, 2020

Insurance: Provide a rider as outlined in #12 below.

Insurance Due: April 30, 2021

Rental Balance & Expenses: TBD

Rental Balance & Expenses Due: June 25, 2021

****I authorize the TaxSlayer Center and Levy Restaurants to charge any outstanding rental or catering balances to the credit card supplied for the event.**

Initial Here

1. **PREMISES.** Except for reasonable rights of ingress and egress through public halls, corridors, and grounds, LESSEE shall have no rights in any part of the TaxSlayer Center's property other than the premises hereinabove specified.
2. **DEPOSIT.** The TaxSlayer Center has the right to retain the deposit and apply it to any expense incurred due to cancellation of the event covered under this Agreement, damages incurred to the facility as a result of the event, or to pay expenses incurred and payable by LESSEE as a result of the event. LESSEE further agrees to pay any additional deposits as demanded by the TaxSlayer Center.
3. **FOOD & BEVERAGE.** The LESSEE shall not bring any food and beverage onto the property of the TaxSlayer Center. Prices are subject to change.
4. **LESSEE'S PROPERTY.** Any loss or damage to property brought onto the TaxSlayer Center's property by the LESSEE shall be at the sole risk of the LESSEE.
5. **INDEMNITY.** The LESSEE shall indemnify and hold the TaxSlayer Center and the TaxSlayer Center harmless for all claims, losses, or damages (including costs and attorney's fees) for any personal injury or property damage arising out of or caused, either proximately or remotely, wholly or in part, by an act, omission, negligence or misconduct on the part of the LESSEE or LESSEE's employees, agents, contractors, members, licensees or invitees.
6. **CONTROL.** The TaxSlayer Center reserves the right to control the operation and maintenance of the Premises. The TaxSlayer Center staff have the right to enter the Premises at any time for any purpose, including removal of any person who, in the sole judgment of the TaxSlayer Center staff, is disrupting or obstructing the proper operation and management of the Premises.
7. **RULES AND REGULATIONS.** All rules and regulations promulgated from time to time by the TaxSlayer Center are hereby incorporated in this Lease by reference, and LESSEE shall comply fully with said rules and regulations. LESSEE is entitled to a current copy of such rules and regulations upon written request to the TaxSlayer Center.
8. **HAZARDOUS PROPERTY.** LESSEE shall not bring upon the Premises any exhibit, equipment, or vehicles which, in the sole judgment of the TaxSlayer Center would be or might be dangerous to persons or property or otherwise incompatible with the structure, systems and furnishings of the Premises.
9. **ASSIGNMENT.** LESSEE shall not assign its rights under this Lease.
10. **OTHER EVENTS.** LESSEE acknowledges that other events may be scheduled for other spaces within the TaxSlayer Center not covered by this Lease.
11. **CASUALTY.** If any casualty or unforeseen occurrence renders the fulfillment of this Lease by the TaxSlayer Center impossible, then this Lease shall terminate. In such event, LESSEE hereby waives any claim for damages or compensation from the TaxSlayer Center.
12. **INSURANCE.** LESSEE shall, at its sole expense, obtain and retain through the duration of the event covered under this Agreement commercial general liability insurance including: Premises/operations; products/completed operations hazard; contractual liability; and personal injury. This general liability insurance shall include limits of liability of not less than \$1 million combined single limits for bodily injury and property damage. In addition, LESSEE shall obtain such additional insurance as the TaxSlayer Center may require in its discretion from time to time. Certificates of insurance in form acceptable to the TaxSlayer Center shall be provided to the TaxSlayer Center at least thirty (30) days prior to the commencement of the event. The insurance policy shall name The TaxSlayer Center as an additional insured, shall provide that the policies may not be cancelled or materially altered until at least thirty (30) days prior to written notice being given to the TaxSlayer Center, and shall cover occurrences on any part of the TaxSlayer Center property. The insurance carriers providing such insurance shall have no less than an "A" rating according to the A.M. Best's rating and shall be authorized to do business in Illinois.
13. **GOVERNING LAW.** This Agreement is governed by the laws of the State of Illinois. Any litigation arising under this Agreement is agreed to be maintained in Rock Island County, Illinois. LESSEE shall strictly comply with all applicable federal, state, and local statutes, rules and regulations.
14. **TIME FOR EXECUTION.** This Agreement must be signed by the LESSEE and returned within the above mentioned due date along with any applicable deposit. In the event the executed agreement and applicable deposit is not received by the TaxSlayer Center within such time, the TaxSlayer Center, at its option, may declare the Agreement null and void, thereby canceling the date being held and covered by this Agreement.
15. **CANCELLATION.** If Lessee cancels contracted space after November 30, 2020, Lessee agrees to pay a cancellation fee of \$3,000. Lessee further understands that if Lessor has to cancel or postpone Lessee's event due to a pandemic or any governmental action, order, or mandate, Lessor will not be responsible for any costs or expenses incurred by Lessee due to the cancellation or postponement. Lessor will work with Lessee in rescheduling the event that is postponed due to a pandemic or any governmental action, order, or mandate.

