

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, March 27, 2023, at the Coolidge Professional Development Room, 3430 Avenue of the Cities, Moline, Illinois 61265.

Dr. Matthew DeBaene  
Secretary, Board of Education

### **AGENDA AND RECOMMENDATIONS**

Board of Education  
Moline, Illinois  
Monday, March 27, 2023

Join from a device:

Please click this URL to  
join. <https://us02web.zoom.us/j/81810615380?pwd=Z01mdm9sYTkwOGhMUDBxYWJtcEgwQT09>  
Passcode: 880279

Or One tap mobile:

+13092053325,,81810615380# US

Or join by phone:

Dial:

US: +1 309 205 3325 or +1 312 626 6799 or  
Webinar ID: 818 1061 5380

Public comments may be made in person or e-mailed to the Board Secretary, Kristin Sanders, at [ksanders@molineschools.org](mailto:ksanders@molineschools.org) no later than 4:30 p.m. on Monday, March 27, 2023, with "Public Comment" in the subject line.

Doors will open at 5:45 p.m. for the public. The Moline-Coal Valley School District follows the guidance of the Illinois Department of Public Health and the Illinois State Board of Education.

- 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 Erin Waldron-Smith at 6:00 p.m. at the Coolidge Professional Development Room, 3430 Avenue of the Cities, Moline, IL 61265.

### **Roll Call**

Members Present: Audrey Adamson, Justin Anderson, Chet DeSmet, Maria S. Trigueros, Andrew Waeyaert, Erin Waldron-Smith

Member Present  
Via Zoom: Kate Schaefer

Member Absent: None

Student Members Present: Corynn Holmes, Ava Saucedo-Serra

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

### **RECOGNITION OF HIGH SCHOOL STAFF MEMBERS**

Erin Waldron-Smith, Board President, thanked Kelli Avila, Amber Hoogheem, Stephanie Poston, Tracy Santamour, Jeff Schimmel, and Emma Spence, who provided essential and life-saving measures to a student in cardiac arrest at Moline High School in February.

### **APPROVAL OF BOARD OF EDUCATION MINUTES**

The minutes of the Open Session of the Regular Board of Education meeting of February 13, 2023 were presented for approval as presented.

A motion was made by Audrey Adamson, seconded by Maria S. Trigueros, unanimously carried, that the minutes of the Open Session of the Regular Board of Education meeting of February 13, 2023 be approved as presented and placed on file.

The minutes of the Closed Session of the Regular Board of Education meeting of February 13, 2023 were presented for approval as presented.

A motion was made by Andrew Waeyaert, seconded by Audrey Adamson, unanimously carried, that the minutes of the Closed Session of the Regular Board of Education meeting of February 13, 2023 be approved as presented and placed on file.

### **COMMUNICATIONS, PUBLIC COMMENT AND PARTICIPATION**

Jason Farrell, a Board member for Moline Little League, shared that recently, 180 people participated at the Moline High School Physical Education Facility for a clinic. On behalf of the parents, they are appreciative of the facility and thanked the Board for letting the players use the facility.

Alan McCauley, community member, shared his disagreement with the proposal of the facility plan proposed at the March 6, 2023 Board of Education meeting. Mr. McCauley believes neighborhood schools are invaluable and does not want to see buildings closed but improved.

**CONSENT AGENDA**

The Board of Education considered Consent Agenda Items A through D and F through P as presented:

**A. Employment – Certified Staff**

- 1) the employment of the following named certified staff members for the 2023-2024 school year with wages in accordance with District schedules:

Hendricksen, Hunter  
 Counselor, Wilson Middle School  
 M.A. Degree, Western Illinois University  
 To serve on a regular contract basis  
 Five months previous experience in Iowa

- 2) the temporary employment of the following named Certified Substitute Teachers for the 2022-2023 school year with wages in accordance with District schedules:

Blackwell, Therese  
 DePoy, Cassidy  
 Ellison, Andrew  
 Krall, Patrick

- 3) the temporary employment of the following named Certified Hourly Instructor for the 2022-2023 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Anderson, Adrienne	Homebound Certified Hourly Instructor	Varied

**B. Administration’s Recommendation Regarding the Honorable Dismissal of Certain Probationary Teachers**

First Year Temporary Contract Probationary Teachers  
 that the Board of Education approve the administrator’s recommendation and the resolution to implement **Exhibit A as listed in the official minutes.**

**C. Administration’s Recommendation Regarding the Non-Reemployment of Certain Probationary Teachers**

Second Year Regular Contract Probationary Teachers  
 that the Board of Education approve the administrator’s recommendation and the resolution to implement **Exhibit B as listed in the official minutes.**

**D. Administration’s Recommendation Regarding the Honorable Dismissal of Part-Time Teachers**

Part-Time Teachers  
 that the Board of Education approve the administrator’s recommendation and the resolution to implement **Exhibit C as listed in the official minutes.**

**F. Resignation from Differential Assignment**

- 1) the resignation of the following named non-certified staff member from differential assignment for the 2022-2023 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Westerlund, Eric	Head Grade 8 Boys Track	John Deere

- 2) the resignation of the following named non-certified staff members from differential assignment for the 2023-2024 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Tyson, Alex	Assistant Grade 7 Football	John Deere

**G. Appointment to Differential Assignment**

- 1) the appointment of the following named certified staff member to differential assignment for the 2022-2023 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Jones, Haley	Head Grade 7 Girls Track	John Deere

- 2) the appointment of the following named non-certified staff member to differential assignment for the 2022-2023 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Anders, Joshua	Head Grade 7 Boys Track	John Deere
Ford, Quesean	Head Grade 8 Boys Track	John Deere

- 3) the appointment of the following named non-certified staff member to differential assignment for the 2023-2024 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Tyson, Alex	Head Grade 7 Football	John Deere

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

that the Board of Education grant approval of a family medical leave for the following certified staff member:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
DePoorter, Jean	Life Skills	Hamilton	Beginning 09/01/23 through 11/27/23

**I. Resignation/Termination – Certified Staff**

the resignation/termination of the following named certified staff members:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Brown, Jacqueline	English	High School	End of the 22-23 school year
DePoorter, Jean	Life Skills	Hamilton	11/27/23

**J. Employment – Educational Support Personnel**

- 1) the employment of the following named educational support personnel for the 2022-2023 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Leach, Jon	Campus Attendance Supervisor	High School	03/27/23

- 2) the temporary employment of the following named substitute educational support personnel for the 2022-2023 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>
Benzide, Hasnaa	Classroom Paraprofessional, Lunchroom Aide
Blackwell, Therese	Classroom Paraprofessional

**K. Transfer/Reassignment**

- 1) the transfer of Steve Soukup from the 2<sup>nd</sup> Shift Custodial position at Wilson Middle School to the 1st Shift Custodial position at Bicentennial Elementary, effective March 16, 2023.
- 2) the transfer of Alicia Kelly from the 2<sup>nd</sup> Shift Custodial position at Logan Elementary to the 2<sup>nd</sup> Shift Custodial position at Roosevelt Elementary, effective March 16, 2023.

**L. Approval of Family Medical Leave Act – Educational Support Personnel**

that the Board of Education grant approval of a family medical leave for the following educational support personnel:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Dreifurst, Rhianna	Custodian	Franklin	Beginning 02/24/23 and lasting intermittently for 60 days

**M. Payments for Board Approval**

approval of payments:

Fund 1 Educational	923,676.37
Fund 2 Operations & Maintenance	123,610.12
Fund 3 Debt Service	0.00
Fund 4 Transportation	206,356.28
Fund 5 Retirement	0.00
Fund 6 Capital Projects	71,665.36
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	7,495.71
Fund 9 Life Safety Code	14,835.00
Fund 10 Group Insurance	50,570.26
Fund 11 Student Activity	<u>18,390.23</u>
TOTAL	2,862,911.99

**See Exhibit H in the official minutes.****N. Freedom of Information Act Requests**

One Freedom of Information Act Request was received from SmartProcure requesting purchase orders dated 11/28/22 to current. The District has responded to this request.

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

- 1) Bartlett Performing Arts Center on May 12, 2023 between the hours of 5:00 p.m. and 8:00 p.m., and May 13, 2023 between the hours of 11:00 a.m. and 4:00 p.m., by Kim's School of Dance and Tumbling for a performance. Building rental fees as stated in the contract.
- 2) Moline High School Varsity and Junior Varsity Fields by Moline Legion Sr. Baseball from June 5, 2023 through July 2, 2023 from 2:00 p.m. until 8:00 p.m. on game days, and 7 a.m. until 8:00 p.m. for tournaments on June 30, 2023 through July 2, 2023. The fee for the use shall be at the rate as follows: \$500 for the use of the MHS Baseball Fields. If custodial time is required for cleanup as a result of their activity, it will be billed to them in the amount of \$54 per hour.
- 3) Bartlett Performing Arts Center on June 24, 2023 between the hours of 1 p.m. and 7:00 p.m. by Kids R Actors 2 for a performance. Building rental fees as stated in the contract.
- 4) Wharton Field House parking lot only on May 27, 2023, from 5:00 p.m. until 9:00 p.m. by Hot Rods for Charities for a car show. Compensation to be received only for custodial services required as a result of their program in the amount of \$52 per hour.
- 5) Wharton Field House parking lot only on July 29, 2023, from 8:00 a.m. until 1:00 p.m. by Hot Rods for Charities for a car show. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour.

**P. Approval to Purchase**

that the Board of Education approve the purchase of Literacy Footprints classroom kits for Grades 3 through 5 and online digital readers, from Pioneer Valley Books, Northampton, Maine, for a cost of \$78,349.50. **See Exhibit I in the official minutes.**

A motion was made by Andrew Waeyaert, seconded by Audrey Adamson, that the Board of Education approve the actions contained in Consent Agenda items A through D and F through P as presented.

Ayes: Chet DeSmet, Kate Schaefer, Maria S. Trigueros, Andrew Waeyaert, Audrey Adamson, Justin Anderson, Erin Waldron-Smith

Nays: None

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

**E. Administration's Recommendation Regarding the Continued Employment of Certain Probationary Teachers**

- 1) First Year Regular Contract Probationary Teachers  
that the Board of Education approve the administrator's recommendation and the resolution to implement **Exhibit D as listed in the official minutes.**
- 2) Second Year Regular Contract Probationary Teachers  
that the Board of Education approve the administrator's recommendation and the resolution to implement **Exhibit E as listed in the official minutes.**
- 3) Third Year Regular Contract Probationary Teachers  
that the Board of Education approve the administrator's recommendation and the resolution to implement **Exhibit F as listed in the official minutes.**
- 4) Fourth Year Regular Contract Probationary Teachers  
that the Board of Education approve the administrator's recommendation and the resolution to implement **Exhibit G as listed in the official minutes.**

A motion was made by Maria S. Trigueros, seconded by Chet DeSmet, that the Board of Education approve the actions contained in Consent Agenda Item E as presented.

Ayes: Kate Schaefer, Maria S. Trigueros, Justin Anderson, Chet DeSmet, Erin Waldron-Smith

Nays: None

Abstain: Andrew Waeyaert, Audrey Adamson

### **APPROVAL OF JOINT AGREEMENT WITH QUAD CITY CTE CONSORTIUM AND AREA CAREER CENTER**

A motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education approve the amendment to the joint agreement and pass the resolution, as presented. **See Exhibit J in the official minutes.**

Ayes: Maria S. Trigueros, Andrew Waeyaert, Audrey Adamson, Justin Anderson, Chet DeSmet, Kate Schaefer, Erin Waldron-Smith

Nays: None

### **APPROVAL OF LINCOLN-IRVING EXPANSION PROJECT**

A Board member noted that they want to make sure there is a plan put in place before Willard is vacated to ensure a building is not left sitting empty.

A motion was made by Justin Anderson, seconded by Andrew Waeyaert, that the Board of Education approve the Superintendent and Chief Financial Officer to move forward with the Lincoln-Irving Elementary expansion project to include those students in the Willard Elementary boundary. This includes, but is not limited to, proceeding with the design of the new Lincoln-Irving Elementary School addition as a 4-5 section building, developing a more specific budget in anticipation of selling bonds to support said project, and developing a plan for the retirement of Willard Elementary. It is anticipated the project will be completed for the 2027-2028 school year.

Ayes: Andrew Waeyaert, Audrey Adamson, Justin Anderson, Chet DeSmet, Kate Schaefer, Maria S. Trigueros, Erin Waldron-Smith

Nays: None

### **REPORTS, REQUESTS AND OPEN DISCUSSION**

#### **Superintendent's Report**

Dr. Rachel Savage, Superintendent of Schools, thanked the many staff involved in both the fine arts programs as well as athletic programs at Moline High School along with the support of the community for the students of the Moline-Coal Valley School District.

Tuesday, March 14, 2023, the District will host the first of four design team sessions for the Portrait of a Graduate vision setting process. There will be 100 stakeholders and together they will be charting a course for the success of all District students.

#### **Open Discussion**

A Board member inquired as to the time and location of Portrait of a Graduate. Dr. Savage replied stating it is at 5:30 at the Moline High School Cafeteria.

Another Board member stated they would like to see the District rename the court at Wharton Field House after Dexter Johnson. The name would be "Dexter Johnson Court at Wharton Field House. "Dex" has been a staple in the Moline-Coal Valley School District for many years. Ms. Waldron-Smith stated a special committee needs to be created to discuss this possibility.

A motion was made by Andrew Waeyaert, seconded by Audrey Adamson, that the Board of Education meeting be adjourned. Time: 6:56 p.m.

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President

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Secretary

**4. Communications, Public Comment and Participation**

**5. Website Update - Craig Reid**

**6. Consent Agenda**

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

6. **Consent Agenda**

*Recommended Motion:* that the Board of Education approve the actions contained in Consent Agenda Items A–Q as presented:

A. **Employment – Certified Staff**

- 1) the temporary employment of the following named certified staff member for the 2023-2024 school year with wages in accordance with District schedules:

Adams, Teri

Vocal Music, Logan Elementary

B.A. Degree, Augustana College

To teach on a temporary contract basis

One year previous experience in another state and eight years previous experience in Moline

- 2) the employment of the following named certified staff members for the 2023-2024 school year with wages in accordance with District schedules:

Claus, Lauren

Health, John Deere Middle School

B.A. Degree, Northern Illinois University

To teach on a regular contract basis

One year previous teaching experience in the Moline-Coal Valley School District

Killian, Jami

STEM, High School

M.A. Degree, American College of Education

To teach on a regular contract basis

Fifteen years previous teaching experience in Iowa and one year previous teaching experience in Arizona

Motika Roome, Ashley

Speech Pathologist, Jane Addams Elementary

M.A. Degree, University of Ohio

To serve on a regular contract basis

Nine years previous experience in the Moline-Coal Valley School District

Wharfield, Jennifer

Family and Consumer Science, High School

B.A. Degree, Louisiana Tech University

To teach on a regular contract basis

Four years previous teaching experience in Illinois and two years previous teaching experience in Texas

3) the temporary employment of the following named certified substitute teachers for the 2022-2023 school year with wages in accordance with District schedules:

Bagatelas, William  
Cunningham, Madelyn  
Tarpey, Grace

**B. Resignation From High School Department Chair Assignment**

the resignation from a high school department chair assignment, effective at the end of the 2022-2023 school year:

<u>Name</u>	<u>Position</u>
Harpole, Carol	English

**C. Resignation from Differential Assignment**

the resignation from differential assignment of the following named non-certified staff member:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Franks, Donald	Assistant Grade 8 Football	Wilson	03/14/23

**D. Resignation for the Purpose of Retirement – Certified Staff**

the resignation for the purpose of retirement of the following named certified staff member:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Welvaert, Lisa	Science	High School	End of the 2026-2027 school year

**E. Resignation/Termination – Certified Staff**

the resignation/termination of the following named certified staff members effective at the end of the 2022-2023 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Mankle, Rachel	School Psychologist	Various

**F. Employment – Educational Support Personnel**

the temporary employment of the following named educational support personnel for the 2022-2023 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Ellis, Aminn	Classroom Paraprofessional	Franklin	03/16/23

Ross, Jamie	Classroom Paraprofessional	Franklin	03/16/23
Waydeman, Shelby	Custodian	Hamilton/Wash	03/28/23

**G. Transfer/Reassignment**

- 1) the transfer of Ana Alvarez from the 2<sup>nd</sup> Shift Custodial position at Wilson Middle School to the 1st Shift Custodial position at Hamilton Elementary School, effective April 1, 2023.
- 2) the transfer of Deb Anderson from the 2<sup>nd</sup> Shift Custodial position at Willard/Lincoln-Irving to the 2<sup>nd</sup> Shift Custodial position at Wilson Middle School, effective April 1, 2023.
- 3) the transfer of Ramon Mojica from the 2<sup>nd</sup> Shift Custodial position at Roosevelt Elementary to the 2<sup>nd</sup> Shift Custodial position at Logan Elementary, effective April 1, 2023.

**H. Acceleration of Resignation Date for the Purpose of Retirement – Certified Staff**

the acceleration of the previously approved resignation date for the purpose of retirement from August 21, 2024 to June 15, 2023, for the following named Certified Staff member:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Waldbusser, Lori	Custodian	Franklin

**I. 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>
Underwood, Brian	Special Education Paraprofessional	Franklin	03/10/23

**J. Payments for Board Approval**

approval of payments:

Fund 1 Educational	537,505.31
Fund 2 Operations & Maintenance	99,800.08
Fund 3 Debt Service	1,370.00
Fund 4 Transportation	10,979.74
Fund 5 Retirement	0.00
Fund 6 Capital Projects	812,468.17
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	0.00
Fund 9 Life Safety Code	5,800.00
Fund 10 Group Insurance	0.00
Fund 11 Student Activity	<u>12,628.01</u>
<b>TOTAL</b>	<b>1,508,980.14</b>

**See Attachment No. 1.**

**K. Freedom of Information Act Requests**

A Freedom of Information Act Request was received from Access Technologies, Inc. requesting copier services invoices from the past year to the District. The District has responded to the request.

**L. Acceptance of Gift**

A donation in the amount of \$500 from the United Methodist Women to be used at Moline High School for student needs.

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

- 1) Moline High School Cafeteria and classrooms on Saturday, April 1, Saturday, April 22, and Sunday, April 23, 2023 between the hours of 9:00 a.m. and 3:00 p.m. by North South Foundation for math, science, geography, and spelling bees and public speaking. Building rental fees as stated in the contract. Custodial fees will be billed in the amount of \$52 per hour on Saturday and \$60 per hour on Sunday. **Please note that Sunday use is an exception to Board policy.**
- 2) Wilson Middle School gymnasium only on Saturday, April 8, 2023 from 10:00 a.m. until 1:00 p.m. by Pink Dynamic Dolls for tryouts. Building rental fees as stated in the contract. Compensation to be received for custodial services in the amount of \$52 per hour.
- 3) Wilson Middle School auditorium on Saturday, July 8, from 10:00 a.m. until 5:00 p.m. by Pink Dynamic Dolls for a performance. Building rental fees as stated in the contract. Compensation to be received for custodial services in the amount of \$54 per hour.
- 4) Shipley Track at Browning Field on Sunday, September 24, 2023 from 9:00 a.m. until 3:00 p.m. by the American Foundation for Suicide Prevention for an Out of the Darkness Suicide Awareness Walk. Compensation to be received only for custodial services required as a result of their program in the amount of \$54 per hour. **Please note that Sunday use is an exception to Board Policy.**
- 5) Moline High School PE Facility on Saturday, December 9, 2023 from 7:00 a.m. until 5:00 p.m. by the Moline Girls Basketball Association for basketball tournaments. Building rental fees are to be waived. Compensation to be received for custodial services in the amount of \$54 per hour.
- 6) Wharton Field House on Sunday, December 10, 2023 from 10:00 a.m. until 2:00 p.m. by the Moline Girls Basketball Association for basketball tournaments. Building rental fees are to be waived. Compensation to be received for custodial services in the amount of \$60 per hour. **Please note that Sunday use is an exception to Board Policy.**

**N. Approval to Purchase**

- 1) that the Board of Education approve the purchase of high school social studies materials as presented in the attachment, from various publishers, at a cost not to exceed \$42,000. **See Attachment No. 2.**
- 2) that the Board of Education adopt and purchase MyWorld Social Studies curriculum for grades K through 5, for six years, from Savvas Learning Company LLC, Chandler, Arizona, at a cost of \$304,996.05. **See Attachment No. 3.**
- 3) that the Board of Education approve the purchase of a five-year Aruba Central agreement for 508 access points from CDW Corporation, Vernon Hills, Illinois, for a total cost of \$115,530. **See Attachment No. 4.**
- 4) that the Board of Education approve the purchase of elementary classroom headphones from CDW Corporation, Vernon Hills, Illinois, at a total cost of \$32,775. **See Attachment No. 5.**
- 5) that the Board of Education approve the purchase of five SMART Boards and projectors for Washington Elementary School from Bradfield's Inc., Peoria, Illinois, for a total cost of \$14,465. **See Attachment No. 6.**

**O. Engage Services**

- 1) that the Board of Education approve the actuarial services of Nyhart for the 2024 calendar year to provide Medicare Part D administration services in the amount of \$9,500. **See Attachment No. 7.**
- 2) that the Board of Education engage the services of Bloomberg Auction, Geneseo, Illinois, for the May 20, 2023 District surplus auction. **See Attachment No. 8.**


**P. Award of Bid**

- 1) that the Board of Education award a three-year copier lease, with an option of two one-year extensions, for multifunctional digital copiers for all PreK-8<sup>th</sup> grade buildings, high school, Allendale, Coolidge, and Ed Tech areas, and related District-wide print services, to the lowest qualified bidder, Advanced Business Systems, Inc., Moline, Illinois, in the amount of \$114,660, according to specifications. **See Attachment No. 9.**
- 2) that the Board of Education award the bid for Butterworth Elementary and Horace Mann Parking surface asphalt repair to Langman Construction, Inc., Rock Island, Illinois, for the amount of \$329,112. **See Attachment No. 10.**

**Q. Approval of Fees for the 2023-2024 School Year and Summer 2024**

that the Board of Education approve the recommendation of the administration for fees for the 2023-2024 school year and summer 2024. **See Attachment No. 11.**

TO: Members of the Board of Education

FROM: Dr. Matt DeBaene, Assistant Superintendent for Secondary Teaching and Learning 

DATE: March 23, 2023

SUBJECT: Purchase of Updated Social Studies Textbooks

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

Action Necessary: Approval is requested to use curriculum budgeted money to purchase books that will update the courses of AP European History, AP Government, AP Economics, and Sociology.

Facts: Three of our AP courses (European History, Government, and Economics) have had significant updates to the textbooks that would better prepare students for the AP test. This is required to be in compliance with the AP course audit as well as to provide students with updated materials.

The current sociology textbook has a copyright of 2005 and the course needs a refreshed version.

The attachment shows the breakdown of the courses, textbooks, publishers, and costs associated with the purchases.

Cost: The cost for the purchase of these social studies materials to our Curriculum budget will not exceed \$42,000.

Recommended Action: That the Board of Education approve the purchase of high school social studies materials as presented in the attachment, from various publishers, at a cost not to exceed \$42,000.

Approved for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools


**2022 MHS Social Studies Textbook Purchases**

March 23, 2023

<b>Textbook</b>	<b>Course</b>	<b>Cost</b>	<b>Publisher</b>
A History of Western Society Since 1300 for the AP Course	AP Euro	\$12,472.32	Bedford, Freeman & Worth High School Publishers
American Democracy Now AP Edition	AP Government	\$9,572.89	McGraw Hill
Krugman's Economics for the AP Course	AP Econ	\$4,439.82	Bedford, Freeman & Worth High School Publishers
High School Sociology	Sociology	\$13,463.54	Houghton Mifflin Harcourt
<b>TOTAL</b>		<b>\$39,948.57</b>	

*Prices include student and teacher editions, digital resources, and shipping costs*

TO: Members of the Board of Education

FROM: Dr. Brian Prybil, Assistant Superintendent for Elementary Teaching and Learning 

DATE: March 23, 2023

SUBJECT: MyWorld K-5 Social Studies Curriculum from Savvas Learning Company

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

Action Necessary: Board approval is requested to purchase and adopt the K-5 Social Studies curriculum from Savvas Learning Company.

