

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, January 8, 2024, at the Bartlett Performing Arts Center (Black Box), 3600 Avenue of the Cities, Moline, Illinois 61265.

Dr. Matthew DeBaene
Secretary, Board of Education

AGENDA AND RECOMMENDATIONS

Board of Education
Moline, Illinois
Monday, January 8, 2024

Join from a device:

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Passcode: 386858

Description: School Board meeting to be held on January 8, 2024.

Or One tap mobile:

+13126266799,,87536106831# US (Chicago)

Or join by phone:

Dial: +1 312 626 6799 or +1 309 205 3325

Webinar ID: 875 3610 6831

Public comments may be made in person or e-mailed to the Board Secretary, Dr. Matthew DeBaene, at mdebaene@molineschools.org no later than 4:30 p.m. on Monday, January 08, 2024, 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

A. Minutes of the Regular Meeting of the Board of Education of December 11, 2023

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Moline, Illinois, December 11, 2023
Minutes
Board of Education
School District No. 40

The meeting of the Board of Education was called to order by Board President Andrew Waeyaert at 7:02 p.m. at the Coolidge Professional Development Room, 3430 Avenue of the Cities, Moline, IL 61265.

Roll Call

Members Present: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell,
Andrew Waeyaert

Member Absent: Lindsey Hines, Erin Waldron-Smith

Student Member Present: Jathinram Kollarapu

Student Member Absent: Abigail Greenlee

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

APPROVAL OF MINUTES

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

A motion was made by Chet DeSmet, seconded by Jason Farrell, all in favor, that the minutes of the Open Session of the Regular Board of Education meeting of November 13, 2023 be approved as presented.

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

A motion was made by Audrey Adamson, seconded by Chet DeSmet, all in favor, that the minutes of the Closed Session of the Regular Board of Education meeting of November 13, 2023 be approved as presented.

The minutes of the Special Session of the Special Meeting of the Board of Education on November 27, 2023 were presented for approval as presented.

A motion was made by Jason Farrell, seconded by Audrey Adamson, all in favor, that the minutes of the Special Session of the Special Meeting of the Board of Education on November 27, 2023 be approved as presented.

COMMUNICATION, PUBLIC COMMENT AND PARTICIPATION

Mr. Eric Rasso, community member, spoke on behalf of the Friends of Moline Softball. Mr. Rasso referenced the letter that he sent back in September of 2023 regarding the softball and baseball facilities. Mr. Rasso thanked the District for conducting the study on the facilities. Mr. Rasso's understanding was that the dugouts at the softball field were going to be repaired as the dugout roofs are sagging, it is now December and nothing has been done. Mr. Rasso is speaking tonight to keep the ball rolling, the first

home softball game is March 13th and the second home game is March 26th. Mr. Rasso would like to see dugouts repaired before the first game for the safety of the players and visitors.

PUBLIC HEARING-TAX LEVY

The public hearing on the Resolution for the 2023 Tax Levy was opened by President Andrew Waeyaert. Mr. Vince Gallo, Chief Financial Officer, displayed the fund balances for the public, showing no change. There was no public comment regarding the Resolution for the 2023 Tax Levy. The public hearing relative to the 2023 Tax Levy was closed.

CONSENT AGENDA

The Board of Education considered Consent Agenda Items A through Q as presented:

A. Employment – Certified Staff

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

Anderson, Stacey

Cross Categorical Sped Ed, Franklin/Seton
M. A. Degree, Western Governors University
To serve on a temporary contract basis
No previous teaching experience

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

Name

Ansburg, Nora
Cornelis, Mary
Eisenband, Julie
Kilburg, Sophia
McCullough, Trisha
Spindel, Bailey

B. Salary Reclassification – Certified Staff

a change in salary classification for the following certified staff effective second semester of the 2023-2024 school year:

Budka, Michael from B.A.+15 to M.A.
McCoy, Rachel from B.A. to M.A.

C. Appointment to Differential Assignment

- 1) the appointment of the following named certified staff member to differential assignment, effective for the 2023-2024 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Ryser, Alexander	Safety Supervisor	John Deere

- 2) the appointment of the following named non-certified staff members to differential assignment, effective for the 2023-2024 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Castillo, Nikki	Assistant Grade 7 Boys Track	Wilson
Diallo, Mamadou	Head Grade 7 Boys Track	Wilson
Holzman, Brooke	Assistant Sophomore Softball	High School
VanHyfte, Camille	Head Grade 8 Girls Track	John Deere

D. Resignation from Differential Assignment

- 1) the resignation of the following named certified staff members from differential assignment, effective for the 2023-2024 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Luckey, Erin	Safety Supervisor	John Deere
Williams, Eddie	Assistant Girls Varsity Track	High School

- 2) the resignation of the following named certified staff member from differential assignment, effective for the 2024-2025 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Finneran, Shannon	Link Leader	High School

- 3) the resignation of the following named non-certified staff member from differential assignment, effective for the 2024-2025 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Burnham, Damon	Assistant Grade 7 Football (.5)	John Deere

E. Resignation for the Purpose of Retirement – Certified Staff

the resignation for the purpose of retirement of the following named certified staff member at the end of the 2023-2024 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
DeLong, Marlene	Math Teacher	Wilson