The additional attachments or addendums and subsequent terms and conditions are hereby made a part of this contract.

LESSOR:
TaxSlayer Center:

LESSEE:
Moline School District:

By: _____
TaxSlayer Center Assistant Executive Director, on:

By: _____
Executed by LESSEE on:

Event: 2021 Commencement

Dates: Sunday, May 30, 2021

Times (Tentative): Load-In: 5:00PM Doors Open: 6:00PM Ceremony: 7:00PM - 9:00PM Load-Out by: 10:00PM

Leased Area ("Premises"): Arena & Conference Rooms A-F

Name/Company ("Lessee"): Moline – Coal Valley School District No. 40

Address: 1619 11th Avenue

City, State, Zip: Moline, IL 61265

Contact: Trista Sanders – Principal, Moline HS

Phone: 309.743.8802

Email: tsanders@molineschools.org

Contact: Rachel Savage – Superintendent, Moline- Coal Valley School District Phone: 563-495-0463

LESSEE FEES: LESSEE agrees to pay LESSOR as rental for said space for the period covered under this agreement:

Arena & Conference Center Rental: \$3,000 (shared date with NSHS and PVHS)

Expenses: See attached for estimated expenses

Deposit: \$5,000.00 (Paid 10/15/19)

Contract & Deposit Due: November 30, 2020

Insurance: Provide a rider as outlined in #12 below.

Insurance Due: April 30, 2021

Rental Balance & Expenses: TBD

Rental Balance & Expenses Due: June 25, 2021

****I authorize the TaxSlayer Center and Levy Restaurants to charge any outstanding rental or catering balances to the credit card supplied for the event. Initial Here**