Facts: At the February 27, 2023 Board of Education meeting, a presentation on the current K-5 Social Studies pilot was given. Currently, the teachers are using older district developed resources for social studies along with our current MyView ELA curriculum. The feedback from our pilot teachers was overwhelmingly positive in regards to the MyWorld Social Studies curriculum. Teachers felt that the curriculum engages students with challenging tasks, allows new learning to connect with prior learning through student to student discourse, and provides teachers with a variety of strategies and resources to differentiate instruction for students in both whole and small group settings. The curriculum will come with leveled readers so teachers can integrate social studies into ELA time to allow our students a variety at the same time covering standards for both ELA and social studies. For these reasons, the committee is recommending that the District purchase and adopt Savvas MyWorld beginning with the 2023-2024 school year.

The purchase of MyWorld K-5 Social Studies provides the District with a six-year subscription for the consumable textbooks and digital courseware for both teacher and student use.

Cost: The six-year cost for this curriculum with all materials and activation training is \$304,996.05. The purchase will be made through funds budgeted from both the Elementary & Secondary Emergency Relief for Schools (ESSER III-ARP) The American Rescue Plan and Title grant.


Recommended Action: That the Board of Education adopt and purchase MyWorld Social Studies curriculum for grades K through 5, for six years, from Savvas Learning Company LLC, Chandler, Arizona, at a cost of \$304,996.05

Approved for Submission to the Board of Education



Dr. Rachel Savage  
Superintendent of Schools

**TO:** Members of the Board of Education

**FROM:** Dr. Matt DeBaene, Assistant Superintendent for Secondary Teaching and Learning   
Craig Reid, Director for Technology

**DATE:** March 23, 2023

**SUBJECT:** E-Rate Purchase of Wireless Access Points - CDW Corporation

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

**Action Necessary:** Approval is requested to purchase Aruba Central wireless management system.


**Facts:** The District's wireless system is supported by Aruba and consists of 508 access points placed throughout each school. As part of the Federal E-Rate program, Aruba Central, Aruba's wireless management system, qualifies for Category 2 funding which provides the District with an 80 percent reimbursement of a maximum five-year license agreement. As such, the Educational Technology Department filed an E-Rate Form 470 to solicit bids for Aruba Central. The management system can be purchased after July 1, 2023.

Aruba Central will provide a method to centrally manage, update, and monitor our wireless infrastructure, which is vital to maintaining a secure environment.

**Cost:** CDW Corporation, Vernon Hills, Illinois, provided the lowest corresponding price for Aruba Central licenses at a cost of \$115,350 for a five-year agreement. The total cost of the wireless solution after the E-Rate discount is approximately \$23,070. The fund2 Educational Technology account will pay for this purchase.


**Recommended Action:** That the Board of Education approve the purchase of a five-year Aruba Central agreement for 508 access points from CDW Corporation, Vernon Hills, Illinois, for a total cost of \$115,530.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

<b>Vendor</b>	<b>Access Point</b>	<b>5-Year License</b>
<b>CDW Corporation</b>	<b>Aruba</b>	<b>\$115,530</b>
<b>Laketec (Chicago)</b>	<b>Aruba</b>	<b>\$149,894</b>
<b>Heart Technology (Indianapolis)</b>	<b>Aruba</b>	<b>\$164,727</b>
<b>Questivity (Chicago)</b>	<b>Aruba</b>	<b>\$293,162</b>
<b>NetDiverse</b>	<b>Quoted hardware replacement</b>	
<b>Optimus</b>	<b>Quoted hardware replacement</b>	

TO: Members of the Board of Education

FROM: Dr. Brian Prybil, Assistant Superintendent for Elementary Teaching and Learning   
Craig Reid, Director for Technology

DATE: March 23, 2023

SUBJECT: Approval to Purchase Classroom Headphones – Educational Technology

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

Action Necessary: Approval is requested to purchase headphones for use with student assessments and digital learning time.

Facts: Through Title I and Title III grant purchases, we were able to purchase headphones with microphones for all elementary and secondary buildings. Headphones are required for various assessments such as, Access testing and MAP testing. We were able to work directly with the company and vendor to receive discounted pricing through cooperating purchasing contracts to ensure the lowest cost for the headphones. Included with this purchase are adapters that protect the audio ports on the student chromebooks.

Cost: The total cost of the headphones and adapters is \$32,775 to be paid from the Educational Technology supplies account.

Recommended Action: That the Board of Education approve the purchase of elementary classroom headphones from CDW Corporation, Vernon Hills, Illinois, at a total cost of \$32,775.

Approved for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools

TO: Members of the Board of Education

FROM: Dr. Matt DeBaene, Assistant Superintendent for Secondary Teaching and Learning *MD*  
Craig Reid, Director for Technology

DATE: March 23, 2023

SUBJECT: Purchase of Projector/SmartBoards for Washington Elementary - Bradfield's Inc.

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

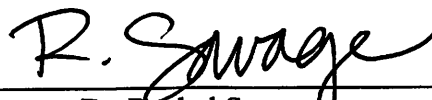
Action Necessary: Approval to purchase SMART boards and projectors for Washington Elementary School is requested.

Facts: Five classrooms at Washington Elementary School are due for SMART Board and projector replacements as part of the District's hardware rotation. The SMART hardware in these classrooms is between six and seven years old, making it difficult to find parts and replacement projector bulbs.

Cost: An Illinois Technology Purchase Program (ILTPP) request was submitted. The lowest corresponding price came from Bradfield's Inc., Peoria, Illinois, at a cost of \$14,465, which includes installation and delivery. The entire cost for this classroom technology upgrade is budgeted through Federal Title funds.

Recommended Action: That the Board of Education approve the purchase of five SMART Boards and projectors for Washington Elementary School from Bradfield's Inc., Peoria, Illinois, for a total cost of \$14,465 and will be paid for using Federal Title funds.

Approved for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools

TO: Members of the Board of Education

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

SUBJECT: Approval of Engaged Services – Nyhart Services for 2024

DATE: March 23, 2023

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

Action Necessary: Board of Education approval is requested.

Facts: The District Insurance Committee met February 22, 2023, to discuss actuarial services provided by Nyhart. As a result of that meeting, the recommendation by the committee is to engage the services of Nyhart for the 2024 calendar year to provide Medicare Part D administrative services at a proposed annual compensation fee of \$9,500 with possible additional monthly administrative fees.

Nyhart has successfully provided actuarial services to the District since 2012. The District received \$19,041 in credits back as part of the most recent reconciled year.

Cost: The total cost is \$9,500 for the calendar year with possible additional monthly fees paid from the Group Insurance Fund.

Recommended Action: That the Board of Education approve the actuarial services of Nyhart for the 2024 calendar year to provide Medicare Part D administration services in the amount of \$9,500.

Approve for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer *DMC*  
Keith Karstens, Director of Facilities

DATE: March 23, 2023

SUBJECT: Engage Services - Auctioneer Services

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

Action Necessary: Board of Education approval is requested.

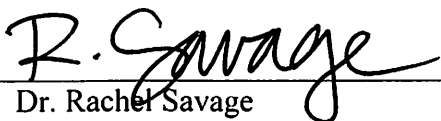
Facts: Every couple of years the District holds an auction to dispose of surplus items that are no longer useful, per state statute. Surplus items include: student desks, chairs, filing cabinets, shelving, tables, teacher desks, iMac/computers, Chromebooks, servers, printers, music equipment, etc. The goal with every surplus auction is to offset the expenses with sales receipts. Some years there is a profit, while others are a loss. The profit or loss is dependent on the items included in the auction. The most successful auction in the past was the Wharton auction, which included all the excess weight equipment from the old High School weight room. Whereas, most auctions have been relatively breakeven events.

Over the past years, Jon Bloomberg has successfully assisted the District administration with the auction. Therefore, it is the recommendation of administration for the Board of Education engage the services of Bloomberg Auction, Geneseo, Illinois, for the May 20, 2023 District surplus auction.

Cost: The service cost is based on 20% of gross selling price, plus \$20.00 per hour in associated labor expenses, and \$400 for advertising expenses supported from the Education Fund (Fund 1).

Recommended Action: That the Board of Education engage the services of Bloomberg Auction, Geneseo, Illinois, for the May 20, 2023 District surplus auction.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer *DMC*  
Craig Reid, Director of Technology

DATE: March 23, 2023

SUBJECT: Award of Bid: Multifunctional Copier Lease and Print Services

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

Action Necessary: Board of Education approval is required.

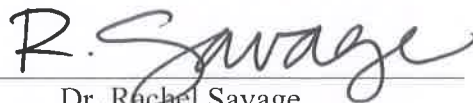
Facts: Bids for the multifunctional digital copiers and related print services for all PreK-8th grade buildings, high school, Allendale, Coolidge, and Ed Tech areas were received by the Business Office on February 14, 2023. In addition, the Request For Proposal (RFP) requested companies to provide alternative bids for reconditioned machines. Attached represents the bid summary.

For years, the District has successfully used reconditioned machines at the PreK-8th grade buildings, high school, Allendale, Coolidge, and Ed Tech areas through a partnership with Advanced Business Systems. This has allowed the District to lower leasing costs while still experiencing high quality copy services. Based on past success, the District again asked for alternative bids for reconditioned machines as part of this RFP. After reviewing all the responses, the administration is recommending the lowest responsible bid by Advanced Business Systems for the reconditioned machines. Therefore, the administration recommends the award a three-year copier lease, with an option of two one-year extensions, for multifunctional digital copiers and related print services to Advanced Business Systems for reconditioned machines, effective July 1, 2023.

Cost: Total cost is \$114,660 for a three year lease or \$3,185 monthly.

Recommended Motion: That the Board of Education award a three-year copier lease, with an option of two one-year extensions, for multifunctional digital copiers for all PreK-8th grade buildings, high school, Allendale, Coolidge, and Ed Tech areas, and related District wide print services, to the lowest qualified bidder, Advanced Business Systems, Inc. Moline, Illinois in the amount of \$114,660, according to specifications.

Approved for Submission to the Board of Education



Dr. Rachel Savage  
Superintendent of Schools

Moline-Coal Valley School District  
 Multi Function Copiers  
 March 14, 2023

	OMC Office Machine Consultants Toshiba	OMC Office Machine Consultants Kyocera	Konica Minolta Business USA Inc. Konica Minolta	CDS Office Technologies Konica Minolta	CityBlue Technologies Epson	Marco Technologies Sharp	Advanced Business Systems Sharp	Access Systems Sharp	RK Dixon Xerox
<b>36-Month Service Agreement - New Units</b>									
Month Lease	\$6,424.84	\$6,991.91	\$7,131.35	\$5,140.00	\$8,629.54	\$4,057.90	\$7,280.00	\$5,448.33	\$15,134.00
Total Lease Cost	\$231,294.24	\$251,708.00	\$256,728.57	blank	\$310,663.44	\$146,084.40	\$262,080.00	\$196,139.88	\$544,824.00
Cost per B/W copy	\$0.0048	\$0.0048	\$0.0038	\$0.0032	\$0.0032	\$0.0034	\$0.0040	\$0.0035	\$0.0050
Cost per Color copy	\$0.0370	\$0.0300	\$0.0380	\$0.0320	\$0.0220	\$0.0330	\$0.0400	\$0.0320	\$0.0550
<b>60-Month Service Agreement - New Units</b>									
Month Lease	\$4,355.03	\$4,736.82	\$5,014.27	\$3,386.20	\$5,665.48	\$2,686.78	\$4,953.00	\$3,334.03	\$9,914.00
Total Lease Cost	\$261,301.80	\$284,209.00	\$300,856.63	blank	\$339,928.80	\$161,206.80	\$297,180.00	\$200,041.80	\$594,850.00
Cost per B/W copy	\$0.0048	\$0.0048	\$0.0038	\$0.0032	\$0.0032	\$0.0034	\$0.0040	\$0.0038	\$0.0050
Cost per Color copy	\$0.0370	\$0.0300	blank	\$0.0320	\$0.0220	\$0.0330	\$0.0400	\$0.0330	\$0.0550
<b>36-Month Service Agreement - Reconditioned Units</b>									
Month Lease	N/A	N/A	\$4,917.96	N/A	N/A	N/A	\$3,185.00	N/A	N/A
Total Lease Cost			\$177,046.56				\$114,660.00		
Cost per B/W copy			\$0.0045				\$0.0045		
Cost per Color copy			\$0.0450				\$0.0450		
<b>60-Month Service Agreement - reconditioned Units</b>									
Month Lease	N/A	N/A	\$3,393.68	N/A	N/A	N/A	\$2,150.00	N/A	N/A
Total Lease Cost			\$203,620.80				\$129,000.00		
Cost per B/W copy			\$0.0045				\$0.0045		
Cost per Color copy			\$0.0450				\$0.0450		

TO: Members of the Board of Education

FROM: Dave McDermott, Chief Financial Officer *DMD.*  
Keith Karstens, Director of Facilities

DATE: March 23, 2023

SUBJECT: Award of Bid - Butterworth Elementary and Horace Mann Parking Surface Repairs

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

Action Necessary: Board of Education approval is required.

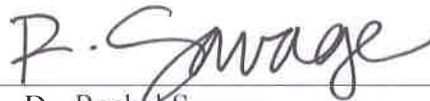
Facts: Specifications were prepared and issued by Shive-Hattery, Moline, Illinois, for Butterworth Elementary and Horace Mann parking surface asphalt repair. Bids were received on March 14, 2023. The bids are as shown on the attached tabulation.

The bid for Horace Mann's West drive lane, bus drop-off turn around area, and west parking lot is \$182,500. The base bid for Butterworth Elementary north parking, addition of a new sidewalk from the north parking lot to the west building entry, and re-seal coating of the playground for a total of \$146,612. Therefore, it is the recommendation of the administration that the Board of Education award the contract for the Butterworth Elementary and Horace Mann Parking surface asphalt repair to Langman Construction, Inc., for the amount of \$329,112, the lowest qualified bidder.

Cost: The cost is \$329,112 and will be supported through the Capital Projects Fund, which is funded by the RI County School Facilities 1% revenues.

Recommended Motion: That the Board of Education award the bid for Butterworth Elementary and Horace Mann Parking surface asphalt repair to Langman Construction, Inc., Rock Island, Illinois, for the amount of \$329,112.

Approved for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools

Moline-Coal Valley School District  
 Butterworth & Horace Mann Parking Lots  
 March 27, 2023

	Stitcher Construction	Porter Brothers	Langman Construction	Emery Construction
<b>Base Bid</b>				
Butterworth	\$159,925.00	\$132,825.70	\$123,300.00	\$177,350.00
Horace Mann	\$242,683.00	\$204,773.00	\$182,500.00	\$225,250.00
<b>Total</b>	\$402,608.00	\$337,598.70	<b>\$305,800.00</b>	\$402,600.00
<b>Alternate Bid 1 - Butterworth</b>				
Seal Coat Playground	\$8,700.00	\$10,374.00	\$9,212.00	\$10,000.00
<b>Alternative Bid 2 - Butterworth</b>				
Replace Concrete under Dumpster and Shop	\$9,995.50	\$16,193.93	\$14,100.00	\$14,000.00
<b>Total</b>	\$421,303.50	\$364,166.63	<b>\$329,112.00</b>	\$426,600.00

TO: Members of the Board of Education  
FROM: Dave McDermott, Chief Financial Officer *DM*  
DATE: March 23, 2023  
SUBJECT: Approval of Fees for the 2023-2024 School Year and Summer 2024

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

Action Necessary: Board of Education approval is required.


Facts: Attached are the recommended fee schedules for the 2023-2024 school year and summer 2024. Administration reviews all fees to determine the equitable balance between setting adequate fees in order to generate the necessary revenues to support school activities, while still being cognizant of the parents who pay those fees. For specific program fees, the goal is to charge fees which generate enough revenue to support those expenditures outside the instructional cost (e.g., athletics fees support referees, announcers, score keepers, ticket takers, etc.).

Meal fees generate the largest revenues of the various fees. Based on careful analysis, the majority of the fees recommended are the same as the 2022-2023 school year. The only exception are increases in the food program fees based on a mandated calculation for minimum meal fees imposed by the National Food Nutrition regulations. Therefore, based on this mandate, Type A meals increased by 10¢ for both breakfast and lunch for students. Based on projections, it is estimated the food service program will more than break even next school year.

Cost: None.

Recommended Action: That the Board of Education approve the recommendation of the administration for fees for the 2023-2024 school year and for summer 2024.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## 2023-2024 School Year Regular Term Fee Schedule

	2020-21	2021-22	2022-23	2023-24	2023-24	School District Comparisons (2021-2022 School Year Rates)							
					\$ Change	RI	UTHS	EM	Geneseo	Galesburg	Sterling	Quincy	Belvidere
<b>Book Rental (Registration)</b>													
Pre-Kindergarten	\$52.00	\$52.00	\$52.00	\$52.00	\$0.00	\$40.00	n/a	\$0.00	\$0.00	ECBG	\$0.00	\$0.00	\$135.00
Elementary (K-5)	\$79.00	\$79.00	\$79.00	\$79.00	\$0.00	\$55.00	n/a	\$0.00	\$123.00	\$0.00	\$90.00	\$60.00	\$135.00
Middle School (6-8)	\$90.00	\$90.00	\$90.00	\$90.00	\$0.00	\$55.00	n/a	\$0.00	\$123.00	\$0.00	\$150.00	\$80.00	\$160.00
High School (9-12) <sup>(3)</sup>	\$105.00	\$105.00	\$105.00	\$105.00	\$0.00	\$70.00	n/a	n/a	\$135.00	\$0.00	\$250.00	\$80.00	\$185.00
<b>Other Fees</b>													
Maximum Voluntary Elementary Field Trip	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00	-	n/a	-	\$0.00	-	-	-	-
Middle School Athletic/Activity Participation	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	\$35.00	-	\$0.00	\$30.00	\$0.00	\$40/\$50	\$0.00	\$40.00
Technology Device Maintenance	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40/\$50	\$0.00	\$15.00
Moline High School Planner	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	n/a	n/a	n/a	n/a	\$0.00	-
MHS P.E. Shirt (no shorts req.)	\$15.00	\$5.00	\$5.00	\$5.00	\$0.00	-	\$8.00	n/a	\$0.00	n/a	\$22.00	\$10.00	-
Drivers Education (Excluding \$20 State Permit Fee)	\$100.00	\$100.00	\$100.00	\$100.00	\$0.00	\$100.00	\$100.00	n/a	\$150.00	\$250.00	\$250.00	\$250.00	\$275.00
MHS Athletic Participation <sup>(4)</sup>	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$45.00	\$50.00	n/a	\$35.00	\$0.00	\$80.00	\$0.00	\$75.00
MHS Parking Student	\$20.00	\$20.00	\$20.00	\$20.00	\$0.00	\$10.00	\$25.00	n/a	\$35.00	\$25.00	\$0.00	\$30.00	\$0.00
NSF/Return Check Charge/Late Payment	\$25.00	\$25.00	\$25.00	\$25.00	\$0.00	Bank \$	\$25.00	n/a	\$0.00	\$20.00	\$0.00	\$0.00	\$25.00
Parking Violation Fines <sup>(1)</sup>													
MHS	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	-	-	-	\$0.00	-	-	-	-
Handicapped Space Violation	\$350.00	\$350.00	\$350.00	\$350.00	\$0.00	-	-	-	-	-	-	-	-
MHS Plays/Musicals Admission													
Adults	\$8.00	\$8.00	\$8.00	\$8.00	\$0.00	\$5.00	\$5.00	n/a	\$5.00	\$12.00	\$8.00	\$20/\$10	\$4.00
Students	\$6.00	\$6.00	\$6.00	\$6.00	\$0.00	\$3.00	\$3.00	n/a	\$5.00	\$8.00	\$5.00	\$15/\$7	\$2.00
Instrument Rental													
Annual	\$100.00	\$100.00	\$100.00	\$100.00	\$0.00	\$80.00	\$75.00	\$150.00	\$50.00	\$100.00	\$60.00	\$35-\$125	n/a
2nd Instrument Rental (6th & 7th)	\$50.00	\$50.00	\$50.00	\$50.00	\$0.00	n/a	n/a	\$0.00	n/a	n/a	n/a	n/a	n/a
2nd Instrument Rental (8th - 12th)	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00	n/a	n/a	\$0.00	n/a	n/a	n/a	n/a	n/a
Percussion	\$50.00	\$50.00	\$50.00	\$50.00	\$0.00	\$50.00	\$50.00	\$100.00	\$100.00	\$100.00	\$60.00	\$50-\$75	n/a

**Notes:**

- (1) Parking violation fines are as charged and collected by city of Moline Police Department.
- (2) Starting 2011-12 school year, the HS fees were eliminated by increased HS registration fee by \$10 to \$80
- (3) The HS Administration allocates the \$10 extra through building program at their discretion.
- (4) After the 2010-11 school year, the High School Book Rental were increased to include those extra charges for certain electives that are more expensive (i.e., welding, foods, art, etc.). Therefore, the High School Class fees ranging from \$3 to \$10 were eliminated.
- (5) RI \$30 per sport to max of \$180 per family; Galesburg \$30 per sport with no cap; and Quincy encourages fund raising.
- (6) If the Middle School Book Rental fees + Activity Passes added together, RI \$90, MCVSD \$100, EM \$0, Galesburg \$0, Sterling \$95 and Quincy \$80.

**Notes on Comparisons:**

- (1) Belvidere charges higher registration rate instead of adding activity fees
- (2) Bolded text represent price increases from prior year.

## 2023-2024 School Year Meal Prices Fee Schedule

Meal Types	Proposed 2023-24				School District Comparisons (2021-22 School Year Rates)							
	2020-21	2021-22	2022-23	2023-24 \$ Change	RI	UTHS	EM	Geneseo	Gatesburg	Quincy	Sterling	Belvidere
Type A Breakfast	\$1.65	\$1.65	\$1.75	\$1.85	\$0.10	(1)	(1)	\$2.00	(1)	\$1.25	(1)	\$1.95
Type A Breakfast (Reduced)	\$0.30	\$0.30	\$0.30	\$0.30	\$0.00	(1)	(1)	\$0.30	(1)	\$0.30	(1)	\$0.30
Type A Lunch Elementary (K-5)	\$2.20	\$2.20	\$2.30	\$2.40	\$0.10	(1)	(1)	\$2.80	(1)	\$2.75	(1)	\$2.60
Type A Lunch Sec. (Incl. Salad Bar) (6-12)	\$2.40	\$2.40	\$2.50	\$2.60	\$0.10	(1)	(1)	\$3.00	(1)	\$3.00	(1)	\$3.00
Type A Lunch (Reduced)	\$0.40	\$0.40	\$0.40	\$0.40	\$0.00	(1)	(1)	\$0.40	(1)	\$0.40	(1)	\$0.40
<b>ALA CARTE</b>												
<b>BEVERAGES</b>												
Milk ½ Pt. White	\$0.40	\$0.40	\$0.45	\$0.45	\$0.00	\$0.40	\$0.50	\$0.50	\$0.30	\$0.35	\$0.35	\$0.55
Milk ½ Pt. Chocolate	\$0.40	\$0.40	\$0.45	\$0.50	\$0.05	\$0.40	\$0.50	\$0.45	\$0.30	\$0.35	\$0.35	\$0.55
Water, 20 oz.	\$1.00	\$1.00	\$1.00	\$1.25	\$0.25		\$1.50	\$1.50	n/a	\$1.00		
Water - Vita Ice, 20 oz.	\$1.25	\$1.25	\$1.25	\$1.25	\$0.00		\$1.50	\$1.50	n/a	\$1.25		
Juice	\$1.25	\$1.25	\$1.25	\$1.25	\$0.00		\$1.50	\$1.50	n/a			
G2 Sports Drink	\$1.00	\$1.00	\$1.00	\$1.25	\$0.25		\$1.50	\$1.50	n/a			
<b>MISCELLANEOUS</b>												
All (2nd meal without milk)	\$2.00	\$2.00	\$2.00	\$2.00	\$0.00							
Baked Chips	\$0.95	\$0.95	\$0.95	\$0.95	\$0.00							
Cookie	\$0.60	\$0.60	\$0.60	\$0.60	\$0.00							
French Fries	\$0.60	\$0.60	\$0.60	\$0.60	\$0.00							
Frozen Yogurt	\$2.25	\$2.25	\$2.25	\$2.25	\$0.00							
Fruit - Apples & Oranges	\$0.50	\$0.50	\$0.50	\$0.50	\$0.00							
Small Salad	\$0.50	\$0.50	\$0.50	\$0.50	\$0.00							
<b>ADULT*</b>												
Special Ordered Salads	\$3.05	\$3.05	\$3.50	\$3.75	\$0.25							
Special Ordered Sandwiches	\$3.30	\$3.30	\$3.50	\$3.75	\$0.25							
Type A - All Grades	\$3.10	\$3.10	\$3.50	\$3.75	\$0.25	\$4.00	\$3.70	\$5.00	\$4.00	\$3.40	\$3.50	\$3.25
Type A - All Grades with Milk	\$3.45	\$3.45	\$3.95	\$4.20	\$0.25	\$4.00	\$3.70	\$5.00	\$4.75	\$3.40	\$3.50	\$3.25

\* ISBE regulation determines Adult price minimums: Highest Type A Meal price + Reimbursement Rate for Paid + PAL-Planned Assistance Level.