F. Approval of Family Medical Leave Act

- 1) that the Board of Education grant approval of a family medical leave for the following certified staff members:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
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Owens, Lindsay	Counselor	Washington	Beginning approximately 01/16/24 and not to exceed 60 days, return date to be determined
Roman, Stacey	PFAE Teacher	Butterworth	Beginning approximately 11/27/23 and lasting 60 accumulated days or 06/07/24
Timerman, Dawn	Special Education	Roosevelt	Beginning approximately 12/07/23 and not to exceed 60 days, return date to be determined

- 2) 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>
Lara, Monica	Reading/Math Interventionist	Lincoln-Irving	Beginning approximately 01/01/24 with an approximate return date of 04/10/24

G. Employment – Educational Support Personnel

- 1) the employment of the following named educational support personnel for the 2023-2024 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Clark, Braden	Lunchroom Aide	Jane Addams	11/14/23
Swartz, Mark	Custodian	John Deere	12/18/23

- 2) the temporary employment of the following named educational support personnel for the 2023-2024 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Harper, Karlee	Classroom Paraprofessional	Jane Addams	11/13/23
Ledbetter, Mallie	Student Worker	John Deere	11/01/23

H. Transfer/Reassignment

the transfer of James Briggs from the 3rd Shift Custodial position at the High School to the 2nd Shift Custodial position at Bicentennial, effective January 2, 2024.

I. Resignation/Termination – Educational Support Personnel

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

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Dyar, Kali	Reading/Math Interventionist	Washington	11/17/23
Underwood, Petra	Lunchroom Aide	Jane Addams	10/27/23

J. Payments for Board Approval

approval of payments:

Fund 1 Educational	1,378,564.74
Fund 2 Operations & Maintenance	231,431.78
Fund 3 Debt Service	0.00
Fund 4 Transportation	140,222.34
Fund 5 Retirement	219,530.72
Fund 6 Capital Projects	9,690.00
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	9,995.40
Fund 9 Life Safety Code	1,785.00
Fund 10 Group Insurance	1,013,926.90
Fund 11 Student Activity	<u>14,581.02</u>
TOTAL	3,019,727.90

See Exhibit A in the official minutes.

K. Freedom of Information Act Requests

- 1) A Freedom of Information Act request was received from Ms. Casey requesting the names of universal/core curricula currently used to teach reading in Kindergarten through 3rd grade, the grade levels these are used if there are multiple reading curricula, the dates the reading curricula were purchased, and if there are plans to purchase different literacy curricula in the future. The District has responded to this request.
- 2) A Freedom of Information Act request was received from SmartProcure for any and all purchasing records from 08/21/23 to current for the Moline - Coal Valley School District. The District has responded to this request.
- 3) A Freedom of Information Act request was received from SmartProcure for any and all purchasing records from 01/01/2018 to current for Hamilton Elementary School. The District has responded to this request.

L. Acceptance of Gifts

- 1) A donation in the amount of \$500 from QC Roof D.R.S., Inc. to be used at Wharton Fieldhouse and/or Moline High School, to honor Brock Harding for earning the title of Mr. Basketball in Illinois.
- 2) A donation of ten spin bikes with a value of \$5,000 from Top Shape Gym were received by John Deere Middle School.
- 3) A donation in the amount of \$31,966.05 was received from the Lee Smith Estate for Moline High School.

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

- 1) Jane Addams Elementary Gymnasium by Quad City Rush 2nd & 3rd Grade Girls Soccer on Mondays starting November 27, 2023 through February 26, 2024, from 6:00 p.m. until 7:00 p.m. for soccer practice. Compensation to be received in the amount of \$30.00 per hour for rental and \$54.00 per hour for custodial.
- 2) Moline High School Physical Education Center by the Moline Youth Basketball on January 3, 2024 and January 4, 2024, from 4:30 p.m. until 6:00 p.m. for basketball practice. Compensation to be received only for custodial services required as a result of their program. If necessary, custodial fees will be billed at \$54.00 per hour.
- 3) Wharton Field House on Saturday, April 6, 2024 from 1:00 p.m. to 5:00 p.m. for a HORSE Tournament fundraiser by the Moline Youth Baseball. Compensation to be received only if custodial services are required as a result of their program. Custodial fees will be billed in the amount of \$54.00 per hour.

N. Approval of Request

that the Board of Education approve the request to accept a non-resident student on a tuition basis. **See Exhibit B in the official minutes.**

O. Approval of Grant Application

that the Board of Education approve the School Maintenance Project Grant application for the Wilson Middle School Fire Alarm System Upgrades. **See Exhibit C in the official minutes.**

P. Engage Services - Horace Mann Asbestos Abatement Design

that the Board of Education engage the services of Morland Environmental Services, Woodhull, Illinois, for Horace Mann asbestos abatement design in the amount of \$3,500. **See Exhibit D in the official minutes.**

Q. Engage Services - Waterproofing at Washington Elementary

that the Board of Education engage the services of Walter D. Laud Inc., East Moline, Illinois, for Washington Elementary Waterproofing in the amount of \$24,283. **See Exhibit E in the official minutes.**

A motion was made by Audrey Adamson, seconded by Chet DeSmet, that the Board of Education approve the actions contained in Consent Agenda items A through Q as presented.