- 1. PREMISES.** Except for reasonable rights of ingress and egress through public halls, corridors, and grounds, LESSEE shall have no rights in any part of the TaxSlayer Center's property other than the premises hereinabove specified.
- 2. DEPOSIT.** The TaxSlayer Center has the right to retain the deposit and apply it to any expense incurred due to cancellation of the event covered under this Agreement, damages incurred to the facility as a result of the event, or to pay expenses incurred and payable by LESSEE as a result of the event. LESSEE further agrees to pay any additional deposits as demanded by the TaxSlayer Center.
- 3. FOOD & BEVERAGE.** The LESSEE shall not bring any food and beverage onto the property of the TaxSlayer Center. Prices are subject to change.
- 4. LESSEE'S PROPERTY.** Any loss or damage to property brought onto the TaxSlayer Center's property by the LESSEE shall be at the sole risk of the LESSEE.
- 5. INDEMNITY.** The LESSEE shall indemnify and hold the TaxSlayer Center and the TaxSlayer Center harmless for all claims, losses, or damages (including costs and attorney's fees) for any personal injury or property damage arising out of or caused, either proximately or remotely, wholly or in part, by an act, omission, negligence or misconduct on the part of the LESSEE or LESSEE's employees, agents, contractors, members, licensees or invitees.
- 6. CONTROL.** The TaxSlayer Center reserves the right to control the operation and maintenance of the Premises. The TaxSlayer Center staff have the right to enter the Premises at any time for any purpose, including removal of any person who, in the sole judgment of the TaxSlayer Center staff, is disrupting or obstructing the proper operation and management of the Premises.
- 7. RULES AND REGULATIONS.** All rules and regulations promulgated from time to time by the TaxSlayer Center are hereby incorporated in this Lease by reference, and LESSEE shall comply fully with said rules and regulations. LESSEE is entitled to a current copy of such rules and regulations upon written request to the TaxSlayer Center.
- 8. HAZARDOUS PROPERTY.** LESSEE shall not bring upon the Premises any exhibit, equipment, or vehicles which, in the sole judgment of the TaxSlayer Center would be or might be dangerous to persons or property or otherwise incompatible with the structure, systems and furnishings of the Premises.
- 9. ASSIGNMENT.** LESSEE shall not assign its rights under this Lease.
- 10. OTHER EVENTS.** LESSEE acknowledges that other events may be scheduled for other spaces within the TaxSlayer Center not covered by this Lease.
- 11. CASUALTY.** If any casualty or unforeseen occurrence renders the fulfillment of this Lease by the TaxSlayer Center impossible, then this Lease shall terminate. In such event, LESSEE hereby waives any claim for damages or compensation from the TaxSlayer Center.
- 12. INSURANCE.** LESSEE shall, at its sole expense, obtain and retain through the duration of the event covered under this Agreement commercial general liability insurance including: Premises/operations; products/completed operations hazard; contractual liability; and personal injury. This general liability insurance shall include limits of liability of not less than \$1 million combined single limits for bodily injury and property damage. In addition, LESSEE shall obtain such additional insurance as the TaxSlayer Center may require in its discretion from time to time. Certificates of insurance in form acceptable to the TaxSlayer Center shall be provided to the TaxSlayer Center at least thirty (30) days prior to the commencement of the event. The insurance policy shall name The TaxSlayer Center as an additional insured, shall provide that the policies may not be cancelled or materially altered until at least thirty (30) days prior to written notice being given to the TaxSlayer Center, and shall cover occurrences on any part of the TaxSlayer Center property. The insurance carriers providing such insurance shall have no less than an "A" rating according to the A.M. Best's rating and shall be authorized to do business in Illinois.
- 13. GOVERNING LAW.** This Agreement is governed by the laws of the State of Illinois. Any litigation arising under this Agreement is agreed to be maintained in Rock Island County, Illinois. LESSEE shall strictly comply with all applicable federal, state, and local statutes, rules and regulations.
- 14. TIME FOR EXECUTION.** This Agreement must be signed by the LESSEE and returned within the above mentioned due date along with any applicable deposit. In the event the executed agreement and applicable deposit is not received by the TaxSlayer Center within such time, the TaxSlayer Center, as its option, may declare the Agreement null and void, thereby canceling the date being held and covered by this Agreement.
- 15. CANCELLATION.** If Lessee cancels contracted space after November 30, 2020, Lessee agrees to pay a cancellation fee of \$3,000. Lessee further understands that if Lessor has to cancel or postpone Lessee's event due to a pandemic or any governmental action, order, or mandate, Lessor will not be responsible for any costs or expenses incurred by Lessee due to the cancellation or postponement. Lessor will work with Lessee in rescheduling the event that is postponed due to a pandemic or any governmental action, order, or mandate.

The additional attachments or addendums and subsequent terms and conditions are hereby made a part of this contract.

LESSOR:
TaxSlayer Center:

LESSEE:
Moline School District:

By: _____
TaxSlayer Center Assistant Executive Director, on:

By: _____
Executed by LESSEE on:



Event Estimate

*Moline High School
Commencement
Sunday, May 30, 2021*

	<u>Estimate</u>
Arena Rental	\$2,500
Conference Center Room Rental	\$500
Arena Turnover (if applicable, polar floor covering)	\$1,000
Stage	\$125
Power	\$225
Setup & Clean up (lower, upper & restrooms)	\$500
Videowall (discounted)	\$125
Ribbon Board Production (if applicable, \$29/hour)	TBD
Microphones (wired @ \$15 each; wireless @ \$50 each)	TBD
Screen & Projector (if applicable, \$150 each)	TBD
COVID (preventative measures, sanitation, etc – estimated)	\$1,000
Ushers (supplemented with your volunteers)	\$1,105
Tech/House Light Operator @ \$29/hour	\$684
Parking	\$975
Police	\$3,282
EMT's	\$390
Back Door, Skywalk & Rover Security Guards	<u>\$1,685</u>
Total Estimated Event Costs	\$14,096

- Moline High School to provide volunteers for additional ushers and security
- Expenses based on sharing date with North Scott and Pleasant Valley
- School may provide own EMT's (minimum of 2 required)
- Estimated based on information from the 2020 contract. Any changes may require a new estimate
- COVID expense(s) may increase due to State/CDC/industry requirements