(1) RI & EM schools are part of the Community Eligibility Program (All Free). Gatesburg went All Free 2020-2021

(2) Bolded text represent those price increases from prior year.

(3) For FY21 and FY22, USDA provided waivers for Type A meals to students. However, BOE set fees for Ala Carte items, second meals and Adult meals.

## 2023-2024 School Year Athletic Tickets Fee Schedule

	2020-21				2021-22		2022-23		Proposed 2023-24		2023-24 \$ Change		High School District Comparisons (2021-22 School Year Rates)					
	2020-21	2021-22	2022-23	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	RI	UTHS	EM	Geneseo	Galesburg	Quincy	Sterling	Belvidere
<b>Athletic Passes (Tickets)</b>																		
<i>Good for all athletic events except IHSA and reserved areas</i>																		
Adult	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45.00	other	n/a	\$50.00	\$100.00	\$70.00	\$50.00	\$25.00	
Students	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15.00	\$20.00	n/a	\$35.00	\$15.00	\$20.00	\$40.00	n/a	
Senior Citizens	Free	Free	Free	Free	Free	n/a	n/a	n/a	n/a	\$45.00	n/a	n/a	\$40.00	Free*	n/a	n/a	n/a	
<b>Single Game Tickets</b>																		
<b>Football &amp; Basketball</b>																		
Adult General	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5.00	\$5.00	n/a	\$5.00	\$5.00	\$6.00	\$5.00	\$5.00	
Adult Reserved	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	n/a	-	-	\$50.00	\$50.00	n/a	
Senior Citizen (In District Pass)	Free	Free	Free	Free	Free	Free	Free	Free	Free	-	\$4.00	n/a	\$40.00	\$0.00	\$0.00	\$0.00	n/a	
Senior Citizen (Non District)	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	\$4.00	n/a	\$3.00	\$3.00	\$6.00	\$3.00	\$5.00	
Student General	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	\$4.00	n/a	\$3.00	\$3.00	\$5.00	\$3.00	Free	
<b>All Other Sports</b>																		
Adult General	\$4.00	\$4.00	\$4.00	\$4.00	\$4.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5.00	\$4.00	n/a	\$5.00	\$5.00	\$6.00	\$5.00	\$5.00	
Adult Reserved	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	n/a	-	-	\$25.00	\$50.00	n/a	
Senior Citizen (In District Pass)	Free	Free	Free	Free	Free	Free	Free	Free	Free	-	-	n/a	n/a	\$0.00	\$0.00	\$0.00	n/a	
Senior Citizen (Non District)	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	\$3.00	n/a	\$2.00	\$3.00	\$6.00	\$3.00	\$3.00	
Student General	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	\$3.00	n/a	\$3.00	\$3.00	\$5.00	\$3.00	\$3.00	
<b>All Middle School Sports</b>																		
Adult General	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	n/a	\$2.00	\$2.00	\$4.00	\$3.00	-	\$1.00	
Senior Citizen (in District)	Free	Free	Free	Free	Free	Free	Free	Free	Free	\$3.00	n/a	\$1.00	\$2.00	\$0.00	\$2.00	-	\$0.50	
Senior Citizen (Out of District)	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	n/a	\$1.00	\$2.00	\$4.00	\$2.00	-	\$0.50	
Student General	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.00	n/a	\$1.00	\$1.00	\$3.00	\$2.00	-	\$0.00	

Notes on Comparisons:

- (1) Seniors are free except boys' basketball
- (2) UTHS - No athletic passes offered unless person is a 'Gold Level' status for Boosters.

- (1) Senior citizen is defined as any person at or over the age of 60.
- (2) A staff member is defined as any person that draws a regular paycheck from School District.
- (3) In the case of workers for contracted food service, anyone who worked the previous school year continuously for the entire school year will be entitled both a staff pass and reserved tickets at the above prices. All staff members under this definition, are entitled to purchase at a maximum of two tickets at the staff rate.

**2023-2024 School Year Lead Moline (Chromebooks) \*  
Fee Schedule**

	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>Proposed 2023-24</u>	
					<u>\$ Change</u>
AC Adapter & Power Cord	\$30.00	\$30.00	\$0.00	\$0.00	\$0.00
Battery	\$35.00	\$35.00	\$40.00	\$40.00	\$0.00
Bottom Case	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Camera	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Display Bezel	\$5.00	\$5.00	\$0.00	\$0.00	\$0.00
Enclosure	\$5.00	\$5.00	\$0.00	\$0.00	\$0.00
General Labor, per event	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Heat Sync	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00
Keyboard	\$15.00	\$15.00	\$0.00	\$0.00	\$0.00
Power Supply	\$45.00	\$45.00	\$45.00	\$45.00	\$0.00
Protective Case	\$18.00	\$18.00	\$0.00	\$0.00	\$0.00
Replacement of Device	\$200.00	\$200.00	\$200.00	\$200.00	\$0.00
Screen	\$30.00	\$30.00	\$30.00	\$30.00	\$0.00
Speaker	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
System Board	\$180.00	\$180.00	\$180.00	\$180.00	\$0.00
Trackpad	\$25.00	\$25.00	\$25.00	\$25.00	\$0.00
Upper Case	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00
Used Full Replacement	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00
Used Power Supply	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00
Used Protective Case	\$5.00	\$5.00	\$0.00	\$0.00	\$0.00
Used Screen	\$20.00	\$20.00	\$20.00	\$20.00	\$0.00
Used System Board	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Abuse/Neglect Damage Instance #1	\$25.00	\$25.00	\$25.00	\$25.00	\$0.00
Abuse/Neglect Damage Instance #2	\$50.00	\$50.00	\$50.00	\$50.00	\$0.00
Abuse/Neglect Damage Instance #3	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00
Abuse/Neglect Damage Instance #4	\$100.00	\$100.00	\$100.00	\$100.00	\$0.00

\* LEAD Moline is the 1:1 Chromebook program piloted with 9th graders in 2015-16 school year. Thereafter, annual implementation is for all 5th and 9th graders to receive a Chromebook. For the 2018-19 school year, all 5-7th and 9th -12th graders will have received 1:1 devices. Due to the COVID Pandemic, late in 2019-20 school year, all students received a Chromebook, with Grades 2-12 are allowed to take them home.

**2024 Summer School  
Fee Schedule for Optional & Non-Required Programs**

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>Proposed 2024</u>	<u>\$ Change</u>
<b>High School Regular Elective Programs</b>						
<u>Course Time</u>						
6 week/1 hour/day	\$62.50	\$62.50	\$62.50	\$62.50	\$62.50	\$0.00
6 week/1-1/2 hours/day	\$93.75	\$93.75	\$93.75	\$93.75	\$93.75	\$0.00
6 week/2 hours/day	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$0.00
Drivers Education	\$225.00	\$225.00	\$225.00	\$225.00	\$225.00	\$0.00
<b>Special Education Programs (Per Session)</b>						
<u>Course Time</u>						
Speech - each 1/2 hour session	\$12.50	\$12.50	\$12.50	\$12.50	\$12.50	\$0.00
4 Week High-Incidence - 2 hours/day	\$144.00	\$144.00	\$144.00	\$144.00	\$144.00	\$0.00

All out-of-District students will have an additional \$15.00 per course fee, based on space availability.


\* Summer camps are conducted by coaches of girls volleyball, boys/girls tennis, boys/girls soccer, boys/girls basketball, baseball, and football with the fee established by each coach (and approved by the Athletic Director) who pays expenses including reimbursement to the district for participant insurance and any expense incurred by the district as a result of such camps.

## 7. Approval of Memorandum of Understanding

37

*Recommended Motion:* that the Board of Education approve the Blackhawk College Work-Based Intermediary Center Memorandum of Understanding (MOU) and the associated cost of \$48,000 for the 2023-2024 school year. **See Attachment No. 12.**

**TO:** Members of the Board of Education

**FROM:** Dr. Matt DeBaene, Assistant Superintendent for Secondary Teaching and Learning 

**DATE:** March 23, 2023

**SUBJECT:** Memorandum of Understanding Between Black Hawk College Intermediary Center and Moline-Coal Valley School District 40

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

**Action Necessary:** Approval of the MOU with Black Hawk College to engage in the Intermediary Center.

**Facts:** Two years ago, the Moline Foundation along with Black Hawk College, Moline-Coal Valley Schools, Rock Island Schools, and United Township High School engaged in discussions on how to create a regional Intermediary Center to help connect students to careers in a variety of ways. Through the support of The Moline Foundation and Black Hawk College, the regional Illinois Quad City schools listed above were able to utilize the services of an Intermediary Center to connect students to careers through work-based career exploration and career development plans and activities. This Work-Based Learning (WBL) includes Classroom/Virtual Speakers, Job Shadowing, Projects in the Classroom, Externships, Internships, Apprenticeships, etc.

More specifically, the purpose of the Intermediary Center helps prepare our middle and high students for the workforce by connecting businesses and educators by offering relevant Work-Based Learning activities to students and teachers. The continued program engagement through this MOU program will:

- Better prepare students to make informed postsecondary education and career decisions.
- Provide communication and coordination in order to build and sustain relationships between employers and local youth, the various education systems, and the community-at-large.
- Provide a one-stop contact point in Rock Island County for information useful to both educators and employers, including information on internships, job shadowing experiences, and other workplace learning opportunities for students, particularly related to work in targeted industries in the Quad Cities.
- Integrate services with other career exploration-related activities such as the student individual plan and Xello.
- Develop work-based capacity with employers.
- Follow-up after activities to gather information about the impact of a WBL experience.
- Gather data about the services provided related to race and ethnicity.
- Track activities for each school.

The Moline Foundation sought and received funds to support the center. The remaining cost is split between the districts based on enrollment.

Cost: The overall cost to the Moline-Coal Valley School District to participate in the Intermediary Center is \$48,000 for the 2023-2024 school year.

Recommended Motion: That the Board of Education approve the Black Hawk College Work-Based Intermediary Center Memorandum of Understanding (MOU) and the associated cost of \$48,000 for the 2023-2024 school year.

Approved for Submission to the Board of Education

A handwritten signature in black ink, appearing to read "R. Savage", written over a horizontal line.

Dr. Rachel Savage  
Superintendent of Schools

**MEMORANDUM OF UNDERSTANDING**

Between Moline-Coal Valley School District and Black Hawk College Intermediary Center

I, representing Black Hawk College Intermediary Center (BHC IC) agree to:

- **PROVIDE** high quality, age-appropriate, relevant, work-based learning Career Exploration activities for the District's 7-12 grade students
- **OFFER** high school student services based on school population for establishing equity of support for the District
- **COLLABORATE** with the District /School as it develops a Career Development Plan
- **COORDINATE** regional meetings with identified school staff
- **ASSIST** the District in fulfilling its non-delegable duty to provide an educational environment free of unlawful discrimination
- **PROVIDE** a report of services rendered annually to the District

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Black Hawk College Intermediary Center Representative

Date

I, representing the District in regard to Career Development Planning, agree to:

- **IDENTIFY** BHC IC as the designated, single point of contact for work-based learning for student and teacher exploration and experience of career and workforce issues
- **ALLOW** access to the school community via website and school publications for BHC IC/District activities
- **PROVIDE** awareness of the elective, academic internship and/or practicum through the school's Program of Studies and award appropriate school credit for participation
- **ASSIST** BHC IC in its role to help ensure an educational environment free of discrimination, including in the provision of necessary information to facilitate that role or communication with third-party providers

**At the Building level, with the Principal and Administrative Team:**

- **ENSURE** access to and equity of student and staff participation in Career Exploration experiences
- **PROVIDE** baseline data for current Work-Based Learning [WBL] Activities
- **OFFER** an appropriate contact(s) for BHC IC within the district or school building(s)
- **ALLOW** access to school's Xello account and/or any other career exploration software used
- **PROMOTE** flexibility in school scheduling to accommodate Career Development activities

**At the school contact level, in partnership with BHC IC School Liaison:**

- **PROVIDE** student preparation & follow-up for Career Development activities
- **ADHERE** to the activity request and scheduling dates/deadlines and to participation compliance policies

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Moline-Coal Valley School District Representative

Date

The Moline-Coal Valley School District agrees to pay \$47,295 (\$15.00 per student at 3153 students) for the 2023-2024 school year, for services as outlined on "Black Hawk College Intermediary Center Expectations". Payment will be made to Black Hawk College by August 15 before each school year begins.

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Moline- Coal Valley School District Representative

Date

**8.Approval of Renewal of Illinois High School Association Membership**

42

*Recommended Motion:* that the Board of Education approve the renewal of the Illinois High School Association membership for the 2023-2024 school year at no cost. **See Attachment No. 13.**



ILLINOIS HIGH SCHOOL ASSOCIATION



The IHSA governs the equitable participation in interscholastic athletics and activities that enrich the educational experience.

March 2023

To the Principal/IHSA Official Representative Addressed:

It is time again for your school to renew its membership in the Illinois High School Association. For the 2023-2024 school term, IHSA membership will not require payment for membership dues or state series entry fees per action of the IHSA Board of Directors.

Your school may renew membership in the Illinois High School Association by confirming that your school continues to be Recognized by the Illinois State Board of Education and by certifying that your Board of Education/Governing Board has voted to adopt and abide by the Constitution, By-laws, Terms and Conditions, and Administrative Procedures, Guidelines, and Policies of the Association for the 2023-24 school term.

Your 2023-24 membership renewal is due by June 30, 2023. Please do not delay. Obtain your Board of Education's action on the membership resolution and email it to [general@ihsa.org](mailto:general@ihsa.org) or fax (309) 663-7479.

Sincerely,

Craig Anderson  
Executive Director

THIS FORM MUST BE SIGNED BELOW, ON THE APPROPRIATE LINE, BY THE PRINCIPAL OR OFFICIAL REPRESENTATIVE AND THE BOARD PRESIDENT OR SECRETARY.  
**DO NOT DETACH**

To: IHSA Executive Director

We certify that Moline High School High School is recognized by the Illinois State Board of Education. It is understood that failure to be recognized by the Illinois State Board of Education will disqualify our school for membership in the IHSA and that if this were to occur; it is our responsibility to immediately notify the Association of this change in status.

We further certify our Board of Education/Governing Board, at its meeting held on MARCH 27<sup>th</sup>, 2023, voted to renew membership in the Illinois High School Association, and to adopt and abide by the Constitution, By-laws, Terms and Conditions, and Administrative Procedures, Guidelines and Policies of the Illinois High School Association for the year of July 1, 2023, through June 30, 2024.

\_\_\_\_\_  
Principal/Official Representative Signature

\_\_\_\_\_  
Board President or Board Secretary Signature

TODD THOMPSON 309-743-8831  
\_\_\_\_\_  
Print Name and Phone Number

\_\_\_\_\_  
Print Name and Phone Number

MOLINE High School MOLINE, Illinois

2023-24 Membership Renewal


**PLAY SMART. PLAY HARD.**

**9. First Reading of Revised Board of Education Policy 2:110, Qualifications, Terms, and Duties of Board Officers**

44

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education policy 2:110, Qualifications, Terms, and Duties of Board Officers, as presented. **See Attachment No. 14.**

TO: Members of the Board of Education

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

DATE: March 23, 2023

SUBJECT: Approve Updated Board Policy 2:110, Qualifications, Terms and Duties of Board Officers

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

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

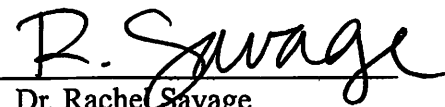
Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 2:110, Qualifications, Terms and Duties of Board Officers, which was included as part of the March, 2023 PRESS update review. Policy 2:110 is updated in response to Public Act 102-702, requiring a sexual misconduct related employment history review to be initiated prior to hiring an applicant who will have direct contact with children. Other continuous improvements and Legal References and footnotes are updated as well.

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

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education policy 2:110, Qualifications, Terms and Duties of Board Officers, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## School Board

### Qualifications, Term, and Duties of Board Officers <sup>1</sup>

The School Board officers are: President, Vice President, Secretary, and Treasurer.<sup>2</sup> These officers are elected or appointed by the Board at its organizational meeting.

#### President <sup>3</sup>

The Board elects a President from its members for a two-year term. The duties of the President are to:

1. Preside at all meetings;
2. Focus the Board meeting agendas on appropriate content;
3. Make all Board committee appointments, unless specifically stated otherwise; <sup>4</sup>
4. Attend and observe any Board committee meeting at his or her discretion; <sup>5</sup>
5. Represent the Board on other boards or agencies;
6. Sign official District documents requiring the President's signature, including Board minutes and Certificate of Tax Levy;
7. Call special meetings of the Board;
8. Serve as the head of the public body for purposes of the Open Meetings Act and Freedom of Information Act; <sup>6</sup>

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<sup>1</sup> State law controls this policy's content. Selection of officers must be in open session. 5 ILCS 120/2. Board officer vacancies are discussed in *Answers to FAQs: Vacancies on the Board of Education*, Ill. Council of School Attorneys, [www.iasb.com/law/vacancies.cfm](http://www.iasb.com/law/vacancies.cfm).

<sup>2</sup> Districts governed by a board of directors have three officers: a president, clerk, and treasurer. The president and clerk must be board members. 105 ILCS 5/10-5. While there is no prohibition on a board member simultaneously serving in two officer positions, doing so may create either the appearance of impropriety or a compliance issue for purposes of fraud protocols. Consult the board attorney for further guidance and/or request that the board member consult his or her own attorney.

<sup>3</sup> 105 ILCS 5/10-13. The board by resolution may decrease to one year the term of office for the president. Of the listed duties, only the following are imposed by law: #1, preside at meetings (*Id.*); #6, sign minutes (105 ILCS 5/10-7) and sign certificate of tax levy (105 ILCS 5/17-11); #7, call special meetings (105 ILCS 5/10-16); and #8, serve as *head of the public body* for Open Meetings Act (OMA) and Freedom of Information Act (FOIA) purposes (5 ILCS 120/7e (2) and 140/2(e)).

<sup>4</sup> Alternatively, strike the "unless" clause and substitute: "subject to Board approval." Be sure this treatment is consistent with policy 2:150, *Committees*.

<sup>5</sup> Optional. A board that wants the president to participate in committee meetings may use the following alternative: "Be a member of all Board committees." Using this alternative, the president would be counted to determine the number of members that constitutes a quorum for each board committee meeting. If a board would like the superintendent to attend any or all meetings of a board committee, it should consider asking the superintendent to be a committee resource person (or other such title) rather than an ex-officio member of the board committee itself. That way, the superintendent will not count to determine the number of committee members that constitutes a quorum.

<sup>6</sup> The *head of the public body* or its attorney may request an advisory opinion from the Ill. Attorney General Public Access Counselor (PAC) concerning compliance with OMA or FOIA. 5 ILCS 120/3.5(h) and 5 ILCS 140/9.5(h). FOIA defines *head of the public body* to mean *president* or "such person's duly authorized designee." 5 ILCS 140/2(e). Preliminary drafts, recommendations, and other records in which opinions are expressed, or policies are formulated, lose this exemption from disclosure if a relevant portion of a requested record is publicly cited and identified by the *head of the public body*. 5 ILCS 140/7(1)(f).

9. Ensure that a quorum of the Board is physically present at all Board meetings, except as otherwise provided by the Open Meetings Act;<sup>7</sup>
10. Administer the oath of office to new Board members;<sup>8</sup>
11. Serve as or appoint the Board's official spokesperson to the media;
12. Except when the Board President is the subject of a complaint of sexual harassment, a witness, or otherwise conflicted, appoint a qualified outside investigator to conduct an independent review of allegations of sexual harassment made against a Board member by another Board member or elected official; and<sup>9</sup>
13. Ensure that all the fingerprint-based criminal history records information checks, and/or screenings, and sexual misconduct related employment history reviews (EHRs) required by State law and policy 5:30, *Hiring Process and Criteria*, are completed for the Superintendent.<sup>10</sup>

The President is permitted to participate in all Board meetings in a manner equal to all other Board members, including the ability to make and second motions.

The Vice President fills a vacancy in the Presidency.<sup>11</sup>

#### Vice President<sup>12</sup>

The Board elects a Vice President from its members for a two-year term. The Vice President performs the duties of the President if:

1. The office of President is vacant;
2. The President is absent; or
3. The President is unable to perform the office's duties.

A vacancy in the Vice Presidency is filled by a special Board election.

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<sup>7</sup> Optional. Requiring the president to monitor the presence of a quorum assists compliance with OMA's mandate that a quorum be physically present at all board meetings, except as otherwise provided by OMA. 5 ILCS 120/7, ~~amended by P.A. 101-640.~~

<sup>8</sup> Optional. Omit this duty if policy 2:80, *Board Member Oath and Conduct*, provides that the board member oath is given by other means.

<sup>9</sup> See sample policy 2:105, *Ethics and Gift Ban, Complaints of Sexual Harassment Made Against Board Members by Elected Officials* subhead. 5 ILCS 430/70-5, ~~amended by P.A. 101-221~~, requires school districts to amend their sexual harassment policies "to provide for a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit." If the board has chosen to have the Superintendent appoint an outside investigator in these cases (see 2:105, *Ethics and Gift Ban*, at f/n 12), remove item 12 from the list of board president duties and delete the Cross Reference to 2:105, *Ethics and Gift Ban*.

<sup>10</sup> See the subhead entitled Screening in sample policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, and the subheads entitled *Investigations and Sexual Misconduct Related Employment History Review* in ~~f/n 12~~ of sample policy 5:30, *Hiring Process and Criteria*.

<sup>11</sup> 105 ILCS 5/10-13.1 states that the "vice-president shall perform the duties of the president if there is a vacancy in the office of president or in case of the president's absence or inability to act ... ." However, an earlier enacted statute calls for the appointment of a *president pro tempore* if the president is absent from any meeting or refuses to perform his or her duties, and specifies that the "vice-president, if the board elects such officer, shall be appointed the president pro tempore." 105 ILCS 5/10-13. This policy resolves any confusion by implementing the latter enacted statute and stating that the vice president fills a vacancy in the presidency.

<sup>12</sup> 105 ILCS 5/10-13.1. The board by resolution may decrease to one year the term of office for the vice president.

Secretary <sup>13</sup>

The Board elects a Secretary for a two-year term. The Secretary may be, but is not required to be, a Board member. The Secretary may receive reasonable compensation as determined by the Board before appointment. However, if the Secretary is a Board member, the compensation shall not exceed \$500 per year, as fixed by the Board at least 180 days before the beginning of the term.<sup>14</sup> The duties of the Secretary are to:

1. Keep minutes for all Board meetings, and keep the verbatim record for all closed Board meetings;
2. Mail meeting notification and agenda to news media who have officially requested copies;
3. Keep records of the Board's official acts, and sign them, along with the President, before submitting them to the Treasurer at such times as the Treasurer may require;
4. Report to the Treasurer on or before July 7, annually, such information as the Treasurer is required to include in the Treasurer's report to the Regional Superintendent;
5. Act as the local election official for the District;
6. Arrange public inspection of the budget before adoption;
7. Publish required notices;
8. Sign official District documents requiring the Secretary's signature; and
9. Maintain Board policy and such other official documents as directed by the Board.

The Secretary may delegate some or all of these duties, except when State law prohibits the delegation. The Board appoints a secretary pro tempore, who may or may not be a Board member, if the Secretary is absent from any meeting or refuses to perform the duties of the office. A permanent vacancy in the office of Secretary is filled by special Board election.

Recording Secretary <sup>15</sup>

The Board may appoint a Recording Secretary who is a staff member. The Recording Secretary shall:

1. Assist the Secretary by taking the minutes for all open Board meetings;
2. Assemble Board meeting material and provide it, along with prior meeting minutes, to Board members before the next meeting; and
3. Perform the Secretary's duties, as assigned, except when State law prohibits the delegation.

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<sup>13</sup> 105 ILCS 5/10-14. The board by resolution may decrease to one year the term of office for the secretary. In districts governed by a board of directors, a clerk who is a board member performs these duties. 105 ILCS 5/10-5. The policy's provisions regarding compensation are required by 105 ILCS 5/10-14 (governs secretaries who are board members and non-board members) and by 50 ILCS 145/2 (governs secretaries who are board members).

Of the listed duties, only the following are imposed by law: #1, board meeting minutes (105 ILCS 5/10-7; see sample policy 2:220, *School Board Meeting Procedure*, for the requirements for minutes); #3, records board's official acts and submits them to the treasurer (105 ILCS 5/10-7); #4, treasurer's report (105 ILCS 5/10-8); #5, local election official (see f/ns 2 and 7 of policy 2:30, *School District Elections*); #6, public inspection of the budget (105 ILCS 5/17-1).

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" in item #4 with "appropriate Intermediate Service Center Executive Director."

<sup>14</sup> 105 ILCS 5/10-14 and 50 ILCS 145/2.

<sup>15</sup> This section is optional.

In addition, the Recording Secretary or Superintendent receives notification from Board members who desire to attend a Board meeting by video or audio means. <sup>16</sup>

#### Treasurer <sup>17</sup>

The Treasurer of the Board shall be either a member of the Board who serves a one-year term or a non-Board member who serves at the Board's pleasure.<sup>18</sup> A Treasurer who is a Board member may not be compensated.<sup>19</sup> A Treasurer who is not a Board member may be compensated provided it is established before the appointment.<sup>20</sup> The Treasurer must: <sup>21</sup>

1. Be at least 21 years old;
2. Not be a member of the County Board of School Trustees; and
3. Have a financial background or related experience, or 12 credit hours of college-level accounting.

The Treasurer shall: <sup>22</sup>

1. Furnish a bond, which shall be approved by a majority of the full Board;
2. Maintain custody of school funds;
3. Maintain records of school funds and balances;

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<sup>16</sup> To allow attendance by video or audio means, a board must adopt policy language conforming to the restrictions in OMA. 5 ILCS 120/2.01 and 120/7, both amended by P.A. 101-640. See subhead **Quorum and Participation by Audio or Video Means** in policy 2:220, *School Board Meeting Procedure*, and its fn 31.

<sup>17</sup> This section is for: (1) districts in a Class I county (all counties except Cook Co.), or (2) a Class II county (Cook Co.) district that has withdrawn from the authority of the township treasurer or is located in a township in which the office of township treasurer was abolished. 105 ILCS 5/5-1 defines Class I county school units as districts in counties with less than 2,000,000 inhabitants. Those districts in Cook County (Class II county) under the authority of the trustees of schools of the township and the township treasurers should use this alternative: "Qualifications, appointment, and duties of the Treasurer for the School District shall be as provided in the School Code." See 105 ILCS 5/8-1(a) for how the township treasurer is appointed and the term of office; duties are found in 105 ILCS 5/8-2, 5/8-5, 5/8-6, 5/8-7, 5/8-16, and 5/8-17. For districts in a Class II county, in the Legal References insert "5/8-5" before "5/8-6" and insert "5/8-7" after "5/8-6."

<sup>18</sup> 105 ILCS 5/8-1(b). The treasurer's term of office is two years if the district is located in a Class II county (Cook Co.) that was under the jurisdiction and authority of the township treasurer and township trustees of schools at the time those offices were abolished. 105 ILCS 5/8-1(c). Those boards should use the following alternative:

The Treasurer of the Board shall serve a two-year term beginning and ending on the first day of July.

<sup>19</sup> 105 ILCS 5/8-1(b) and (c).

<sup>20</sup> 105 ILCS 5/8-3.

<sup>21</sup> Qualification #1 is required for treasurers in a Class I county or Class II county (Cook Co.) that withdrew from the authority of the township treasurer and township trustees of schools. 105 ILCS 5/8-1(b). This sample policy makes it applicable to Class II county (Cook Co.) districts that were under the authority of the township treasurer and township trustees of schools at the time those offices were abolished.

Qualification #2 is required for treasurers in a Class I county or Class II county (Cook Co.) that withdrew from the authority of the township treasurer and township trustees of schools. 105 ILCS 5/8-1(b). Districts in a Class II county (Cook Co.) that were under the authority of the township treasurer and township trustees of schools at the time those offices were abolished should replace this qualification as follows: "2. Not be the District Superintendent." 105 ILCS 5/8-1(c).

Qualification #3 is required for treasurers in a Class I county. 105 ILCS 5/8-1(d). This qualification should be replaced by the following for districts in a Class II county (Cook Co.): "Upon being appointed for his or her first term, be a certified public accountant or a certified chief school business official as defined in the School Code; experience as a township treasurer in a Class II county school before July 1, 1989 is deemed equivalent." 105 ILCS 5/8-1(e).

<sup>22</sup> 105 ILCS 5/8-2, 5/8-6, 5/8-7, and 5/8-16.

4. Prepare a monthly reconciliation report for the Superintendent and Board; and
5. Receive, hold, and expend District funds only upon the order of the Board.

A vacancy in the Treasurer's office is filled by Board appointment.

**LEGAL REF.:** 105 ILCS 5/8-1, 5/8-2, 5/8-3, 5/8-6, 5/8-16, 5/8-17, 5/10-1, 5/10-5, 5/10-7, 5/10-8, 5/10-13, 5/10-13.1, 5/10-14, 5/10-16.5, 5/10-21.9, 5/17-1, 5/21B-85, and 5/22-94.  
5 ILCS 120/7, Open Meetings Act.  
5 ILCS 420/4A-106, Ill. Governmental Ethics Act.

**CROSS REF.:** 2:80 (Board Member Oath and Conduct)  
2:105 (Ethics and Gift Ban)  
2:150 (Committees)  
2:210 (Organizational School Board Meeting)  
2:220 (School Board Meeting Procedure)  
5:30 (Hiring Process and Criteria)

**ADOPTED:** November 9, 1999

**PRESS REVISED:** April 2008, February 2014, October 2019, November 2021, March 2023


**BOE REVIEWED:** September 2015, November 2019, January 2022

**10. First Reading of Revised Board of Education Policies 3:40, Superintendent, and 8:20, Community Use of School Facilities**

51

*Recommended Motion:* that the Board of Education accept for first reading revised Board of Education Policy 3:40, Superintendent, and Policy 8:20, Community Use of School Facilities, as presented. **See Attachment No. 15.**

TO: Members of the Board of Education

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

DATE: March 23, 2023

SUBJECT: Approve Updated Board Policy for 3:40, Superintendent and 8:20, Community Use of School Facilities

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

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


Facts: In the continuing quest to update the District's Board Policies, attached is Policy 3:40, Superintendent, and Policy 8:20, Community Use of School Facilities, which were included as part of the March, 2023 PRESS update review. Recall, the underlined text represents suggested new additions; whereas, the ~~striketrough~~ text represents suggested deletions.

- Policy 3:40 contains a minor stylistic change and a change to one footnote.
- Policy 8:20 is unchanged and contains updated Legal References, Cross References and footnotes in response to a five year review.

Cost: None.

Recommended Action: That the Board of Education accept for first reading revised Board of Education Policy 3:40, Superintendent, and Policy 8:20, Community Use of School Facilities, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## General School Administration

### Superintendent<sup>1</sup>

#### Duties and Authority

The Superintendent is the District's executive officer and is responsible for the administration and management of the District schools in accordance with School Board policies and directives, and State and federal law. District management duties include, without limitation, preparing, submitting, publishing, and posting reports and notifications as required by State and federal law,<sup>2</sup> including the special reporting responsibilities in policy 5:90, *Abused and Neglected Child Reporting*.<sup>3</sup> The Superintendent is authorized to develop administrative procedures and take other action as needed to implement Board policy and otherwise fulfill his or her responsibilities. The Superintendent may delegate to other District staff members the exercise of any powers and the discharge of any duties imposed upon the Superintendent by Board policies or by Board vote. The delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action that was delegated.<sup>4</sup>

#### Qualifications

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must have and maintain a

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<sup>1</sup> State law controls this policy's content. Unless the district has only one school with fewer than four teachers, the board must employ a superintendent or a chief executive officer as allowed under specific circumstances. 105 ILCS 5/10-21.4. This statute assigns some specific duties to the superintendent including to: (1) make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of teachers and all other employees, the selection of textbooks, instructional material, and courses of study; (2) report to the board, Ill. State Board of Education (ISBE), and chief administrative official any employee named in an abused child report; and (3) keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him/her. 105 ILCS 5/10-16.7 requires boards to direct, through policy, the superintendent, in his or her charge of the district's administration.

ISBE is required, subject to an annual appropriation by the General Assembly, to establish a new superintendent mentoring program. With limited exceptions, any individual serving as a first-time superintendent in Illinois must participate in the mentoring program for two school years. 105 ILCS 5/2-3.53b. The ISBE-selected provider will assign a mentor to a new superintendent based on similarity of grade level or type of district, learning needs, and geographical proximity. The mentor must not be required to evaluate the new superintendent on the basis of the mentoring relationship.

<sup>2</sup> See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, for an annotated list of documents and reports that must be posted on the district's website, if the district has a website. While not comprehensive, see the IASB's *Annual School Calendar* for the required reports that do not need web-posting, available on the IASB website at: [www.iasb.com/policy-services-and-school-law/illinois-laws-affecting-schools/annual-school-calendar/](http://www.iasb.com/policy-services-and-school-law/illinois-laws-affecting-schools/annual-school-calendar/). [www.iasb.com/pdf/schoolcal.pdf](http://www.iasb.com/pdf/schoolcal.pdf)

<sup>3</sup> 105 ILCS 5/10-21.9(e-5), amended by P.A.s 102-552 and 102-702. See the discussion in the *fn*s tied to the text of the *Special Superintendent Responsibilities* sample subhead in policy 5:90, *Abused and Neglected Child Reporting*.

<sup>4</sup> This paragraph strengthens the policy's connection to the IASB's *Foundational Principles of Effective Governance*. See [www.iasb.com/principles.cfm](http://www.iasb.com/principles.cfm). It allows the superintendent broad delegation authority even when a policy fails to specifically provide for delegation.

Professional Educator License with a superintendent endorsement issued by the Illinois State Educator Preparation and Licensure Board.<sup>5</sup>

### Evaluation

The Board will evaluate, at least annually, the Superintendent's performance and effectiveness, using standards and objectives developed by the Superintendent and Board that are consistent with State law, the Board's policies, and the Superintendent's contract.<sup>6</sup> A specific time should be designated for a formal evaluation session with all Board members present. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

The Superintendent shall annually present evidence of professional growth through attendance at educational conferences, in-service training, or similar continuing education pursuits.<sup>7</sup>

### Compensation and Benefits<sup>8</sup>

The Board and the Superintendent shall enter into an employment agreement that conforms to Board policy and State law. This contract shall govern the employment relationship between the Board and the Superintendent. The terms of the Superintendent's employment agreement, when in conflict with this policy, will control.

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<sup>5</sup> 105 ILCS 5/21B-20 and 5/21B-25 govern Professional Educator Licenses and superintendent endorsements. See also 23 Ill.Admin.Code §§25.355 (superintendent endorsement) and 29.100 (Ill. Professional School Leader Standards).

<sup>6</sup> 105 ILCS 5/10-16.7 requires a board to evaluate the superintendent. See *The Superintendent Evaluation Process* at: [www.iasb.com/iasb/media/documents/superintendent-evaluation-process.pdf](http://www.iasb.com/iasb/media/documents/superintendent-evaluation-process.pdf). ~~[www.iasb.com/training/superintendent\\_evaluation\\_process.pdf](http://www.iasb.com/training/superintendent_evaluation_process.pdf)~~ While greater detail may be added to this paragraph (e.g., a timeline, self-evaluation provision, and discussion requirements), a board must be sure that the policy and the superintendent's contract are consistent.

<sup>7</sup> The reporting requirements in this paragraph are optional, but school boards must "require evaluators to participate in an in-service training on the evaluation of licensed personnel provided or approved by [ISBE] prior to undertaking any evaluation and at least once during each license renewal cycle." 105 ILCS 5/24A-3.

<sup>8</sup> According to 105 ILCS 5/10-23.8, a superintendent must be employed under either: (1) a one-year contract, in which case he or she gains and retains tenure rights; or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights but does not lose any previously acquired tenure credit with the district. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators; see 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*. Residency requirements, if desired, should be included in a superintendent's employment contract.

The employment contract should be *in writing* even though the School Code does not require it to be written. Contact the board attorney for assistance. An administrator who is not working under a written contract is presumed to have a contract of one year's duration. *Bd. of Educ. of Schaumburg Cmty. Consol. Sch. Dist. No. 54 v. TRS*, 368 Ill.Dec. 341 (4th Dist. 2013)(interpreting 105 ILCS 5/10-23.8a). The Ill. Statute of Frauds may make it impossible to execute an *oral* multi-year administrator contract or to *orally* extend a multi-year written contract. 740 ILCS 80/1.

The Open Meetings Act requires all Ill. Municipal Retirement Fund (IMRF) employers, which includes school boards, to: (1) within six business days after approving a budget, web-post each employee's total compensation package if it exceeds \$75,000 per year; and (2) at least six days before approval, web-post an employee's total compensation package if it is \$150,000 or more. 5 ILCS 120/7.3. Conflicting opinions concern whether school districts must comply with these posting requirements for their employees who do not participate in IMRF. Contact the board attorney for advice.

Annually by Oct. 1, each school board must report to ISBE the base salary and benefits of the superintendent, administrators, and teachers it employs. 105 ILCS 5/10-20.47. Before this annual reporting to ISBE, the information must be presented at a regular school board meeting and then posted on the district's website, if any.

**LEGAL REF.:** 105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-21.9, 5/10-23.8, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.  
5 ILCS 120/7.3, Open Meetings Act.  
23 Ill.Admin.Code §§1.310, 1.705, and 25.355.

**CROSS REF:** 2:20 (Powers and Duties of the School Board; Indemnification)  
2:130 (Board-Superintendent Relationship)  
2:240 (Board Policy Development)  
3:10 (Goals and Objectives)  
4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors)  
4:175 (Convicted Child Sex Offender; Screening; Notifications)  
5:30 (Hiring Process and Criteria)  
5:90 (Abused and Neglected Child Reporting)  
5:120 (Employee Ethics; Conduct; and Conflict of Interest)  
5:150 (Personnel Records)  
5:210 (Resignations)  
5:290 (Employment Termination and Suspensions)

**ADOPTED:** November 9, 1999

**PRESS REVISED:** April 2007, June 2008, May 2012, May 2015, October 2016, October/November 2018, November 2021, March 2023

**BOE REVIEWED:** January 2016, January 2022

## Community Relations

### Community Use of School Facilities <sup>1</sup>

School facilities are available to community organizations during non-school hours when such use does not: (1) interfere with any school function or affect the safety of students or employees, or (2) affect the property or liability of the School District. The use of school facilities for school purposes has precedence over all other uses. The District reserves the right to cancel previously scheduled use of facilities by community organizations and other groups. The use of school facilities requires the prior approval of the Superintendent or designee and is subject to applicable procedures. <sup>2</sup>

Persons on school premises must abide by the District's conduct rules at all times. <sup>3</sup>

Student groups, school-related organizations, government agencies, and non-profit organizations are granted the use of school facilities at no costs during regularly staffed hours.<sup>4</sup> Fees and costs shall apply

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<sup>1</sup> State or federal law controls this policy's content. If a board wants to allow community organizations to use school facilities, it must adopt a policy. 105 ILCS 5/10-20.41. The policy must "prohibit such use if it interferes with any school functions or the safety of students or school personnel or affects the property or liability of the school district." This policy may be implemented using 8:20-E, *Application and Procedures for Use of School Facilities*. A board should discuss the implications of any access to school facilities policy with its attorney.

This policy concerns an area that is frequently litigated because of its many complex legal and practical issues. The U.S. Constitution's Free Speech and Equal Protection Clauses, as well as the federal Equal Access Act, are triggered. As a general rule, school officials can avoid constitutional problems and still open facilities to community groups by treating requests to use school facilities according to uniform rules that do not discriminate against a group on the basis of its viewpoint.

A board may avoid constitutional controversy over community use of its facilities by refusing to permit such use by all non-school groups (thereby creating a closed forum). A board may also avoid triggering the constitutional clauses and the Equal Access Act by allowing all non-school groups to use its facilities (thereby creating an open forum). If the board creates an open forum, it may still impose reasonable time, place, and manner restrictions on the use as long as the restrictions are the same for all groups. However, practically speaking, it is difficult for a board to either completely close its facilities to non-school groups or to open its facilities to all non-school groups. Most boards decide to create a limited open forum.

This policy creates a limited open public forum by allowing public use of school facilities provided the use is consistent with the public interest. See *Widmar v. Vincent*, 454 U.S. 263 (1981). A public school district may not discriminate on the basis of a group's purpose, message, or goal. Thus, any restrictions on the use by non-school groups must not discriminate against speech on the basis of viewpoint. *Lamb's Chapel v. Center Moriches Union Free School District*, 508 U.S. 384 (1993); *Good News Club v. Milford Central School*, 533 U.S. 98 (2001). A board must show neutrality to all viewpoints.

A board runs afoul of showing viewpoint neutrality if it prohibits single sex youth organizations, even those that discriminate against homosexuals, to use school facilities. Note the U.S. Supreme Court refused to apply the N.J.'s public accommodation law to the Boy Scouts because forcing the Scouts to accept a homosexual as a member would violate the Scout's freedom of expressive association. *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).

This constitutional jurisprudence was codified as the Boy Scouts of America Equal Access Act. 20 U.S.C. §7905. Schools are prohibited from denying equal access to school facilities to the Boy Scouts or any other youth group "for reasons based on membership or leadership criteria or oath of allegiance to God and country."

See sample policy 7:330, *Student Use of Buildings - Equal Access*, for a discussion of the Equal Access Act, 20 U.S.C. §4071 *et seq.*

<sup>2</sup> However, at the request of election officers, any publicly owned building must be made available for use as a polling place. 10 ILCS 5/11-4.1. For the day of the election, a school district is encouraged to (a) close the school, or (b) hold a teachers institute on that day with students not in attendance. 10 ILCS 5/11-4.1. Election officers must place markers 100 horizontal feet from a polling room's voter entrance and, if the 100 feet marker ends within the building's interior, the markers must be placed outside of the building at each entrance used by voters. The area within where the markers are placed is a campaign free zone where electioneering is prohibited. The area on polling place property beyond the campaign free zone is a public forum for the time that the polls are open on an election day and may be used for campaigning and to place temporary signs. 10 ILCS 5/17-29. A child sex offender is permitted to vote early or by absentee ballot when his or her polling place is a school. 10 ILCS 5/11-4.1.

<sup>3</sup> See sample policy 8:30, *Visitors to and Conduct on School Property*.

during non-regularly staffed hours and to other organizations granted use of facilities at any time.<sup>5</sup> A fee schedule and other terms of use shall be prepared by the Superintendent and be subject to annual approval by the School Board.

- LEGAL REF.: ~~Boy Scouts of America Equal Access Act~~, 20 U.S.C. §7905, Boy Scouts of America Equal Access Act,  
10 ILCS 5/11-4.19-2.2 Election Code,  
105 ILCS 5/10-20.410, 5/10-22.10, and 5/29-3.5.  
Good News Club v. Milford Central School, ~~121 S.Ct.2093~~ 533 U.S. 98 (2001).  
Lamb's Chapel v. Center Moriches Union Free School District, ~~113 S.Ct.2141~~ 508 U.S. 384 (1993).  
Rosenberger v. Rector and Visitors of Univ. of Va., 515 U.S. 819 (1995).
- CROSS REF.: 7:330 (Student Use of Building - Equal Access)  
8:25 (Distribution and Display of Community Flyers and Posters)  
8:30 (Conduct on School Property)
- ADMIN. PROC.: 8:20-AP (Community Use of School Facilities)
- ADOPTED: November 9, 1999
- PRESS REVISED: August 8, 2000; November 10, 2003; March 2007, October 2014, October 2016, March 2023
- BOE REVIEWED: October 2016

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<sup>4</sup> The decisions concerning facility-use fees are at the local board's discretion. However, the general rule applies: school officials can avoid constitutional problems by treating requests to use school facilities according to uniform rules that do not discriminate against a group on the basis of its viewpoint.

<sup>5</sup> This option adds an additional restriction: "Facilities and grounds will not be made available to individuals for personal or social reasons or to business enterprises for commercial gain."

This option recognizes that districts should require bodily injury liability insurance and property damage liability in specified amounts as recommended by the district's own insurance carrier: "All non-school sponsored groups, before using the facilities during non-regularly staffed hours, must provide a certificate of insurance naming the District as an *additional insured* or otherwise show proof of insurance."

**11. First Reading of Revised Board of Education Policy 4:60 - Purchases and Contracts**

58

*Recommended Motion:* that the Board of Education accept for first reading revised Board of Education policy for Operational Services Section 4:60, Purchases and Contracts. **See Attachment No. 16.**

TO: Members of the Board of Education  
FROM: Dave McDermott, Chief Financial Officer *DMC*  
DATE: March 23, 2023  
SUBJECT: Approve Updated Board Policy 4:60, Purchases and Contracts

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

Action Necessary: Board of Education approve is requested.


Facts: In the continuing quest to update the District's Board Policies, attached are a portion of Section 4 with suggested changes based on PRESS recommendations. Administration is requesting the Board accept updates for Section 4, Operational Services which are minor in stylistics, footnote or reference changes. Recall the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

The legal references, cross references and footnotes are updated in response to 105 ILC 5/22-94, added P.A. 102-702, requiring contractors to perform employment history review of contractor employees who will have direct contact with children or students. Therefore, based on PRESS recommendation and administration review, it is the recommendation of administration that the Board of Education accept for first reading revised Board of Education policy for Operational Services Section 4:60, Purchases and Contracts.

Cost: None.

Recommended Motion: That the Board of Education accept for first reading revised Board of Education policy for Operational Services Section 4:60, Purchases and Contracts.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Operational Services

### Purchases and Contracts <sup>1</sup>

The Superintendent shall manage the District's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable School Board policies.

#### Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with applicable federal and State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board.

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law.<sup>2</sup> No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency.<sup>3</sup>

When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable federal and State law, including but not limited to, those specified below:

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

<sup>1</sup> State law controls this policy's content. 105 ILCS 5/10-20.21, amended by P.A. ~~401-570~~ 102-1101, contains bidding plus other requirements. Other laws also govern district contracts. For example, the Prevailing Wage Act requires, among other things, that a district specify in all contracts for public works that the prevailing wage rate must be paid. 820 ILCS 130/. When a district awards work to a contractor without a public bid, contract, or project specification, the district must provide the contractor with written notice on the purchase order or a separate document indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project. In addition, the district must notify all contractors of any rate changes by the Ill. Dept. of Labor (IDOL). 820 ILCS 130/4(f a-2). The law allows a district to discharge this duty by including the following language in all contracts: "Any prevailing rate of wages as they are revised by the Ill. Dept. of Labor (IDOL) shall apply to this contract. You are notified that any rate changes to the prevailing wage rate are available on IDOL's official website." 820 ILCS 130/4(l). See 4:60-E, *Notice to Contractors*, for sample language.

<sup>2</sup> This end statement should be amended according to local board discretion.

<sup>3</sup> An optional addition follows: "Notwithstanding the above, the Superintendent shall not commit to any single, non-customary purchase or expenditure, excluding personnel, of greater than \$\_\_\_\_\_ without prior Board approval." This optional provision's intent is to provide an internal control as well as to keep the board involved when the district is making a large purchase or expenditure, e.g., copiers, computers, textbooks, or something that might not happen every year. It is intended to cover purchases/expenditures regardless of whether they were previously budgeted.