Tentative Schedule (subject to adjustment with the other schools):

North Scott High School Doors 11:00am

North Scott Ceremony 12:00-1:15pm

Pleasant Valley High School Doors 2:30pm

Pleasant Valley Ceremony 3:30-4:45pm

Moline High School Doors 6:00pm

Moline Ceremony 7:00pm

19. Approval to Purchase

108

Recommended Motion: that the Board of Education approve the purchase of 1,000 units of Elysian Rapid Antigen Test kits for COVID-19 for the anticipated amount of \$22,075. **See Attachment No. 16.**

TO: Members of the Board of Education
FROM: Dr. Rachel Savage, Superintendent
DATE: September 24, 2020
SUBJECT: Approval to Purchase - Elysian Rapid Antigen Test Kits for COVID-19

Reason for Board Consideration: Board of Education approval is required.

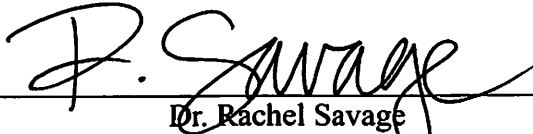
Action Necessary: Board of Education approval is required for purchases exceeding \$10,000.

Facts: Due to community and school based spread of the COVID-19 virus, a number of staff have been required to go into a fourteen day quarantine at home due to exposure to someone with COVID symptoms or someone that has tested positive. This seriously inhibits the ability to continue to provide effective in-person instruction and to continue to offer in-person extracurricular activities for students. By providing staff with this resource, of no cost to them, the district would drastically reduce the need for staff needing to go home and isolate, minimize interruptions to instruction, and in addition, would minimize the challenges associated with securing substitute coverage. It is recommended to purchase 1,000 units at \$21.95 per unit to be used as an option for staff with the possibilities to expand if proven an effective strategy for the district. Registered school Nurses would be able, upon receiving proper training, to administer this non-invasive spit test and be able to read results in an average of 15 minutes. There is no additional equipment needed, no refrigeration needed, and the kits have a two year shelf life.

Cost: The cost is anticipated at \$22,075 which will be supported by ESSR Cares Act funding.

Recommended Motion: That the Board of Education approve the purchase of 1,000 units of Elysian Rapid Antigen Test Kits for COVID-19 for the anticipated amount of \$22,075.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Moline-Coal Valley School District Testing Strategy

Prepared on September 22, 2020 - Reference: 20200922-151753680

Rachel Savage
rsavage@molineschools.org

Comments

100 Antigen Test kits to administer to school faculty

Christie Matheis - Elysian Medical Distribution, Inc.



Products & Services

Megna Rapid Response Antigen 1000 x \$21.95
SKU EM-20082406
Rapid response nasal swab, throat swab, and sputum lateral flow cassette; results in < 30 minutes

One-time subtotal	\$21,950.00
Shipping	\$125.00
Total	\$22,075.00

This quote expires on October 22, 2020.

Purchase Terms

50% payment due within 48 hours of FDA approval to distribute, 50% due at shipment

Signature

Date

Printed name

Questions? Contact me



Christie Matheis

cmatheis@elysianmdi.com



Elysian Medical Distribution, Inc.

30212 Tomas, Suite 365

Rancho Santa Margarita, CA 92688

USA

20. Reports, Requests and Open Discussion

A. Superintendent's Report

1) Return to Learn Update

B. Financial Reports

C. Board of Education Discussion

1) Master Board Member Program Recognition Awards

21. Adjournment

NOTICE OF NONDISCRIMINATION PRACTICES

The Moline-Coal Valley School District No. 40 does not discriminate against employees, students or the general public in its programs or practices, including vocational education opportunities, on the basis of race, color, religion, gender, disability, age, marital status, citizenship status, military status, unfavorable discharge from the military service, national origin or ancestry in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, any individual who is in need of assistance or reasonable accommodations to be able to participate in a school district-related activity, including the employment application or interview process, should contact the Superintendent of Schools at the District administrative offices. Any individual who wishes to file a complaint of

unlawful discrimination should contact the Superintendent of Schools or the Secretary of the Board of Education at the District administrative offices, 1619 Eleventh Avenue, Moline, IL 61265.