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted. <sup>4</sup>
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c. <sup>5</sup>
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21(b-5). The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget. <sup>6</sup>
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10). <sup>7</sup>
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*. <sup>8</sup>
8. Each contractor with the District is bound by each of the following:
  - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-

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

<sup>4</sup> See 4:60-API, *Purchases*, for bidding exemptions and the requirements for electronic bid opening. A board may set a lower bidding threshold by policy but should first seek its attorney's advice because such action may expand a board's vulnerability to a bidding challenge.

<sup>5</sup> Concerning collective bargaining requirements, see McLean Co. Unit Dist. 5 v. AFSCME & IELRB, 12 N.E.3d 120 (4th Dist. 2014) (good faith bargaining on the decision to subcontract requires notice of the consideration of the subcontract before it is finalized; meeting with the union to provide an opportunity to discuss and explain the decision; providing information to the union; and giving consideration to any counterproposal the union makes).

<sup>6</sup> 105 ILCS 5/10-20.21(b-5).

<sup>7</sup> 105 ILCS 5/10-20.21(b-10).

<sup>8</sup> 105 ILCS 5/10-20.19c.

80(c)<sup>9</sup> to have direct, daily contact at a District school or school-related activity with one or more student(s); (2) prohibit any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense;<sup>10</sup> and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her. <sup>11</sup>

- b. In accordance with 105 ILCS 5/22-94: (1) prohibit any of its employees from having direct contact with children or students if the contractor has not performed a sexual misconduct related employment history review (EHR) of the employee or if the District objects to the employee's assignment based on the employee's involvement in an instance of sexual misconduct as provided in 105 ILCS 5/22-94(j)(3), which the contractor is required to disclose; (2) discipline, up to and including termination or denial of employment, any employee who provides false information or willfully fails to disclose information required by the EHR; (3) maintain all records of EHRs and provide the District access to such records upon request; and (4) refrain from entering into any agreements prohibited by 105 ILCS 5/22-94(g). <sup>12</sup>

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<sup>9</sup> 105 ILCS 5/10-21.9(c); 105 ILCS 5/21B-80(c).

<sup>10</sup> Id.

<sup>11</sup> The implementation process is in 4:60-AP3, *Criminal History Records Check of Contractor Employees*. See 5:30-AP2, *Investigations*, for a list of offenses which disqualify an individual from having direct, daily contact with one or more students until seven years following the end of the individual's sentence for the criminal offense.

<sup>12</sup> 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23. See 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*. For the definition of *sexual misconduct*, see 105 ILCS 5/22-85.5(c), added by P.A. 102-676, and sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*. *Direct contact with children or students* is defined as "the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students." 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23. This standard, which triggers the EHR, appears on its face to be broader than the *direct, daily contact* standard that triggers the *complete criminal history records check* in 105 ILCS 5/10-21.9(f). See 5:30-AP2, *Investigations*, 4:60-AP3, *Criminal History Records Check of Contractor Employees*, and 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for more information. For example, a contracted night custodian who may have some passing, routine interaction with students who are on campus for afterschool events, but does not have direct, daily contact with students triggers an EHR but not necessarily a *complete criminal history records check*. It is less clear if the reverse scenario could arise where a *complete criminal history records check* under 105 ILCS 5/10-21.9(f) would be required but an EHR would not be required. For ease of administration, a district may wish to require contractors to undergo a *complete criminal history records check* whenever the obligation to conduct an EHR is triggered, and vice versa.

- c. In accordance with 105 ILCS 5/24-5: (1) concerning each new employee of a contractor that provides services to students or in schools, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease ~~if the employee will have direct, daily contact with one or more student(s);~~ and (2) require any new or existing employee who ~~has and will have direct, daily contact with one or more~~ provides services to students or in schools to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Ill. Dept. ~~artment~~ of Public Health rules or order of a local health official. <sup>13</sup>
9. ~~After 1-1-23, a~~Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act. <sup>14</sup>
10. Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award. <sup>15</sup>

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided. <sup>16</sup>

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105 ILCS 5/22-94(g), added by P.A. 102-702, eff. 7-1-23, prohibits contractors from entering any agreement that: (1) has the effect of suppressing information concerning a pending or completed investigation in which an allegation of sexual misconduct was substantiated, (2) affects the ability of the contractor to report sexual misconduct to the appropriate authorities, or (3) requires the contractor to expunge information about allegations or findings of suspected sexual misconduct, unless an allegation is found to be false, unfounded, or unsubstantiated following an investigation.

<sup>13</sup> 105 ILCS 5/24-5, ~~amended by P.A. 101-81.~~ P.A. 98-716, expanded the scope of 105 ILCS 5/24-5 by adding a definition of *employee* that includes contractors' employees for whom a criminal history records check is required. Since Aug. 2014, the Ill. Dept. of Public Health (IDPH) has not required school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3). Before requesting a contractor's employee for a health examination, contact the board attorney concerning this action's legality under other personnel laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.).

<sup>14</sup> 410 ILCS 170/10(b), added by P.A. 102-242, ~~eff 1-1-23.~~

<sup>15</sup> 2 C.F.R. §§200.318-200.327; 30 ILCS 708/. The Grant Accountability and Transparency Act (GATA) adopts the federal uniform guidance for all grants, unless the Office of the Governor grants an exception. 30 ILCS 708/55; 44 Ill.Admin.Code §7000.60. For information about the scope of GATA as it pertains to grants administered by the ~~ISBE~~ Ill. State Board of Education, see [www.isbe.net/gata](http://www.isbe.net/gata).

<sup>16</sup> This is an optional provision. The numerous reporting and website posting mandates are in 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. As an alternative to the policy's default language, a board may insert the underscored:

LEGAL REF.: 2 C.F.R. Part 200.  
105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-21.9, 5/10-22.34c, 5/19b-1 et seq., 5/22-94,  
and 5/24-5.  
30 ILCS 708/, Grant Accountability and Transparency Act.  
410 ILCS 170/, Coal Tar Sealant Disclosure Act.  
820 ILCS 130/, Prevailing Wage Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest)  
4:70 (Resource Conservation)  
4:150 (Facility Management and Building Programs)  
4:175 (Convicted Child Sex Offender; Screening; Notifications)  
5:90 (Abused and Neglected Child Reporting)

ADOPTED: November 9, 1999

PRESS REVISED: March 2009, October 2016, October 2019, November 2021, March 2023

BOE REVIEWED: January 2017, November 2019, January 2022

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

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts and maintain a status report for monthly presentation to the Board, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

**12. First Reading of Revised Board of Education Policy 5:30, Hiring Process and Criteria**

65

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education policy for Section 5:30, Hiring Process and Criteria, as presented. **See Attachment No. 17.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources *td*

DATE: March 23, 2023

SUBJECT: Approve Board Policy 5:30, Hiring Process and Criteria

Reason for Board Consideration: The Board of Education approves updated Board Policy.

Action Necessary: Approve the updated Board Policy.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:30, Hiring Process and Criteria, which was included as part of the March 2023 PRESS update review.

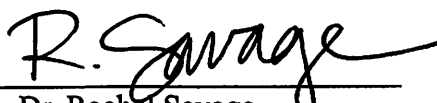
The policy is updated in response to the addition of the Sexual Misconduct Related Employment History Review (EHR). Prior to hiring an applicant for a position involving direct contact with children, or students, the Superintendent shall ensure that an EHR is performed as required by State law. When the applicant is a superintendent candidate, the Board President shall ensure that the EHR is initiated before a successful superintendent candidate is offered employment by the Board.

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

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education policy for Section 5:30, Hiring Process and Criteria, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Hiring Process and Criteria <sup>1</sup>

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment.<sup>2</sup> The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board.<sup>3</sup> If the Superintendent's recommendation is rejected, the Superintendent must submit another.<sup>4</sup> No individual will be employed who has been convicted of a criminal offense listed in 105 ILCS 5/21B-80(c).<sup>5</sup>

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<sup>1</sup> State or federal law controls this policy's content. This policy contains an item on which impact bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

<sup>2</sup> See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Districts may not classify a job as either a *male* or *female* job. 29 C.F.R. §1604.5, 34 C.F.R. §106.55.

<sup>3</sup> Boards must consider the superintendent's recommendations concerning, among other things, "the selection, retention, and dismissal of employees." 105 ILCS 5/10-16.7. The board may want to use this alternative sentence:

All personnel decisions are made by the Board, but only on the recommendation of the Superintendent.

Subject to an applicable collective bargaining agreement in effect on 6-13-11, a board that fills a "new or vacant teaching position" must select a candidate based on: (1) certifications, (2) qualifications, (3) merit and ability (including performance evaluation, if available), and (4) relevant experience, provided that the length of continuing service with the district must not be considered a factor, unless all other factors are determined by the school district to be equal. 105 ILCS 5/24-1.5. The statute does not define "new or vacant teaching positions." The requirement does not apply to filling vacant positions under 105 ILCS 5/24-12 (reduction in force and recall). Consult the board attorney about these issues.

<sup>4</sup> An additional optional sentence follows:

The Superintendent may select personnel on a short-term basis for a specific project or emergency condition before the Board's approval.

<sup>5</sup> 775 ILCS 5/2-103.1, ~~added by P.A. 101-656~~ prohibits employers from using conviction records as a basis to refuse to hire or to take any adverse action against an applicant or employee unless: (1) otherwise authorized by law; (2) there is a *substantial relationship* between the criminal offense and the employment sought; or (3) granting the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. For the disqualifying offenses listed in 105 ILCS 5/21B-80, amended by P.A. 102-552, a district does not have to show a *substantial relationship* between the offense and the position or that hiring or continuing to employ the person would involve an unreasonable risk. However, the Ill. Dept. of Human Rights (IDHR) interprets the Ill. Human Rights Act (IHRA) to still require the employer to notify the applicant of the disqualification pursuant to law and to afford the applicant at least five business days to respond in case the applicant wants to dispute the accuracy of the conviction record. *Id.* at 5/2-103.1(C). See IDHR's *Conviction Record Protection – Frequently Asked Questions* (March 2021), at:

<https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html>. [www2.illinois.gov/dhr/Pages/Conviction\\_Record\\_Protection\\_Frequently\\_Asked\\_Questions.aspx](http://www2.illinois.gov/dhr/Pages/Conviction_Record_Protection_Frequently_Asked_Questions.aspx).

Attorneys have different opinions as to whether the IHRA requires the *interactive assessment* outlined in 775 ILCS 5/2-103.1(c), which includes preliminary and final notices, when a disqualifying offense listed in 105 ILCS 5/21B-80 is found in a conviction record; **consult the board attorney for guidance on this issue.** See administrative procedure 5:30-AP2, *Investigations*, and its footnotes for more detail regarding the IHRA notice provisions and the need for districts to also comply with the seven-day notification requirement in the Ill. Uniform Conviction Information Act, 20 ILCS 2635/7. **Note:** The protections of 775 ILCS 5/2-103.1 do not cover *unpaid interns*, which may include student teachers in the K-12 context. The definition of *employee* in the IHRA only extends to include unpaid interns for civil rights violations involving sexual harassment. 775 ILCS 5/2-101(A)(1)(c) and 5/2-102(D).

All applicants must complete a District application in order to be considered for employment. <sup>6</sup>

### Job Descriptions

The Board maintains the Superintendent's job description and directs, through policy, the Superintendent, in his or her charge of the District's administration. <sup>7</sup>

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

105 ILCS 5/10-21.9(c), ~~amended by P.A. 101-531~~; 105 ILCS 5/21B-80, amended by P.A.s ~~101-531~~ and 102-552, allows individuals with criminal histories involving certain drug convictions to apply for or to reinstate their educator licenses seven years after their sentence for the criminal offense is completed. Consult the board attorney about whether the board wants to continue prohibiting employment for any individual who has a criminal history involving these exempted drug offenses.

For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, amended by P.A.s ~~101-531, 101-642, and 102-552~~ and 102-702, eff. 7-1-23, see f/n 5 and 6 in policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

<sup>6</sup> Any person who applies for employment as a teacher, principal, superintendent, or other certificated employee who willfully makes a false statement on his or her application for employment, material to his or her qualifications for employment, which he or she does not believe to be true, is guilty of a Class A misdemeanor. 105 ILCS 5/22-6.5. District employment applications must contain a statement to this effect. Id. Each employment application for these positions must state the following (Id.):

Failure to provide requested employment or employer history which is material to the applicant's qualifications for employment or the provision of statements which the applicant does not believe to be true may be a Class A misdemeanor.

Many districts ask applicants about disqualifying criminal convictions on their employment applications or at another point before a job offer is made. State law does not expressly prohibit this practice; however, guidance issued by IDHR regarding implementation of 775 ILCS 5/1-103(G-5) and 5/2-103, ~~added by P.A. 1-1-656~~ states "[u]nless authorized by law, an employer is prohibited from inquiring about an applicant's conviction record prior to making a job offer to the applicant." See IDHR's *Conviction Record Protection – Frequently Asked Questions* guidance issued by IDHR (March 2021), at:

<https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html>  
[www2.illinois.gov/dhr/Pages/Conviction\\_Record\\_Protection\\_Frequently\\_Asked\\_Questions.aspx](http://www2.illinois.gov/dhr/Pages/Conviction_Record_Protection_Frequently_Asked_Questions.aspx).

While the School Code and Job Opportunities for Qualified Applicant Act do not prohibit districts from asking about disqualifying convictions before a job offer is made, it is unclear whether they affirmatively *authorize* such inquiries. The IDHR's guidance does not carry the force of law, but it may impact its handling of a discrimination charge based on a conviction record. It is also unclear if an applicant's mere disclosure of a disqualifying conviction on an application, absent results of a fingerprint-based criminal history records check, III. Sex Offender Registry check, or Violent Offender Against Youth Registry check, triggers the district's obligation to provide notice to the applicant under 775 ILCS 5/2-103.1(C); see also f/n 5, above. Consult the board attorney for advice on these issues and how they may affect application processes.

Any employer that asks applicants to record video interviews and uses an artificial intelligence (AI) analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/, ~~added by P.A. 101-260~~. Employers should also be careful that use of AI, software, and algorithms to assess applicants does not violate the Americans with Disabilities Act (ADA) (42 U.S.C. §12101 et seq.). See *The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees* technical assistance document issued by the U.S. Equal Employment Opportunity Commission (May 2022) at: [www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence](http://www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence). Given the rapidly changing technologies in this area, please consult the board attorney.

<sup>7</sup> 105 ILCS 5/10-16.7. The foundation for a productive employment relationship begins with a board's policy, a thoughtfully crafted employment contract and job description, and procedures for communications and ongoing assessment. See IASB's *Foundational Principles of Effective Governance*, Principle 3. The board employs a superintendent, at: [www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/](http://www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/).

See also 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*, for best practice discussions about establishing the board-superintendent employment relationship and contract.

The Superintendent shall develop and maintain a current comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.<sup>8</sup>

### Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is performed on each applicant as required by State law.<sup>9</sup> When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure that these checks are completed.<sup>10</sup> The Superintendent or designee, or if the applicant is a successful superintendent candidate, then the Board President shall notify an applicant if the applicant

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<sup>8</sup> Job descriptions will become the basis for categorizing a teacher into one or more positions that the teacher is qualified to hold for reduction in force (RIF) dismissal and recall purposes. 105 ILCS 5/24-12(b). A board should consult with its attorney to review its current list of job descriptions and discuss the district's specific responsibilities.

A job description is evidence of a position's essential functions. 29 C.F.R. §1630.2(n). The ADA protects individuals who have a disability and are qualified, with reasonable accommodation, to perform the *essential functions* of the job. 42 U.S.C. §12101 *et seq.*, amended by the ADA Amendments Act (ADAAA), Pub. L. 110-325. Determining which functions are essential may be critical to determining if an individual with a disability is qualified. An individual is qualified to perform a job even though he or she is unable, due to a disability, to perform tasks which are incidental to the job. Only when an individual is unable to perform the *essential functions* of a job may a district deny the individual employment opportunities. 29 C.F.R. §1630.2(m). For a definition of essential functions see *Id.* at 1630.2(n). Whether a particular function is essential is a factual determination.

**Important:** The ADAAA made significant changes to the ADA's definition of disability that broadened the scope of coverage and overturned a series of U.S. Supreme Court decisions that made it difficult to prove that an impairment was a qualifying disability. There is information about the regulations and a link to them at: [www.eeoc.gov/laws/regulations/adaaa\\_fact\\_sheet.cfm](http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm). Consult the board attorney regarding how these amendments impact the district's hiring processes.

<sup>9</sup> The policy's requirements on criminal records checks for applicants for employment are mandated by 105 ILCS 5/10-21.9, amended by P.A.s 102-552, 101-72, 101-531, 101-613, and 102-702, *eff. 7-1-23*. See administrative procedure 5:30-AP2, *Investigations*, for the process, timing, and positions requiring criminal background investigation and what steps a district must take if it wants to disqualify an applicant based on a conviction record. The Statewide Sex Offender Database (a/k/a Sex Offender Registry) is available at: <https://isp.illinois.gov/Sor/Disclaimer>. The Statewide Murderer and Violent Offender Against Youth Database is available at: <https://isp.illinois.gov/MVOAY/Disclaimer> ~~www.isp.state.il.us/emvoa/~~. For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, amended by P.As 101-531 and 101-643, 102-702, *eff. 7-1-23*, see ¶n 5 in policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*. See policy 4:60, *Purchases and Contracts*, for requirements concerning (1) criminal background checks of employees of contractors who have *direct, daily contact* with students and (2) sexual misconduct related employment history reviews (EHRs) of employees of contractors of have direct contact with children or students.

<sup>10</sup> *Id.* If a board wants to require additional background inquiries beyond the fingerprint-based criminal history records information check required by 105 ILCS 5/10-21.9, amended by P.A.s 101-72, 101-531, 101-643, and 102-552 and 102-702, *eff. 7-1-23*, and the EHR required by 105 ILCS 5/22-94, added by P.A. 102-702, *eff. 7-1-23*, including the federal *Rap Back Service* (20 ILCS 2630/3.3) and/or checks through consumer reporting agencies regulated by the Fair Credit Reporting Act (15 U.S.C. §1681 *et seq.*), consult the board attorney. For more detailed information, see the laws listed in sample exhibit 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*, under the checklist item entitled **Conditions of Employment**, in the **Other Background Check Laws** row.

is identified in either database.<sup>11</sup> The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, the Ill. State Police and/or Statewide Sex Offender Database for purposes of clarifying the information, and/or the Teachers' Retirement System of the State of Illinois when required by law.<sup>12</sup> The Board reserves its right to authorize additional background inquiries beyond a fingerprint-based criminal history records check when it deems it appropriate to do so, in accordance with applicable laws.

Each newly hired employee must complete a U.S. Citizenship and Immigration Services Form as required by federal law.<sup>13</sup>

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in 105 ILCS

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<sup>11</sup> 105 ILCS 5/10-21.9(b), ~~amended by P.A.s 101-72 and 101-531~~, and 105 ILCS 5/21B-10. The School Code requires the board president to keep a conviction record confidential. It is impossible to know whether a fingerprint-based criminal history records check and a check of the Statewide Sex Offender and Violent Offender Against Youth Databases on a successful superintendent candidate will come back with a conviction record.

Therefore, in accordance with best practice (ensuring compliance and aligning with good governance principles), this policy does not assign a designee for the board president to complete this task. However, to balance the requirement to keep conviction records confidential with the practical implementation of ensuring a fingerprint-based criminal history records check and a check of the Statewide Sex Offender and Violent Offender Against Youth Databases are performed on each successful superintendent applicant, a board president may want to designate the duty to order these checks to the individuals otherwise listed in 105 ILCS 5/10-21.9(b), ~~amended by P.A.s 101-72 and 101-531~~. Those individuals include the board president, the superintendent or designee, regional superintendent (if the check was requested by the district), state superintendent of education, state Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for clarification purposes, the Ill. State Police and/or Statewide Sex Offender Registry.

<sup>12</sup> *Id.* at 5/10-21.9(b), ~~amended by P.A.s 101-72 and 101-531~~ and 105 ILCS 5/21B-85, amended by P.A. 102-552. The School Code continues to define the board president's role in conducting criminal background investigations and receiving the results of these investigations, including the results for employees of district contractors. 105 ILCS 5/10-21.9. Many districts delegate this task in the hiring process to a human resources department.

105 ILCS 5/21B-85, amended by P.A. 102-552, requires a board to provide prompt written notice to the board of trustees of the Teachers' Retirement System of the State of Illinois (TRS) when it learns that any teacher has been convicted of a felony offense (which provides for a sentence of death or imprisonment for one year or more). The notice to TRS is limited to (1) the name of the license holder, (2) fact of conviction, (3) name and location of the court in which the conviction occurred, and (4) the assigned case number from the court. *Id.*

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director."

For more discussion regarding responses to results obtained by criminal history records checks and screenings as required by 105 ILCS 5/10-21.9(e), amended by P.A.s ~~101-531 and 101-643~~ 102-702, eff. 7-1-23, see *f/n 6* in policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

<sup>13</sup> Immigration Reform and Control Act, 8 U.S.C. §1324a *et seq.* Consult with the board attorney regarding the district's rights and responsibilities under all Illinois laws if the district uses any electronic employment verification system, including *E-Verify* and/or the Basic Pilot Program. 820 ILCS 55/12. This statute urges employers who voluntarily use *E-Verify* (formerly known as the Basic Pilot/Employment Eligibility Verification Program) to consult the Ill. Dept. of Labor's website for current information on the accuracy of *E-Verify* and to review and understand their legal responsibilities relating to the use of any electronic employment verification systems. See *f/n 2* in 5:150-AP, *Personnel Records*, for a more detailed discussion of *E-Verify* issues.

5/21B-80<sup>14</sup> or who falsifies, or omits facts from, his or her employment application or other employment documents. If an indicated finding of abuse or neglect of a child has been issued by the Ill. ~~Dept.~~ of Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any District employee, then the Board must consider that person's status as a condition of employment. <sup>15</sup>

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following: <sup>16</sup>

The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.<sup>17</sup>

The District does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria. <sup>18</sup>

The District does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation. <sup>19</sup>

The District does not request or require an applicant to disclose wage or salary history as a condition of employment. <sup>20</sup>

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<sup>14</sup> See f/n 5, above.

<sup>15</sup> 105 ILCS 5/10-21.9(c) and (g) ~~amended by P.A. 101-531~~. See f/n 6 in 4:175, *Convicted Child Sex Offender; Screening; Notifications*, for further discussion.

<sup>16</sup> As an alternative to describing the prohibited investigations, a board may substitute this sentence:

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law, including without limitation, investigation into or inquiry concerning: (1) credit history or report unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; (2) claim(s) made or benefit(s) received under Workers' Compensation Act; and (3) access to an employee's or applicant's social networking website, including a request for passwords to such sites.

The default policy provision and the alternative stated above – whichever is selected – may be made a prohibition rather than a duty of the superintendent; to do this, delete the stricken text as follows: “The ~~Superintendent shall ensure that the~~ District does not engage ... .”

<sup>17</sup> Employee Credit Privacy Act, 820 ILCS 70/10. This Act allows inquiries into an applicant's credit history or credit report or ordering or obtaining an applicant's credit report from a consumer reporting agency when a satisfactory credit history is an *established bona fide occupational requirement* of a particular position. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more.

<sup>18</sup> 820 ILCS 112/10(b-5), ~~added by P.A. 101-177~~. If an employer violates this subsection, the employee may recover in a civil action any damages incurred, special damages up to \$10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5), ~~added by P.A. 101-177~~.

<sup>19</sup> Id.

<sup>20</sup> Id.

The District does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation. <sup>21</sup>

The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act. <sup>22</sup>

The District does not request of an applicant or employee access in any manner to his or her personal online account, such as social networking websites, including a request for passwords to such accounts. <sup>23</sup>

The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

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<sup>21</sup> 820 ILCS 112/10(b-10) ~~), added by P.A. 101-177.~~ **Note:** Attorneys caution that using the exceptions in 820 ILCS 112/10(b-10)(1) and (2) ~~), added by P.A. 101-177.~~ may trigger litigation. Violating this subsection entitles an employee to recover in a civil action any damages incurred, special damages up to \$10,000, injunctive relief, and costs and reasonable attorney's fees. 820 ILCS 112/30(a-5) ~~), added by P.A. 101-177.~~

A school board that wishes to preserve these exceptions should consult its board attorney; then they may supplement number 5 by adding the following after "compensation":

unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer.

<sup>22</sup> Right to Privacy in the Workplace Act, 820 ILCS 55/10(a).

<sup>23</sup> Id. at 55/10(b)(6)(B) (commonly known as the *Facebook Password Law*). A *personal online account* is defined as an online account used primarily by a person for personal purposes. *Personal online account* does not include an account created, maintained, used, or accessed for the business purpose of a person's employer or prospective employer. Id. at 55/10(b)(5). Bracketed explanations follow the statutory language:

"Nothing in this subsection shall prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring...provided that the password, account information, or access sought by the employer only relates to an online account that:

(A) an employer supplies or pays; or

(B) an employee creates or maintains on behalf of under the direction of an employer in connection with that employee's employment."

[Based on this explanation, it is implausible that an applicant would have an account, service, or profile for business purposes of a school employer.]

The statute specifically permits an employer to: (1) maintain workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use; and (2) monitor usage of the employer's (district's) electronic equipment and electronic mail. The statute also states that it does *not prohibit* an employer from obtaining information about an applicant or an employee that is in the public domain or that is otherwise obtained in compliance with the statute. Finally, the statute does not apply to all types of personal technology that employees may use to communicate with students or other individuals, such as text messages on a personal phone. Consult the board attorney about these issues.

Sexual Misconduct Related Employment History Review (EHR) <sup>24</sup>

Prior to hiring an applicant for a position involving *direct contact with children or students*, the Superintendent shall ensure that an EHR is performed as required by State law. When the applicant is a superintendent candidate, the Board President shall ensure that the EHR is initiated before a successful superintendent candidate is offered employment by the Board.

Physical Examinations <sup>25</sup>

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination performed no more than 90 days before submitting evidence of it to the District.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity.<sup>26</sup> The Board will pay the expenses of any such examination.

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

<sup>24</sup> 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23. See administrative procedure 5:30-AP3, *Sexual Misconduct Related Employment History Review (EHR)*, for the process, timing, and positions requiring an EHR. See policy 4:60, *Purchases and Contracts*, and administrative procedure 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for EHR requirements for employees of contractors who have *direct contact with children or students*.

<sup>25</sup> 105 ILCS 5/24-5, ~~amended by P.A. 101-81~~. According to this statute, a new or existing employee or substitute teacher employee may be subject to additional health examinations, including tuberculosis screening, as required by rules adopted by the Ill. Dept. of Public Health (IDPH) or by order of a local public health official. The IDPH does not require school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill.Admin.Code §696.140(a)(3).

The last sentence of the first paragraph exceeds State law requirements and may be deleted.

Note that while examination by a spiritual leader/practitioner is sufficient for purposes of leaves, the statute does not permit an examination by a spiritual leader/practitioner for initial employment exams. This difference may present a constitutional issue; contact the board attorney for an opinion if an applicant wants to use an examination by a spiritual leader/practitioner.

Federal law limits pre-employment medical inquiries to whether the applicant is able to perform job-related functions; required medical examinations of applicants is forbidden. ADA, 42 U.S.C. §12112(d)(2); see also f/n 8 for an explanation regarding the ADA. Districts may condition an employment offer on taking and passing medical inquiries or physical exams, provided that all entering employees in the same classification receive the same conditional offer.

<sup>26</sup> The State law (105 ILCS 5/24-5) ~~amended by P.A. 101-81~~, allowing boards to require physicals of current employees "from time to time," is ~~been~~ superseded by the ADA, 42 U.S.C. §12112(d)(4). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program. *Id.* Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level. 42 U.S.C. §12113; 29 C.F.R. §1630.2(r). See f/n 8 for an explanation regarding the ADA.

See f/n 254 for a discussion of examinations by spiritual leaders/practitioners.

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

- LEGAL REF.: 42 U.S.C. §12112, American with Disabilities Act; 29 C.F.R. Part 1630.  
15 U.S.C. §1681 et seq., Fair Credit Reporting Act.  
8 U.S.C. §1324a et seq., Immigration Reform and Control Act  
105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/10-22.34, 5/10-22.34b, 5/21B-10, 5/21B-80, 5/22-6.5, 5/22-94, and 5/24-5.  
20 ILCS 2630/3.3, Criminal Identification Act.  
820 ILCS 55/, Right to Privacy in the Workplace Act.  
820 ILCS 70/, Employee Credit Privacy Act.  
Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1st Dist. 1985), *aff'd in part and remanded* 115 Ill.2d 482(III. 1987).  
Kaiser v. Dixon, 127 Ill. App. 3d 251 (2nd Dist. 1984).  
Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1st Dist. 1945).
- CROSS REF.: 2:260 (Uniform Grievance Procedure)  
3:50 (Administrative Personnel Other Than the Superintendent)  
4:60 (Purchases and Contracts)  
4:175 (Convicted Child Sex Offender; Screening; Notifications)  
5:10 (Equal Employment Opportunity and Minority Recruitment)  
5:40 (Communicable and Chronic Infectious Disease)  
5:90 (Abused and Neglected Child Reporting)  
5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest)  
5:125 (Personal Technology and Social Media; Usage and Conduct)  
5:220 (Substitute Teachers)  
5:280 (Duties and Qualifications)
- ADOPTED: November 9, 1999
- PRESS REVISED: March 2010, August 2014, October 2016, October/November 2018, October 2019, November 2020, June 2021, November 2021, March 2023
- BOE REVIEWED: May 2016, December 2016, January 2019, November 2019, January 2022

**13. First Reading of Revised Board of Education Policy 5:90, Abused and Neglected Child Reporting**

75

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education policy for Section 5:90 Abused and Neglected Child Reporting, as presented. **See Attachment No. 18.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources *td*

DATE: March 23, 2023

SUBJECT: Approve Board Policy 5:90, Abused and Neglected Child Reporting

Reason for Board Consideration: The Board of Education approves updated Board Policy.

Action Necessary: Approve the updated Board Policy.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:90, Abused and Neglected Child Reporting, which was included as part of the March 2023 PRESS update review.

The policy is updated in response to the addition of requiring districts to develop procedures to notify the parents/guardians of a student with whom a district employee, agent, or contractor is alleged to have engaged in sexual misconduct. In addition, also requiring superintendents to notify the State Superintendent of Education and applicable regional superintendent when there is reasonable cause to believe a license holder committed sexual misconduct.

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

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education policy for Section 5:90, Abused and Neglected Child Reporting, as presented.

Approved for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Abused and Neglected Child Reporting<sup>1</sup>

Any District employee who suspects or receives knowledge that a student may be an abused or neglected<sup>2</sup> child or, for a student aged 18 through 22, an abused or neglected individual with a

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

<sup>1</sup> State or federal law controls this policy's content. The Abused and Neglected Child Reporting Act (ANCRA) (325 ILCS 5/) requires *education personnel* to immediately report or cause a report to be made to DCFS when they have reasonable cause to believe a child known to them in their professional or official capacities may be abused or neglected; *education personnel* includes school personnel (including administrators and certified and non-certified school employees) and educational advocates assigned to a child in accordance with the School Code. 325 ILCS 5/4(a)(4) added by P.A. 101-564; ANCRA states that such personnel "ma also notify the person in charge of (the) school." 325 ILCS 5/4 c. Education personnel also includes board members; however, ANCRA does not require them to directly report to DCFS and instead states that a board member "shall direct or cause the school board to direct the superintendent" to report to DCFS. 325 ILCS 5/4(a)(4), (d). See the Special School Board Member Responsibilities subhead, below, and sample policy 2:20, Powers and Duties of the School Board: Indemnification.

If the report involves an *adult student with a disability*, employees should expect DCFS to instruct them to call the Ill. Dept. of Human Services Office (DHS) office of the Inspector General's statewide 24-hour toll-free telephone number at 1-800-368-1463. 325 ILCS 5/4.4a and 20 ILCS 1305/1-17(b). Reports involving an adult student with a disability may be made directly to DHS; however, for simplicity, and to preserve a superintendent's duty to disclose certain reports involving an employee or former district employee (see discussion in f/n 20 below) and the immunity for such disclosures, the sample policy directs the initial phone call to DCFS. The Dept. of Human Services Act (DHSA) (20 ILCS 1305/) allows a required reporter four hours to report after the initial discovery of the incident, allegation, or suspicion of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation. 20 ILCS 1305/1-17(k)(1). Only employees are required reporters. 20 ILCS 1305/1-17(a).

Abuse and neglect are defined in 325 ILCS 5/3 and, for adult students with a disability in 20 ILCS 1305/1-17(b). Abuse may be generally understood as any physical or mental injury or sexual abuse inflicted on a child or adult student with a disability other than by accidental means or creation of a risk of such injury or abuse by a person who is responsible for the welfare of a child or adult student with a disability. Neglect may be generally understood as abandoning a child or adult student with a disability or failing to provide the proper support, education, medical, or remedial care required by law by one who is responsible for the child's or adult student with a disability's welfare

Any person required by law to report abuse and neglect who willfully fails to report is guilty of a Class A misdemeanor. 325 ILCS 5/4(m) and 20 ILCS 1305/1-17(k)(1).

A teaching license may be suspended or revoked for willful or negligent failure to report suspected child abuse or neglect as required by law and for sexual misconduct. 105 ILCS 5/21B-75, amended by P.A.s 101-531 and 102-552 and 102-702, eff. 7-1-23, and 20 ILCS 1305/1-17(k)(1) allows mandated reporters for adults with disabilities four hours to report after the initial discovery of the incident, allegation, or suspicion of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation.

District employees who make a report in good faith receive immunity, except in cases of willful or wanton misconduct. See 325 ILCS 5/4 and 9. Further, for the purpose of any proceedings, civil or criminal, good faith of the person making the report is presumed. *Id.*

Every two years, each district within an Illinois county served by an accredited Children's Advocacy Center (CAC) must review its sexual abuse investigation policies and procedures to ensure consistency with 105 ILCS 5/22-85, added by P.A. 101-531. 105 ILCS 5/10-20.71, added by P.A. 101-531. See sample policy 7:20, *Harassment of Students Prohibited*.

<sup>2</sup> ANCRA covers abuse and neglect of children. 325 ILCS 5/3. DHSA covers abuse and neglect of adult students with a disability. 20 ILCS 1305/1-17(b). Abuse may be generally understood as any physical or mental injury or sexual abuse inflicted on a child or adult student with a disability other than by accidental means or creation of a risk of such injury or abuse by a person who is responsible for the welfare of a child or adult student with a disability. Neglect may be generally understood as abandoning a child or adult student with a disability or failing to provide the proper support, education, medical, or remedial care required by law by one who is responsible for the child's or adult student with a disability's welfare.

Abuse covered by ANCRA also includes grooming as defined in the Ill. Criminal Code of 2012 (720 ILCS 5/11-25). 325 ILCS 5/3(i), added by P.A. 102-676 (a/k/a Faith's Law).

disability<sup>3</sup>, shall: (1) immediately report or cause a report to be made to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873)(within Illinois); 1-217-524-2606 (outside of Illinois); or 1-800-358-5117 (TTY), and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.<sup>4</sup> Any District employee who believes a student is in immediate danger of harm, shall first call 911. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made.<sup>5</sup> The Superintendent or Building Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement.<sup>6</sup> *Negligent failure to report* occurs when a District employee personally observes an instance of suspected child abuse or neglect and reasonably believes, in his or

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The School Code goes further and prohibits school employees from engaging in grooming behaviors and sexual misconduct. 105 ILCS 5/10-23.13(b), amended by P.A. 102-610 (a/k/a Erin's Law); 105 ILCS 5/22-85.5(c), added by P.A. 102-676 (a/k/a Faith's Law). To streamline implementation, sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, defines prohibited grooming behaviors to include sexual misconduct and it explicitly prohibits employees from engaging in grooming, grooming behaviors, and sexual misconduct. While it is possible for low-level grooming behaviors and/or sexual misconduct to not amount to grooming prohibited by ANCRA, best practice is to report suspected grooming behaviors and sexual misconduct to DCFS.

<sup>3</sup> State child and disabled adult protection laws define the same class of individuals differently, but with the same goal: to protect an adult student with a disability, not living in a DCFS licensed facility, who is still finishing school with an Individual Education Plan (IEP). The Dept. of Human Services Act (DHS Act) defines "adult student with a disability" as an adult student, age 18 through 21, inclusive (through the day before the student's 22nd birthday), with an IEP other than a resident of a facility licensed by DCFS. 20 ILCS 1305/1-17(b). However, 105 ILCS 5/14-1.02, amended by P.A. 102-172, provides that a student who turns 22 years old during the school year shall be eligible for IEP services through the end of the school year. This statutory definition is the basis for this sample policy's language.

For elementary districts, delete the following phrase from the first sentence: "or, for a student aged 18 through 22, an abused or neglected individual with a disability, ."

<sup>4</sup> 325 ILCS 5/7 amended by P.A. 101-583. For a board that wants to include what a DCFS report should contain, an optional sentence follows:

The report shall include, if known:

1. The name and address of the child, parent/guardian names, or other persons having custody;
2. The child's age;
3. The child's condition, including any evidence of previous injuries or disabilities; and
4. Any other information that the reporter believes may be helpful to DCFS for its investigation.

When two or more mandated reporters who work within the same workplace share a reasonable cause to believe that a student may be an abused or neglected child, one of them may be designated to make a single report. 325 ILCS 5/4(b). The report must include the name(s) and contact information for the other mandated reporter(s). Id.

<sup>5</sup> ANCRA states that mandated reporters "may also notify the person in charge of [the] school[.]" 325 ILCS 5/4(e). This sample policy makes the report to the superintendent or building principal mandatory to keep the administration informed. The administration may not force the staff member to change or modify his or her report.

<sup>6</sup> Optional. The sample policy makes coordination with DCFS, the SRO, and local law enforcement a step in the process of reporting, so the local agencies and school district are better able to prevent and manage the risks school officials and parents/guardians face when a DCFS report has been made, e.g., situations where parents/guardians, upon learning a DCFS report has been made involving their child(ren), commit an act of self-harm in response to the information.

For school districts in DuPage County, the DuPage County State's Attorney (SAO), Regional Office of Education (ROE), Police Dept. (PD), and DCFS have created a *Model Policy Reporting Abuse and Neglect for School Officials in DuPage County*, at: [www.dupageroe.org/wp-content/uploads/Mandated\\_Reporting.pdf](http://www.dupageroe.org/wp-content/uploads/Mandated_Reporting.pdf). Consult the board attorney about this reporting policy – its intent is for school officials to immediately inform the SAO that a report to DCFS has been made to allow the SAO to investigate and prevent evidence spoliation. Note: The DuPage SAO, ROE, and PD lack authority under ANCRA over school officials to enforce compliance with this "model reporting policy;" only DCFS has the authority under ANCRA to enforce penalties under ANCRA, not the "model reporting policy." The DuPage SAO, ROE, and PD did not consult school officials in the creation of its "model reporting policy."

her professional or official capacity, that the instance constitutes an act of child abuse or neglect under the Abused and Neglected Child Reporting Act (ANCRA) and he or she, without willful intent, fails to immediately report or cause a report to be made of the suspected abuse or neglect to DCFS.<sup>7</sup>

Any District employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 1-800-THE-LOST (1-800-843-5678) or online at [www.report.cybertip.org](http://www.report.cybertip.org) or [www.missingkids.org](http://www.missingkids.org). The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made.<sup>8</sup>

Any District employee who observes any act of hazing that does bodily harm to a student must report that act to the Building Principal, Superintendent, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Superintendent or Building Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.<sup>9</sup>

#### Abused and Neglected Child Reporting Act (ANCRA), School Code, and Erin's Law Training

The Superintendent or designee shall provide staff development opportunities for District employees in the detection, reporting, and prevention of child abuse and neglect.<sup>10</sup>

All District employees shall:

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<sup>7</sup> 105 ILCS 5/10-23.12(c) (all district employees)-added by P.A. 101-531; 105 ILCS 5/21B-75(b) (teachers)-amended by P.A. 101-531.

<sup>8</sup> ANCRA requires an electronic and information technology equipment worker or the worker's employer to report a discovery of child pornography depicted on an item of electronic and information technology equipment. 325 ILCS 5/4.5(b). Consult the board attorney to determine whether any district employees fit the definition of an *electronic and information technology worker*, i.e., are "persons who in the scope and course of their employment or business install, repair, or otherwise service electronic and information technology equipment for a fee."

The paragraph exceeds the State requirements by requiring *all* district employees to report a discovery of child pornography on electronic and information technology equipment. This furthers the National Center for Missing and Exploited Children's public policy goal of "empowering the public to take immediate and direct action to enforce a zero tolerance policy regarding child sexual exploitation."

Similar to school personnel who are mandated reporters, electronic and information technology equipment workers and their employers have broad immunities from criminal, civil, or administrative liabilities when they report a discovery of child pornography as required under 325 ILCS 5/4.5(b), except for willful or wanton misconduct, e.g., knowingly filing a false report. Failure to report a discovery of child pornography is a business offense subject to a fine of \$1001. 325 ILCS 5/4.5(e).

<sup>9</sup> 720 ILCS 5/12C-50.1(b) creates a duty for *school officials* to report hazing. The term *school official* includes all school employees and volunteer coaches. 720 ILCS 5/12C-50.1(a). The duty to report hazing is triggered only when the employee/volunteer is fulfilling his or her responsibilities as a school official and observes hazing which results in bodily harm. 720 ILCS 5/12C-50.1(b). A report must be made to *supervising educational authorities*, which is not defined in the Act. *Id.* Common sense, however, would require the individual witnessing hazing to report it to the building principal or superintendent. Failure to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1(c). Failure to report hazing that resulted in death or great bodily harm is a Class A misdemeanor. *Id.* 7:190-AP1, *Hazing Prohibited*, uses the same definition of *hazing*; this definition is based on 720 ILCS 5/12C-50.

<sup>10</sup> While it is unclear whether this is a duty or power, 105 ILCS 5/10-23.12(a), amended by P.A. 100-413, authorizes boards "[t]o provide staff development for local school site personnel who work with pupils in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect."

The drill during such training should be: "If in question, report."

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Superintendent or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within three months of initial employment and at least every three years after that date. <sup>11</sup>
3. Complete an annual evidence-informed training related to child sexual abuse, grooming behaviors (including sexual misconduct as defined in Faith's Law)<sup>12</sup>, and boundary violations as required by law and policy 5:100, *Staff Development Program*. <sup>13 14</sup>

#### Alleged Incidents of Sexual Abuse: Investigations <sup>15</sup>

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity. <sup>16</sup>

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

<sup>11</sup> ANCRA also requires staff members, within three months of employment, to complete mandated reporter training, including a section on implicit bias and racial and ethnic sensitivity. 325 ILCS 5/4(j), amended by P.A. ~~101-564~~. 102-604. This training must be completed again at least every three years. *Id.* The initial ANCRA three-month training requirement applies to the first time staff engage in their professional or official capacity. *Id.* While the law allows an extension to six months, it is unclear when such an extension is permissible. Consult the board attorney for guidance. As a best practice, to ensure compliance with the requirement in 105 ILCS 5/22-85(c) ~~added by P.A. 101-531~~ that mandated reporters annually review Ill. State Board of Education (ISBE) materials regarding notification of DCFS (see *f/n 17*, below), and to ease the administrative burden to track employee training schedules, a district may consider requiring annual training for all employees.

To reduce liability and align with best practices, ANCRA training for existing district employees appears prudent; however, consult the board attorney about:

1. Whether mandating existing employees to participate in ANCRA training is an item on which collective bargaining may be required. Any policy that impacts upon wages hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.
2. How to comply with both the new ANCRA training requirements and whether compliance with them would also satisfy the School Code's more limited district-provided training requirement discussed in *f/n 10* above.

<sup>12</sup> Sexual misconduct under Faith's Law is defined in 105 ILCS 5/22-85.5(c), added by P.A. 102-676. See *f/n 2*, above, regarding the inclusion of sexual misconduct in the definition of grooming behaviors set forth in sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.

<sup>13</sup> ~~Erin's Law~~ 105 ILCS 5/10-23.13, amended by P.A. 102-610 (*a/k/a Erin's Law*). For additional *Erin's Law* requirements and definitions, see policies and the *f/ns* in 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and 6:60, *Curriculum Content*.

<sup>14</sup> 105 ILCS 5/10-23.12(b) permits DCFS to cooperate with school officials to distribute informational ANCRA materials in school buildings. The following optional sentence provides that information: "The Superintendent or designee will display DCFS-issued materials that list the DCFS toll-free telephone number and methods for making a report under ANCRA in a clearly visible location in each school building."

<sup>15</sup> Delete this subhead if your school district is not within a county served by an accredited CAC. 105 ILCS 5/22-85 ~~added by P.A. 101-531~~ governs the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC. For a map of accredited CACs, and to identify a CAC that may serve your district, see [www.childrensadvocacycentersofillinois.org/about/map](http://www.childrensadvocacycentersofillinois.org/about/map). The law is silent about investigations in counties without CACs.

<sup>16</sup> Though 105 ILCS 5/22-85(b) ~~added by P.A. 101-531~~ defines *alleged incident of sexual abuse*, its definition is circular, using the term *sexual abuse* without defining what that means. To provide boards with clarity, the definition of *sexual abuse* used in the Ill. Criminal Code of 2012 is used.

If a District employee reports an alleged incident of sexual abuse to DCFS<sup>17</sup> and DCFS accepts the report for investigation, DCFS will refer the matter to the local Children's Advocacy Center (CAC).<sup>18</sup> The Superintendent or designee will implement procedures to coordinate with the CAC.

DCFS and/or the appropriate law enforcement agency will inform the District when its investigation is complete or has been suspended, as well as the outcome of its investigation.<sup>19</sup> The existence of a DCFS and/or law enforcement investigation will not preclude the District from conducting its own parallel investigation into the alleged incident of sexual abuse in accordance with policy 7:20, *Harassment of Students Prohibited*.

#### Special Superintendent Responsibilities

The Superintendent shall execute the requirements in Board policy 5:150, *Personnel Records*, whenever another school district requests a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS.<sup>20</sup>

When the Superintendent has reasonable cause to believe that a license holder (1) committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child under ANCRA or an act of sexual misconduct under Faith's Law, and (2) that act resulted in the license holder's dismissal or resignation from the District, ~~he or she~~ the Superintendent shall notify the State Superintendent and the Regional Superintendent in writing, providing the Ill. Educator Identification

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

<sup>17</sup> 105 ILCS 5/22-85(c) ~~added by P.A. 101-531~~ provides that if a mandated reporter within a school has knowledge of an alleged incident of sexual abuse, the reporter must call the DCFS hotline immediately after obtaining the minimal information necessary to make a report, including the names of the affected parties and the allegations. It further requires ~~the Ill. State Board of Education~~ ISBE to make available materials detailing the information necessary to enable notification to DCFS of an alleged incident of sexual abuse, and that all mandated reporters annually review ISBE's materials.

<sup>18</sup> 105 ILCS 5/22-85(d) ~~added by P.A. 101-531~~.

<sup>19</sup> 105 ILCS 5/22-85(j), (k) ~~added by P.A. 101-531~~.

<sup>20</sup> ANCRA requires a superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. 325 ILCS 5/4(d). When a report involves an adult student with a disability, DCFS must instruct mandated reporters making these reports to call the DHS' Office of the Inspector General's statewide 24 hour toll-free telephone number: 1-800-368-1463 (325 ILCS 5/4.4a) to make a report under the DHS Act.

The DHS Act (20 ILCS 1305/1-17(l)) then requires a determination of whether a report involving an adult student with a disability should be investigated under it or the Abuse of Adults with Disabilities Intervention Act (20 ILCS 2435), however that Act was repealed by P.A. 99-049 (eff. 7-1-13). The DHS Act does not outline a duty for the superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DHS involving an adult student with a disability.

Given the public policy behind the amendments to 325 ILCS 5/4, a reasonable interpretation of the law is that the superintendent's duty to disclose now involves DHS reports concerning adult students with disabilities. However, with no mechanism requiring DHS to report back to the superintendent a *non-substantiated report* (DHS version of a DCFS *unfounded report*), a superintendent's duty to disclose cannot end. Consult the board attorney about managing the duty to disclose reports that involve adult students with disabilities when DCFS redirects the reporter to DHS. For more information, see policy 5:150, *Personnel Records*.

See also f/n 4 of policy 5:150, *Personnel Records*, discussing the Elementary and Secondary Education Act's (ESEA) (20 U.S.C. §7926) requirement that school policies must explicitly prohibit school districts from providing a recommendation of employment for an employee, contractor, or agent that a district knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

Number as well as a brief description of the misconduct alleged.<sup>21</sup> The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder.<sup>22</sup>

The Superintendent shall develop procedures for notifying a student's parents/guardians when a District employee, contractor, or agent is alleged to have engaged in *sexual misconduct* with the student as defined in *Faith's Law*. The Superintendent shall also develop procedures for notifying the student's parents/guardians when the Board takes action relating to the employment of the employee, contractor, or agent following the investigation of *sexual misconduct*. Notification shall not occur when the employee, contractor, or agent alleged to have engaged in *sexual misconduct* is the student's parent/guardian, and/or when the student is at least 18 years of age or emancipated.<sup>23</sup>

The Superintendent shall execute the recordkeeping requirements of *Faith's Law*.<sup>24</sup>

#### Special School Board Member Responsibilities

Each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in ANCRA, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with ANCRA's requirements concerning the reporting of child abuse.<sup>25</sup>

If the Board determines that any District employee, other than an employee licensed under 105 ILCS 5/21B, has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by ANCRA, the Board may dismiss that employee immediately.<sup>26</sup>

When the Board learns that a licensed teacher was convicted of any felony, it must promptly report it to the State agencies listed in policy 2:20, *Powers and Duties of the School Board; Indemnification*.<sup>27</sup>

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

<sup>21</sup> Alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Educational Service Center Executive Director."

<sup>22</sup> 105 ILCS 5/10-21.9(e-5), amended by P.A.s ~~101-531~~ 102-552 and 102-702, eff. 7-1-23, requires these notifications and provides superintendents immunity from any liability, whether civil or criminal or that otherwise might result by complying with the statute.

<sup>23</sup> 105 ILCS 5/22-85.10, added by P.A. 102-702, eff. 7-1-23. See sample procedure 5:90-AP2, *Parent/Guardian Notification of Sexual Misconduct*.

<sup>24</sup> 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23. See sample procedure 5:150-AP, *Personnel Records*.

<sup>25</sup> 325 ILCS 5/4(d). This statute makes board members mandatory child abuse reporters "to the extent required in accordance with other provisions of this section expressly concerning the duty of school board members to report suspected child abuse." Thus, a board member's duty is "to direct the superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse" whenever an "allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child." Of course, any board member with reason to doubt that a report was or will be made should directly contact DCFS.

<sup>26</sup> 105 ILCS 5/10-23.12(c) ~~added by P.A. 101-531~~. See f/n 67, above, and f/n 3 in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

<sup>27</sup> 105 ILCS 5/21B-85(a) and (b), amended by P.A. 102-552. Because felony charges often arise out of abuse and neglect investigation, this board duty is listed here for convenience. See the discussion in the f/ns tied to these duties in sample policy 2:20, *Powers and Duties of the School Board; Indemnification*.

**LEGAL REF.:** 20 U.S.C. §7926, Elementary and Secondary Education Act.  
105 ILCS 5/10-21.9, 5/10-23.13, and 5/21B-85, 5/22-85.5, and 5/22-85.10.  
20 ILCS 1305/1-1 et seq., Department of Human Services Act.  
325 ILCS 5/, Abused and Neglected Child Reporting Act.  
720 ILCS 5/12C-50.1, Criminal Code of 2012.

**CROSS REF.:** 2:20 (Powers and Duties of the School Board; Indemnification)  
3:40 (Superintendent)  
3:50 (Administrative Personnel Other Than the Superintendent)  
3:60 (Administrative Responsibility of the Building Principal)  
4:60 (Purchases and Contracts)  
4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors)  
5:20 (Workplace Harassment Prohibited)  
5:30 (Hiring Process and Criteria)  
5:100 (Staff Development Program)  
5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest),  
5:150 (Personnel Records)  
5:200 (Terms and Conditions of Employment and Dismissal)  
5:290 (Employment Termination and Suspensions)  
6:120 (Education of Children with Disabilities)  
6:250 (Community Resource Persons and Volunteers)  
7:20 (Harassment of Students Prohibited)  
7:150 (Agency and Police Interviews)

**ADOPTED:** November 9, 1999

**PRESS REVISED:** March 2010, October 2013, October 2015, October 2017, October 2019,  
November 2021, March 2023


**BOE REVIEWED:** April 2016, December 2017, November 2019

**14. First Reading of Revised Board of Education Policy 5:125, Personal Technology and Social Media; Usage and Conduct**

84

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education policy for Section 5:125, Personal Technology and Social Media; Usage and Conduct, as presented. **See Attachment No. 19.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources 

DATE: March 23, 2023

SUBJECT: Approve Board Policy 5:125, Personal Technology and Social Media; Usage and Conduct

Reason for Board Consideration: The Board of Education approves updated Board Policy.

Action Necessary: Approve the updated Board Policy.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:125, Personal Technology and Social Media; Usage and Conduct, which was included as part of the March 2023 PRESS update review.

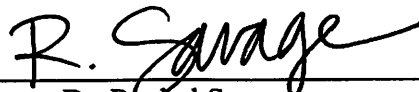
The policy is updated in response to the addition of permitting the State Superintendent of Education to suspend or revoke any license, endorsement, or approval for sexual misconduct.

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

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education Policy for Section 5:125, Personal Technology and Social Media; Usage and Conduct, as presented.

Approved for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Personal Technology and Social Media; Usage and Conduct<sup>1</sup>

#### Definitions

**Includes** - Means “includes without limitation” or “includes, but is not limited to.”

**Social media** - Media for social interaction, using highly accessible ~~communication techniques through the use of~~ web-based and/or mobile technologies that allow users to turn communication into share content and/or engage in interactive dialogue communication through online communities.<sup>2</sup> This includes, but is not limited to, services such as *Facebook, LinkedIn, Twitter, Instagram, TikTok, Snapchat, and YouTube.*<sup>3</sup>

**Personal technology** - Any device that is not owned or leased by the District or otherwise authorized for District use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes ~~laptop computers (e.g., laptops, ultrabooks, and chromebooks), tablets (e.g. iPhone®, BlackBerry®, Android®, platform phones, and Windows Phone®), smartphones, and other devices e.g. iPads®.~~<sup>4</sup>

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

<sup>1</sup> This policy is optional. Consult the board attorney because personal technology, social media, and public employees' First Amendment rights involve unprecedented and unsettled areas of the law. In addition, personal technology and social media platforms change continually.

Therefore, instead of prohibiting specific actions, this sample policy focuses on what will not change - maintaining appropriate behavior as outlined in 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, the Ill. Educators' Code of Ethics at 23 Ill.Admin.Code §22.20, and 105 ILCS 5/21B-75, amended by P.As. ~~101-531 and 102-552 and 102-702, eff. 7-1-23~~ (allows suspensions or revocations of licenses, endorsements, or approvals for abuse or neglect of a child, willful or negligent failure to report suspected child abuse or neglect, *sexual misconduct as defined in 105 ILCS 5/22-85.5(c), immorality, and unprofessional conduct*, among other things). *Immoral* has been defined by one court to mean “shameless conduct showing moral indifference to the opinions of the good and respectable members of the community.” See *Ahmad v. Bd. of Educ. of City of Chicago*, 36556 Ill.App.3d 155 (1st Dist. 2006).

Consult the board attorney when a board wants to prohibit more specific actions and/or specific speech, e.g., *friending* students on Facebook or similar social media, *tweeting* or otherwise communicating with students on Twitter or similar social media sites, and text messaging or emailing students. See also the discussion in f/ns ~~56 & 67~~ below.

This policy also contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, “Please refer to the applicable collective bargaining agreement(s).”

<sup>2</sup> Several definitions of social media exist, and a board may wish to use another definition or create its own with the board attorney. This sample policy's definition is very broad. It is adapted from a ~~frequently cited Wikipedia definition at Merriam-Webster's definition at: [www.merriam-webster.com/dictionary/social%20media](http://www.merriam-webster.com/dictionary/social%20media)~~.

<sup>3</sup> Optional. A board may want to add other sites. As of ~~July 2021~~ January 2023, the publication *eBizMBA Inc.* lists the top four social networking sites as Facebook, YouTube, Instagram, and Twitter respectively.

<sup>4</sup> Optional.

Usage and Conduct<sup>5</sup>

All District employees who use personal technology and/or social media shall:<sup>6</sup>

1. Adhere to the high standards for **Professional and Appropriate Conduct** required by policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policies 5:20, *Workplace Harassment Prohibited*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 6:235, *Access to Electronic Networks*; and 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a District-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Inform their immediate supervisor if a student initiates inappropriate contact with them via any form of personal technology or social media.
5. Report instances of suspected abuse or neglect discovered through the use of social media or personal technology pursuant to a school employee's obligations under policy 5:90, *Abused and Neglected Child Reporting*.
6. Not disclose ~~student records~~ confidential information, including but not limited to school student records (e.g., student work, photographs of students, names of students, or any other personally identifiable information about students) or personnel records, in compliance with

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

<sup>5</sup> Whether to discipline an employee for his or her speech is always highly fact sensitive and should always occur after a consultation with the board attorney. See f/n 1 and 12. The discipline will require careful balancing of the district's obligations to protect its students with employees' rights. Further, a board may not discipline its employees for discussing the terms and conditions of their employment with co-workers and others or otherwise interfere with their employees' efforts to work to improve the terms and conditions of their workplace. 29 U.S.C. §151 *et seq.* (Illinois courts have looked to the National Labor Relations Act for guidance on what is protected activity under the Ill. Educational Labor Relations Act, 115 ILCS 5/).

<sup>6</sup> The following list is optional and may contain items on which collective bargaining may be required. See f/n 1. To ensure that the listed expectations match local conditions, boards may want to initiate a conversation with the superintendent about these expectations. Expectations will be most effective when they reflect local conditions and circumstances. This conversation provides an additional opportunity for the board and superintendent to examine all current policies, collective bargaining agreements, and administrative procedures applicable to this subject. See f/n 62 of sample policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, for more discussion about how to initiate this conversation, f/n 43 of sample policy 5:100, *Staff Development Program*, and the discussion in f/n 2 of sample policy 8:10, *Connection with the Community*, related to excluding followers and purging critics from social media accounts that are considered public forums (Knight First Amendment Inst. At Columbia Univ. v. Trump, 302 F.Supp.3d541 (S.D.N.Y. 2018)). Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. After discussing these issues, the board may have further expectations and may choose to reflect those expectations here.

- policy 5:130, *Responsibilities Concerning Internal Information*. For District employees, proper approval may include implied consent under the circumstances.<sup>7</sup>
7. Refrain from using the District's logos without permission and follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.<sup>8</sup>
  8. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.<sup>9</sup>
  9. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.<sup>10</sup>
  10. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.<sup>11</sup>

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

<sup>7</sup> Inherent dangers exist when district employees use personal technology and social media without understanding how the information is used within the chosen platform and what choices are available within the platform to control it. Some examples of laws that require the safekeeping of district and school records include: the Federal Educational Rights and Privacy Act, 20 U.S.C. §1232g, and the Ill. School Student Records Act, 105 ILCS 10/ (both prohibit the unauthorized disclosure of student school records); 5 ILCS 140/7 (exempts personnel information and other items such as school security and response plans and maps from disclosure); 45 C.F.R. §164.502 (protects the employees' health information); and 820 ILCS 40/ (governs the release of an employee's disciplinary action). For district employees, implied consent may be sufficient in some circumstances, e.g., teachers taking pictures of each other at a birthday party in the teachers' lounge or at a social event off school grounds and later posting those pictures on social media.

<sup>8</sup> 17 U.S.C. §101 *et seq.*

<sup>9</sup> 105 ILCS 5/24-9; Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* See also f/ns 1 and 56 above.

<sup>10</sup> The Children's Internet Protection Act (CIPA) (47 U.S.C. §254(l)) requires school districts to maintain a policy and provide Internet access that protects against access to websites containing material that is obscene, pornographic, or harmful to minors. See sample policy 6:235, Access to Electronic Networks. Because a district cannot subject its employees' usage of personal technology and social media to the same measures required under CIPA (i.e., content filters, blocking lists, or district monitoring of Internet website traffic for patterns of usage that could indicate inappropriate network usage), this statement seeks to balance the district's duty by shifting responsibility for inappropriate behavior to the individual employee.

<sup>11</sup> The Ill. Human Rights Act makes it a civil rights violation to fail to take remedial action, or to fail to take appropriate disciplinary action against any employee, when the district knows that the employee committed or engaged in sexual harassment of a student. 775 ILCS 5/5A-102. Sexual harassment of a student is also prohibited by sample policy 7:20, Harassment of Student Prohibited, and of an employee by sample policy 5:20, Workplace Harassment Prohibited.

Superintendent Responsibilities

The Superintendent shall: <sup>12</sup>

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.
2. Direct Building Principals to annually:
  - a. Provide their building staff with a copy of this policy.
  - b. Inform their building staff about the importance of maintaining high standards in their school relationships.
  - c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
3. Build awareness of this policy with students, parents, and the community.
4. Ensure that neither the District, nor anyone on its behalf, commits an act prohibited by the Right to Privacy in the Workplace Act, 820 ILCS 55/10; i.e., the *Facebook Password Law*. <sup>13</sup>
5. Periodically review this policy and any implementing procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

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

<sup>12</sup> 105 ILCS 5/10-16.7. The school board directs, through policy, the superintendent in his or her charge of the district's administration. One logical method for a board to address the issue of district employees' use of personal technology and social media is to include its expectations during its in-service trainings required by 105 ILCS 5/10-22.39. Many experts in social media risk management advocate training employees about the expectations concerning social media usage. For boards that do not want to include this as a part of the in-service, delete the phrase "during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*."

Public employee First Amendment issues involve the balance between the importance of the speech and the district's interest in maintaining order and effective school operations. The First Amendment "does not entitle primary and secondary teachers, when conducting the education of captive audiences, to cover topics, or advocate viewpoints, that depart from the curriculum adopted by the school system." See *Mayer v. Monroe Cnty. Cmty. Sch. Corp.*, 474 F.3d 477 (7th Cir. 2007). Nor is the First Amendment likely to entitle a teacher to protection for purely personal speech that does not touch on a matter of public concern. See *Pickering v. High Sch. Dist. 205*, 391 U.S. 563 (1968). However, when public employees speak as private citizens on their own time about matters of public concern, they may face only those speech restrictions that are necessary for their employers to operate efficiently and effectively. *Garcetti v. Ceballos*, 547 U.S. 410 (2006).

<sup>13</sup> Right to Privacy in the Workplace Act, 820 ILCS 55/10(b) (also known as the *Facebook Password Law*). The exception for *professional accounts* is unlikely to be available to school districts; see the explanation in *f/n 24* in sample policy 5:30, *Hiring Process and Criteria*. The statute specifically permits an employer to: (1) maintain workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use; and (2) monitor usage of the employer's electronic equipment and electronic mail.

The statute does not prohibit an employer from (1) obtaining information about an applicant or an employee that is in the public domain or that is otherwise obtained in compliance with the statute, and (2) requesting or requiring an applicant or employee to share specific content that is reported to the employer to: (a) ensure compliance with laws and regulatory requirements, (b) investigate certain allegations as outlined in the law, and (c) prohibit certain outlined behaviors in the law. Finally, the statute does not apply to other types of personal technology that employees may use to communicate with students or other individuals, such as personal email or text messages on a personal phone. However, employers may access online accounts that the employer pays for or that an employee creates or maintains on behalf of the employer in connection with the employee's employment. Consult the board attorney about these issues.

ADOPTED: February 2014

PRESS REVISED: February 2014, October 2016, October 2019, November 2021

BOE REVIEWED: May 2016, December 2016

LEGAL REF.: 105 ILCS 5/21B-75 and 5/21B-80.  
775 ILCS 5/5A-102, Ill. Human Rights Act.  
820 ILCS 55/10, Right to Privacy in the Workplace Act.  
23 Ill.Admin.Code §22.20, Code of Ethics for Ill. Educators.  
Garcetti v. Ceballos, 547 U.S. 410 (2006).  
Pickering v. High School Dist. 205, 391 U.S. 563 (1968).  
Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors)  
5:20 (Workplace Harassment Prohibited)  
5:30 (Hiring Process and Criteria)  
5:100 (Staff Development Program)  
5:120 (Ethics and Conduct)  
5:130 (Responsibilities Concerning Internal Information)  
5:150 (Personnel Records)  
5:170 (Copyright)  
5:200 (Terms and Conditions of Employment and Dismissal)  
6:235 (Access to Electronic Networks)  
7:20 (Harassment of Students Prohibited)  
7:340 (Student Records)

**15. First Reading of Revised Board of Education Policy 5:150, Personnel Records**

91

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education policy for Section 5:150, Personnel Records, as presented. **See Attachment No. 20.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources *T.D.*

DATE: March 23, 2023

SUBJECT: Approve Board Policy 5:150, Personnel Records

Reason for Board Consideration: The Board of Education approves updated Board Policy.

Action Necessary: Approve the updated Board Policy.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:150, Personnel Records, which was included as part of the March 2023 PRESS update review.


The policy is updated in response to requiring a district to maintain as part of an employee's personnel file a form including Related Employment History Review (EHR) information. In addition, footnotes were updated requiring a district to share information related to an incident of sexual misconduct with a third party, even if the record is more than four years old.

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

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education policy for Section 5:150, Personnel Records, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Personnel Records<sup>1</sup>

#### Maintenance and Access to Records

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent.<sup>2</sup>
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*.<sup>3</sup>

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

<sup>1</sup> State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the applicable collective bargaining agreement(s)."

<sup>2</sup> An employee has the right to view his or her personnel file contents, with a few exceptions. Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/. Thus, personnel files should contain only factual and accurate job-related information. Additionally, 105 ILCS 5/22-94(e), a/k/a Faith's Law, added by P.A. 102-702, eff. 7-1-23, requires a district to maintain as part of an employee's personnel file a form including sexual misconduct related information; the form is completed at the time of separation of employment or at the request of the employee. See 5:150-AP, Personnel Records. FinallyIn addition, the PRRA identifies records that may not be kept: a record of an employee's associations, political activities, publications, communications, or non-employment activities (820 ILCS 40/9), ~~amended by P.A. 101-531~~ and records identifying an employee as the subject of an investigation by the Ill. Dept. of Children and Family Services (DCFS) if the investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act (820 ILCS 40/13). See f/n 5.

<sup>3</sup> Unless a specific exemption is available, personnel file information is available to anyone making a FOIA request. 5 ILCS 140/. Specific exemptions protect the following:

1. *Private information* meaning "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b); 5 ILCS 140/2(c)-5.

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

2. *Personal information* “the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 ILCS 140/7(1)(c).
3. *Information prohibited from being disclosed under the Illinois Educational Labor Relations Act (IELRA)*. 5 ILCS 140/7.5(yy) ~~added by P.A. 101-620~~; 115 ILCS 5/3(d). The prohibitions in the IELRA overlap with some categories of private information identified in FOIA and include: (a) the employee's home address (including ZIP code and county); (b) the employee's date of birth; (c) the employee's home and personal phone number; (d) the employee's personal email address; (e) any information personally identifying employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization or a labor federation; and (f) e-mails or other communications between a labor organization and its members. Unless a specific exception in the IELRA applies, if a district receives a third-party request for any of these six categories of information about an employee, the district must provide the union with a copy of the written request (or written summary of an oral request), as well as a copy of the district's response within five business days of sending the response. If the employee is not in a bargaining unit, then these notices must be given directly to the employee. 115 ILCS 5/3(d). **Note:** It is best practice to maintain union-related documents, such as grievances, separately from an employee's personnel file.
4. *Information prohibited from being disclosed by the PRRA*. 5 ILCS 140/7.5(q). The PRRA prohibits the disclosure of a performance evaluation under FOIA. 820 ILCS 40/11. The treatment of a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age and nature of the responsive record. If the responsive record is more than four years old and is not related to an incident or attempted incident of sexual abuse, ~~or severe physical abuse~~, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), the request must be denied unless the disclosure is permitted by the Act. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A.s ~~101-531 102-702, eff. 7-1-23~~. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse ~~or severe physical abuse~~, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), the request cannot be denied. 820 ILCS 40/8, amended by P.A.s ~~101-531 102-702, eff. 7-1-23~~. If the responsive record is four years old or less (regardless of its nature), the district should provide the record and must notify the employee in written form or through email, if available. 820 ILCS 40/7 and 40/8, amended by P.A.s ~~101-531 102-702, eff. 7-1-23~~

The School Code prohibits the disclosure of school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws. 105 ILCS 5/24A-7.1. Finally, sexual misconduct employment history review (EHR) information received pursuant to 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23, is not deemed a public record under the School Code. However, P.A. 102-702, eff. 7-1-23, did not specifically amend or reference FOIA. Districts should consult their board attorneys if they receive FOIA requests for EHR information regarding current or former employees.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub.L. 104-191) created national standards to protect individuals' medical records and other personal health information. If a district is a *covered entity* (i.e., offers a self-insured group health plan or flexible spending account), it must establish clear procedures to protect the employee's health information. 45 C.F.R. §164.502. Such districts should consult their attorneys and insurance provider for assistance.

Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance.<sup>4</sup> The Superintendent shall: <sup>5</sup>

1. Execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to Ill. Dept. of Children and Family Services (DCFS); and
2. Comply with the federal law prohibiting the District from providing a recommendation of employment for an employee, contractor, or agent that District knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law,<sup>6</sup> but the Superintendent or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.
3. Manage the District's responses to employer requests for sexual misconduct related employment history review (EHR) information in accordance with Faith's Law.<sup>7</sup>

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

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

<sup>4</sup> The Employment Record Disclosure Act (745 ILCS 46/10) provides conditional immunity to employers responding to a reference request; it states: "Any employer or authorized employee or agent acting on behalf of an employer who, upon inquiry by a prospective employer, provides truthful written or verbal information, or information that it believes in good faith is truthful, about a current or former employee's job performance is presumed to be acting in good faith and is immune from civil liability for the disclosure and the consequences of the disclosure." This immunity statute does not, however, create an exemption to the requirements in the PRRA. The PRRA requires an employer to give an employee written notice before divulging a "disciplinary report, letter of reprimand, or other disciplinary action to a third party." 820 ILCS 40/7. An employment application may contain a waiver of this notice. Id.

<sup>5</sup> 325 ILCS 5/4(d), ~~amended by P.A. 101-564~~ requires a superintendent, upon being asked for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. For more information, see 5:150-AP, *Personnel Records*.

Required by the Elementary and Secondary Education Act (ESEA) (20 U.S.C. §7926). On 6-27-2018, the U.S. Dept. of Education issued a *Dear Colleague Letter* stating that school policies must explicitly state this requirement. See the resources portion for the letter at: [www2.ed.gov/policy/elsec/leg/essa/index.html](http://www2.ed.gov/policy/elsec/leg/essa/index.html). See also sample procedure 2:265-AP1, *Title IX Sexual Harassment Response*, at f/n 7.

Consult the board attorney about what "or has probable cause to believe, has engaged in sexual misconduct" means. For guidance, sample policy 5:90, *Abused and Neglected Child Reporting*, and its f/n 14 analysis define an "alleged incident of sexual abuse" as an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

<sup>6</sup> Consult the board attorney in these situations for help about what the superintendent may or may not say. Questions exist whether the superintendent says nothing, provides a neutral reference, or whether a *recommendation* could mean positive or negative statements.

<sup>7</sup> 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23.

LEGAL REF.: 20 U.S.C. §7926.  
105 ILCS 5/22-94.  
325 ILCS 5/4, Abused and Neglected Child Reporting Act.  
745 ILCS 46/10, Employment Record Disclosure Act.  
820 ILCS 40/, Personnel Record Review Act.  
23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District Public Records)  
5:90 (Abused and Neglected Child Reporting)  
7:340 (Student Records)

ADOPTED: November 9, 1999

PRESS REVISED: March 2010, June 2011, July 2016, October 2019, November 2021

BOE REVIEWED: April 2016, September 2016, January 2022

**16. First Reading of Revised Board of Education Policy 5:170, Copyright**

97

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education policy for Section 5:170, Copyright, as presented. **See Attachment No. 21.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources *T.D.*

DATE: March 23, 2023

SUBJECT: Approve Updated Board Policy for Section 5:170, Copyright

Reason for Board Consideration: The Board of Education approves updated Board Policy.

Action Necessary: That the Board of Education approve the updated Board Policies.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:170, Copyright, which was included as part of the March 2023 PRESS update review.

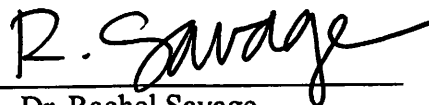
Recall the underlined text represents suggested new additions; whereas, the ~~striketrough~~ text represents suggested deletions.

Based on PRESS recommendation and administration review, it is the recommendation of administration that the Board of Education accept for first reading revised Board of Education policies for Personnel Sections 5:170, Copyright.

Cost: None.

Recommended Motion: That the Board of Education accept for first reading revised Board of Education policy for Section 5:170, Copyright, as presented.

Approved for Submission to the Board of Education



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Dr. Rachel Savage  
Superintendent of Schools

## General Personnel

### Copyright<sup>1</sup>

#### Works Made for Hire<sup>2</sup>

The Superintendent shall manage the development of instructional materials and computer programs by employees during the scope of their employment in accordance with State and federal laws and School Board policies. Whenever an employee is assigned to develop instructional materials and/or computer programs, or otherwise performs such work within the scope of his or her employment, it is assured the District shall be the owner of the copyright.

#### Copyright Compliance

While staff members may use appropriate supplementary materials, it is each staff member's responsibility to abide by the District's copyright compliance procedures and to obey the copyright laws. The District is not responsible for any violations of the copyright laws by its staff or students. A staff member should contact the Superintendent or designee whenever the staff member is uncertain about whether using or copying material complies with the District's procedures or is permissible under the law, or wants assistance on when and how to obtain proper authorization. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. At no time shall it be necessary for a District staff member to violate copyright laws in order to properly perform his or her duties.

#### Copyright Infringement; Designation of District Digital Millennium Copyright Act (DMCA) Agent<sup>3</sup>

The employee listed below receives complaints about copyright infringement within the use of the District's online services. The Superintendent or designee will register this information with the federal Copyright Office as required by federal law.

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

<sup>1</sup> State or federal law controls this policy's content. Creators of original materials, including materials posted on the Internet, are granted exclusive rights, known as *copyrights* (17 U.S.C. §101 *et seq.*). These exclusive rights include reproducing and publicly performing the work. Congress granted some exceptions to exclusive rights for schools, including §107 on fair use, §108 on library reproduction and archiving, §109 on first sale, and §110 on classroom performance and display. If not covered by an exception, the copyright owner's permission must be sought before a work can be copied or performed. The fine for failing to comply with copyright law is steep making the cost of consulting with the board attorney a bargain. Fair use determinations are very fact specific. See 5:170-AP1, *Copyright Compliance*, for more information and resources, and consult the board attorney as needed for guidance.

<sup>2</sup> In evaluating a work made for hire claim, courts consider a non-exhaustive list of factors, including: (1) the hiring party's right to control the manner and means by which the product is accomplished; (2) the skill required to create the material; (3) the location of the work; (4) the duration of the relationship between the parties; (5) whether the hiring party has the right to assign additional projects to the hired party; and (6) the provision of employee benefits. Shanton v. St. Charles Community Unit Sch. Dist. 303, 2017 WL 4865536 (N.D.Ill. 2017)(citing Community for Creative Non-Violence v. Reid, 490 U.S. 730 (1989)). See also *Works Made for Hire (Circular 30)*, at: [www.copyright.gov/circs/circ30.pdf](http://www.copyright.gov/circs/circ30.pdf).

<sup>3</sup> Optional. Before using this text, consult the board attorney to first identify whether the District is an *online service provider* (OSP) under the DMCA. The DMCA is an amendment to 17 U.S.C. §101 *et seq.* The amendment provides limitations on OSP liability for storage, at the direction of a user, of copyrighted material residing on a system or network controlled or operated by or for the OSP. This liability limitation is called the *Safe Harbor Provision* (SHP). If a district is an OSP, the SHP provision will only apply if the district designates, publicizes, and registers a DMCA Agent with the federal Copyright Office (at publication time, registration was \$6).

**District DMCA Agent:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

LEGAL REF.: ~~Federal Copyright Law of 1976~~, 17 U.S.C. §101 et seq., Federal Copyright Law of 1976.  
105 ILCS 5/10-23.10.

CROSS REF.: 6:235 (Access to Electronic Networks)

ADOPTED: November 9, 1999

PRESS REVISED: March 2010, June 2011, August 2015, January/February 2018, March 2023

BOE REVIEWED: April 2016

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


Districts that may benefit from the SHP are those which operate or contract to operate the following types of websites: file and information sharing sites; blogs that allow guests to post content; social media sites; and other sites that accept, publish or host content created and submitted by other parties. For further steps to designate a DMCA agent, see 5:170-AP4, *Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process.*

**17. First Reading of Revised Board of Education Policy 5:260, Student Teachers**

101

*Recommended Motion:* that the Board of Education accept for first reading the revised Board of Education policy for Section 5:260, Student Teachers, as presented. **See Attachment No. 22.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources 

DATE: March 23, 2023

SUBJECT: Approve Board Policy 5:260, Student Teachers

Reason for Board Consideration: The Board of Education approves updated Board Policy.

Action Necessary: Approve the updated Board Policy.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 5:260, Student Teachers, which was included as part of the March 2023 PRESS update review.


The policy is updated in response to requiring district employees and contractors to undergo the addition of the Sexual Misconduct Related Employment History Review (EHR) when they will have direct contact with children or students.

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

Cost: None.

Recommended Action: That the Board of Education accept for first reading the revised Board of Education policy for Section 5:260, Student Teachers, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Professional Personnel

### Student Teachers 1

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. No individual who has been convicted of a criminal offense that would subject him or her to license suspension or revocation pursuant to Section 5/21B-80 of the School Code<sup>2</sup> or who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987 is permitted to student teach.

Before permitting an individual to student teach or begin a required internship in the District, the Superintendent or designee shall ensure that: <sup>3</sup>

1. The District performed a *105 ILCS 5/10-21.9(g) Check* as described below; and
2. The individual furnished evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5. <sup>4</sup>

A *105 ILCS 5/10-21.9(g) Check* shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);

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

<sup>1</sup> State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This sample policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions which exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the school board policy may state, "Please refer to the applicable collective bargaining agreement(s)."

<sup>2</sup> 105 ILCS 5/21B-80, amended by P.A.s 101-531 and 102-552. 105 ILCS 5/10-21.9, 5/21B-15, and 5/21B-80(b) carve out an exception allowing individuals with convictions involving certain drug offenses to obtain educator licensure or reinstate a license suspension/revocation seven years after the end of an individual's sentence for these certain drug offenses. See 5:30-AP2, *Investigations*, for a list of these carved-out drug offenses. Consult the board attorney for guidance regarding whether student teachers or interns, who are typically unpaid, qualify as employees who must also undergo the sexual misconduct related employment history review (EHR) required by 105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-23. Whether or not a student or intern is paid by a district may be determinative. See 5:30-AP3, Sexual Misconduct Related Employment History Review (EHR). If a district has an agreement with a post-secondary institution for the placement of student interns, consult the board attorney regarding whether the institution qualifies as a contractor under 105 ILCS 5/22-94(b) that must perform an EHR of the intern. See 4:60-AP4, Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees.

<sup>3</sup> 105 ILCS 5/10-21.9(g), amended by P.A. 101-531. A student teacher or individual beginning a required internship must undergo a fingerprint-based State and national criminal history records information check and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database prior to participating in any field experiences in the school.

For boards that want to include students participating in any field or clinical experience, amend the introductory phrase to state "Before permitting an individual to student teach, ~~or begin a required internship, or participate in any field or clinical experience~~ in the District, ... ." For information about screenings or fingerprint-based criminal history records information checks for students doing field or clinical experience other than student teaching, see number two in the subhead titled **Screening Individuals Who are Likely to Have Contact with Students at School or School Events** in 4:175-AP1, *Criminal Offender Notification Laws; Screening*.

<sup>4</sup> 105 ILCS 5/24-5.

2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth ~~Community Notification Law~~ Registration Act (730 ILCS 154/75-105).

The School Code requires each individual student teaching or beginning a required internship to provide the District with written authorization for, and pay the costs of, his or her 105 ILCS 5/10-21.9(g) check (including any applicable vendor's fees).<sup>5</sup> Upon receipt of this authorization and payment, the Superintendent or designee will submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the ~~Department of Ill. State Police~~, to the ~~Department of State Police (ISP)~~.<sup>6</sup> The Superintendent or designee will provide each student teacher with a copy of his or her report. <sup>7</sup>

### Assignment

The Superintendent or designee shall be responsible for coordinating placements of all student teachers within the District. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities.

LEGAL REF.: 34 U.S.C. §20901 et seq., Adam Walsh Child Protection and Safety Act, P.L. 109-248.  
~~Uniform Conviction Information Act~~, 20 ILCS 2635/1, Uniform Conviction Information Act.  
 105 ILCS 5/10-21.9, 5/10-22.34, and 5/24-5.

CROSS REF.: 4:175 (Convicted Child Sex Offender; Screening; Notifications)  
 5:190 (Teacher Qualifications)

APDOPTED: November 9, 1999

PRESS REVISED: March 2010, August 2014, October 2019, November 2021, March 2023

BOE REVIEWED: May 2016, December 2016, January 2022

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

<sup>5</sup> 105 ILCS 5/10-21.9(g), ~~amended by P.A. 101-531~~. See also 20 ILCS 2635/7(A)(1).

<sup>6</sup> 105 ILCS 5/10-21.9(g), ~~amended by P.A. 101-531~~. As a condition of employment, each school board must consider the status of a person to student teach who has an indicated finding of abuse or neglect of a child by the Ill. Dept. of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction. See f/n 6 in 4:175, *Convicted Child Sex Offender; Screening; Notifications*, for further discussion.

<sup>7</sup> 20 ILCS 2635/7(A)(2). *LiveScan* is the recommended equipment for criminal history records checks. The language in this policy does not distinguish whether the district uses an authorized LiveScan vendor or owns or leases its own LiveScan equipment. Delete "(including applicable vendor's fees)" if the district owns or leases its own LiveScan equipment.

For more guidance and information on navigating the records laws surrounding criminal history records checks, along with a LiveScan vendor directory, see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: [www.isbe.net/Documents/guidance\\_chr.pdf](http://www.isbe.net/Documents/guidance_chr.pdf).

**18. First Reading of Revised Board of Education Policy 6:135, Accelerated Placement Program**

105

*Recommended Motion:* that the Board of Education accept for first reading revised Board of Education Policy 6:135, Accelerated Placement Program, as presented. **See Attachment No. 23.**

TO: Members of the Board of Education

FROM: Dr. Brian Prybil, Assistant Superintendent for Elementary Teaching and Learning <sup>BP</sup>  
Dr. Matthew DeBaene, Assistant Superintendent for Secondary Teaching and Learning <sup>MD</sup>

DATE: March 23, 2023

SUBJECT: Approve Updated Board Policy 6:135, Accelerated Placement Program

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

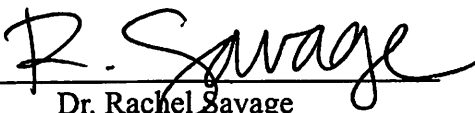
Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 6:135, Accelerated Placement Program. The policy and footnote 10 are updated in response to ISBE's *Accelerated Placement Act FAQ* (September 2022). Continuous improvement updates are also made to the footnotes.. This was included as part of the March 2023 PRESS update review. Recall, the underlined text represents suggested new additions; whereas, the ~~striketrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for first reading revised Board of Education Policy 6:135, Accelerated Placement Program, as presented.

Approved for Submission to the Board of Education

  
\_\_\_\_\_  
Dr. Rachel Savage  
Superintendent of Schools

## Instruction

### Accelerated Placement Program <sup>1</sup>

The District provides an Accelerated Placement Program (APP). The APP advances the District's goal of providing educational programs with opportunities for each student to develop to his or her maximum potential.<sup>2</sup> The APP provides an educational setting with curriculum options usually reserved for students who are older or in higher grades than the student participating in the APP.<sup>3</sup> APP options include, but may not be limited to: (a) accelerating a student in a single subject; (b) other grade-level acceleration; and (c) early entrance to kindergarten or first grade.<sup>4</sup> Participation in the APP is open to all students who demonstrate high ability and who may benefit from accelerated placement. It is not limited to students who have been identified as gifted and talented.<sup>5</sup> Eligibility to participate in the District's APP shall not be conditioned upon the protected classifications identified in School Board policy 7:10, *Equal Educational Opportunities*, or any factor other than the student's identification as an accelerated learner.<sup>6</sup>

The Superintendent or designee shall implement an APP that includes:

1. Decision-making processes that are fair, equitable, and involve multiple individuals, e.g. District administrators, teachers, and school support personnel, and a student's parent(s)/guardian(s);<sup>7</sup>
2. Notification processes that notify a student's parent(s)/guardian(s) of a decision affecting a student's participation in the APP;<sup>8</sup>
3. Assessment processes that include multiple valid, reliable indicators; and<sup>9</sup>

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

<sup>1</sup> State law requires this subject matter be covered by policy and controls its content. 105 ILCS 5/14A (the Accelerated Placement Act (APA)); 23 Ill.Admin.Code Part 227. Ill. State Board of Education (ISBE) rules require this policy to be posted on the district website, if available. 23 Ill.Admin.Code §227.60(a). ISBE rules also require districts to annually report, by July 31, demographic information regarding students participating in accelerated placement. 23 Ill.Admin.Code §227.60(c).

<sup>2</sup> Optional. Ensure this statement matches the board's current educational philosophy and objectives. See policy 6:10, *Educational Philosophy and Objectives*.

<sup>3</sup> 105 ILCS 5/14A-17; 23 Ill.Admin.Code §227.5.

<sup>4</sup> *Id.* For high school districts, delete "~~and (c) early entrance to kindergarten or first grade~~" and insert the word "and" between (a) and (b).

Attorneys disagree whether the APA conflicts with 105 ILCS 5/10-20.12 (*School year – School age.*). The APA requires accelerated placement to include "early entrance to kindergarten or first grade." 105 ILCS 5/14A-17. 105 ILCS 5/10-20.12 *permits* districts to offer early entrance to kindergarten or first grade "based upon an assessment of the student's readiness to attend school." 105 ILCS 5/10-20.12 also states that students may enter first grade early when they: (1) are assessed for readiness; (2) have attended a non-public preschool and continued their education at that school through kindergarten; (3) were taught in kindergarten by an appropriately certified teacher; and (4) will attain the age of 6 years on or before December 31. *Id.* See sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. Consult the board attorney for guidance.

<sup>5</sup> 105 ILCS 5/14A-32(a)(1); 23 Ill.Admin.Code §227.5.

<sup>6</sup> 105 ILCS 5/14A-25.

<sup>7</sup> 105 ILCS 5/14A-32(a)(2) requires that the accelerated placement policy include "a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians" but does not specify what individuals are to be involved or limit those individuals to district employees. Amend this listing to align with the local board's preference.

<sup>8</sup> *Id.* at (a)(3).

<sup>9</sup> *Id.* at (a)(4).

4. ~~By the fall of 2023,~~ The automatic enrollment, in the following school term, of a student into the next most rigorous level of advanced coursework offered by the high school if the student meets or exceeds State standards in English language arts, mathematics, or science on a State assessment administered under 105 ILCS 5/2-3.64a-5, as follows: <sup>10</sup>
- a. A student who meets or exceeds State standards in English language arts shall be automatically enrolled into the next most rigorous level of advanced coursework in English, social studies, humanities, or related subjects.
  - b. A student who meets or exceeds State standards in mathematics shall be automatically enrolled into the next most rigorous level of advanced coursework in mathematics.
  - c. A student who meets or exceeds State standards in science shall be automatically enrolled into the next most rigorous level of advanced coursework in science.

The Superintendent or designee shall annually notify the community, parent(s)/guardian(s), students, and school personnel about the APP, the process for referring a student for possible evaluation for accelerated placement, and the methods used to determine whether a student is eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework.<sup>11</sup> Notification may: (a) include varied communication methods, such as student handbooks and District or school websites; and (b) be provided in multiple languages, as appropriate. <sup>12</sup>

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

<sup>10</sup> Required ~~only for districts with grades 9-12~~ by 105 ILCS 5/14A-32(a-5), ~~amended by P.A. 101-654 and amended by P.A. 102-209 for all districts, including elementary-only districts. Delete for elementary school districts.~~ Though not set forth explicitly explained in the statute, ISBE asserts this provision is limited to “[d]istricts with grades 9-12.” See ISBE *Accelerated Placement Policy Guidance for Districts Frequently Asked Questions (September 2022)*, at: [www.isbe.net/Documents/Accelerated-Placement-Act-FAQ.pdf](http://www.isbe.net/Documents/Accelerated-Placement-Act-FAQ.pdf). The FAQ further explains that districts must “have the automatic enrollment policy in place prior to the start of the school year 2023-24 and districts will use scores from that school year to automatically enroll students during school year 2024-25.” ~~Id. this is likely because State assessments in English language arts, mathematics, and science are required in grades 3 through 8 (105 ILCS 5/2-3.64a-5) and a student’s State assessment results may place the student in high school courses. Consult the board attorney about practical implementation issues for an elementary school district, e.g., what to do if the elementary school district does not have a program for students to enroll in high school courses (see sample policy 6:135, *High School Credit for Students in Grade 7 or 8*) or if the elementary school district would like to offer advanced coursework not offered by the high school.~~

A district must provide the parents/guardians of a student eligible for automatic enrollment with the option to instead enroll in alternative coursework that better aligns with the student’s postsecondary education or career goals. For a student entering grade 12, the next most rigorous level of advanced coursework in English language arts or mathematics must be a *dual credit course* (as defined in the Dual Credit Quality Act, 110 ILCS 27/5), an *Advanced Placement course* (as defined in the College and Career Success for All Students Act, 105 ILCS 302/10), or an International Baccalaureate course. The same is true for all other subjects, except that the next most rigorous level of advanced coursework may also include an honors class, an enrichment opportunity, a gifted program, or another program offered by the district. 105 ILCS 5/14A-32(a-5), ~~added by P.A. 101-64 and amended by P.A. 102-209.~~ See 6:135-AP, *Accelerated Placement Program Procedures*.

<sup>11</sup> Optional. 105 ILCS 5/14A-32(b)(1) permits, but does not require “procedures for annually informing the community at-large, including parents or guardians, community-based organizations, and providers of out-of-school programs, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework[.]”

<sup>12</sup> Optional. 105 ILCS 5/14A does not require this but it is a recommended best practice and aligns with sample policy 7:10, *Equal Educational Opportunities*.

ADOPTED: May/June 2018

LEGAL REF.: 105 ILCS 5/14A.  
23 Ill.Admin.Code Part 227, Gifted Education.

CROSS REF.: 6:10 (Educational Philosophy and Objectives)  
6:130 (Program for the Gifted)  
7:10 (Equal Educational Opportunities)  
7:50 (School Admissions and Student Transfers To and From Non-District  
Schools)

PRESS REVISED: November 2021, March 2023

BOE REVIEWED:

**19. First Reading of Revised Board of Education Policy 6:230, Library Media Program**

110

*Recommended Motion:* that the Board of Education accept for first reading revised Board of Education Policy 6:230, Library Media Program, as presented. **See Attachment No. 24.**

TO: Members of the Board of Education

FROM: Dr. Brian Prybil, Assistant Superintendent for Elementary Teaching and Learning  
Dr. Matthew DeBaene, Assistant Superintendent for Secondary Teaching and Learning



DATE: March 23, 2023

SUBJECT: Approve Updated Board Policy 6:230, Library Media Program

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

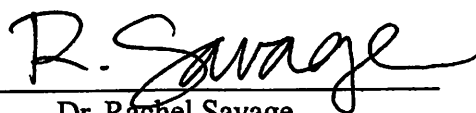
Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 6:230, Library Media Program. The policy and footnotes are updated in response to subscriber and Ill. Council of School Attorneys member feedback regarding management of library book challenges. Continuous improvement updates are also made to the footnotes. This was included as part of the March 2023 PRESS update review. 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 revised Board of Education Policy 6:230, Library Media Program, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage  
Superintendent of Schools

## Instruction

### Library Media Program<sup>1</sup>

The Superintendent or designee shall manage the District's library media program to comply with (1) State law and Ill. State Board of Education (ISBE) rule and (2) the following standards:

1. The program includes an organized collection of resources available to students and staff to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served.
2. Financial resources for the program's resources and supplies are allocated to meet students' needs.
3. Students in all grades served have equitable access to library media resources.
4. The advice of an individual who is qualified according to ISBE rule is sought regarding the overall direction of the program, including the selection and organization of materials, provision of instruction in information and technology literacy, and structuring the work of library paraprofessionals.
5. Staff members are invited to recommend additions to the collection.
6. Students may freely select resource center materials as well as receive guided selection of materials appropriate to specific, planned learning experiences.

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

<sup>1</sup> ISBE rule controls some aspects of this policy's content; however, districts are not required to adopt a policy on any subject matter covered in it. Standards #1-4 restate requirements in 23 Ill.Admin.Code §1.420(o). Standard #2 implements the rule's requirement that each "district's annual budget shall include an identifiable allocation for resources and supplies for the program." However, the rule allows a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students to forego the allocation requirement; thus, they may use the following alternative to standard #2: "Resources are sufficient to meet students' needs." Standards #5, and #6, and #7 may be customized or deleted, and other standards may be added. For optional Standard #7, the American Library Association's (ALA) *Library Bill of Rights* includes the following:

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
7. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.
8. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

See <https://www.ala.org/advocacy/intfreedom/librarybill> and its interpretation for school libraries at: <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accessresources>. The ALA's interpretation of its *Library Bill of Rights* acknowledges that the educational level and program of the school necessarily shape the resources and services of a school library, but it states that the principles of the *Library Bill of Rights* apply equally to all libraries, including school libraries.

7. The program is guided by the principles of the American Library Association's *Library Bill of Rights* and its interpretation for school libraries.

Parents/guardians, employees, and community members who believe that library media program resources violate rights guaranteed by any law or Board policy may file a complaint using Board policy 2:260, *Uniform Grievance Procedure*.<sup>2</sup>

The Superintendent or designee shall establish criteria consistent with this policy for the review of objections. Parents/guardians, employees, and community members with suggestions or complaints about library media program resources may complete a *Library Media Resource Objection Form*. The Superintendent or designee shall inform the parent/guardian, employee, or community member, as applicable, of the District's decision.<sup>3</sup>

LEGAL REF.: 23 Ill.Admin.Code §1.420(o).

CROSS REF.: 6:60 (Curriculum Content), 6:170 (Title I Programs)  
6:210 (Instructional Materials)

ADOPTED: November 9, 1999

PRESS REVIEWED: April 2006, July 2013, May/June 2018, March 2023

BOE REVIEWED: August 2016

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

<sup>2</sup> Limiting the scope of complainants in this policy to parents/guardians, employees, and community members aligns with sample policy 2:260, *Uniform Grievance Procedure*.

<sup>3</sup> The issue of school library book removals is an unsettled area of law that is often litigated; consult the board attorney for advice regarding challenges to school library books or other library resources. In the only U.S. Supreme Court case to address this issue, *Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 852 (1982), the Court issued a plurality (not a majority) opinion finding a board could not remove books it had characterized as "anti-American, anti-Christian, anti-Semitic, and just plain filthy," if the removal was motivated by partisan or political reasons; to do so would violate students' Constitutional right to receive information and ideas. Four dissenting justices, however, disagreed that students have a right to receive information and ideas under the First Amendment and would have deferred to the judgment of the local school board.

## **20.Reports, Requests and Open Discussion**

- A.Superintendent's Report
- B.Financial Reports

## **21.\*\*\*CLOSED SESSION\*\*\***

(to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District)

## **22.Return to Open Session**

## **23.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.