Ayes: Jason Farrell, Audrey Admason, Chet DeSmet, Ramona Dixon, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 2:20, POWERS AND DUTIES OF THE SCHOOL BOARD; INDEMNIFICATION

A revised motion was made by Jason Farrell, seconded by Audrey Adamson, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 2:20, Powers and Duties of the School Board; Indemnification, as presented. **See Exhibit F in the official minutes.**

Ayes:, Audrey Adamson, Jason Farrell, Chet DeSmet, Ramona Dixon, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 2:110, QUALIFICATIONS, TERMS AND DUTIES OF BOARD OFFICERS

A revised motion was made by Audrey Adamson, seconded by Chet DeSmet, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 2:110, Qualifications, Terms and Duties of Board Officers, as presented. **See Exhibit G in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 2:120, BOARD MEMBER DEVELOPMENT

A revised motion was made by Jason Farrell, seconded by Chet DeSmet, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 2:120, Board Member Development, as presented. **See Exhibit H in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 2:200, TYPES OF SCHOOL BOARD MEETINGS

A motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education approve the first reading of revised Board of Education policy 2:200, Types of School Board Meetings, as presented. **See Exhibit I in the official minutes.**

Ayes: Chet DeSmet, Ramona Dixon, Jason Farrell, Audrey Adamson, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 2:220, SCHOOL BOARD MEETING PROCEDURE

A revised motion was made by Audrey Adamson, seconded by Chet DeSmet, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 2:220, School Board Meeting Procedure, as presented. **See Exhibit J in the official minutes.**

Ayes: Ramona Dixon, Jason Farrell, Audrey Adamson, Chet DeSmet, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY SECTION 3, GENERAL SCHOOL ADMINISTRATION

A revised motion was made by Jason Farrell, seconded by Audrey Adamson, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 3:50, Administrative personnel Other than the Superintendent, as presented. **See Exhibit K in the official minutes.**

Ayes: Jason Farrell, Audrey Adamson, Chet DeSmet, Ramona Dixon, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY SECTION 4, OPERATIONAL SERVICES

A revised motion was made by Audrey Adamson, seconded by Jason Farrell, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 4:10 Fiscal and Business Management, 4:30 Revenue and Investments, 4:90 Student activity and Fiduciary funds, 4:160 Environmental Quality of Building and Grounds, and 4:170 Safety, as presented. **See Exhibit L in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 4:60, PURCHASES AND CONTRACTS

A motion was made by Chet DeSmet, seconded by Jason Farrell, that the Board of Education approve the first reading of revised Board of Education policy 4:60 Purchases and Contracts, as presented. **See Exhibit M in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell

Nays: Andrew Waeyaert

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 4:130, FREE AND REDUCED-PRICE FOOD SERVICES

A revised motion was made by Audrey Adamson, seconded by Chet DeSmet, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 4:130 Free and Reduced-Price Food Services, as presented. **See Exhibit N in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY SECTION 5 - PERSONNEL

A revised motion was made by Jason Farrell, seconded by Audrey Adamson, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policies for Personnel Sections 5:30 Hiring Process and Criteria, 5:50-Drug and Alcohol Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition, 5:90-Abused and Neglected Child Reporting, 5:120-Employee Ethics; Code of Professionalism Conduct; and Conflict of Interest, 5:150-Personnel Records, and 5:190-Teacher Qualifications, as presented. **See Exhibit O in the official minutes.**

Ayes: Chet DeSmet, Ramona Dixon, Jason Farrell, Audrey Adamson, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 5:200, TERMS AND CONDITIONS OF EMPLOYMENT AND DISMISSAL

A motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education approve the first reading of revised Board of Education policy 5:200, Terms and Conditions of Employment and Dismissal, as presented. **See Exhibit P in the official minutes.**

Mr. Todd DeTaeye, Assistant Superintendent of Administration and Human Resources, stated that the District operates under school code and labor law. The Districts staff contracts do not take precedence over labor law or school code.

Ayes: Ramona Dixon, Jason Farrell, Audrey Adamson, Chet DeSmet, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 5:210, RESIGNATIONS

A revised motion was made by Jason Farrell, seconded by Chet DeSmet, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 5:210 Resignation, as presented. **See Exhibit Q in the official minutes.**

Ayes: Jason Farrell, Audrey Adamson, Chet DeSmet, Ramona Dixon, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 5:220, SUBSTITUTE TEACHERS

A revised motion was made by Audrey Adamson, seconded by Chet DeSmet, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 5:220 Substitute Teachers, as presented. **See Exhibit R in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 5:250, LEAVES OF ABSENCE

A revised motion was made by Ramona Dixon, seconded by Chet DeSmet, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 5:250 Leaves of Absence, as presented. **See Exhibit S in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absen: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 5:330, SICK DAYS, VACATION, HOLIDAY, AND LEAVES

A revised motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 5:330, Sick Days, Vacation, Holidays, and Leaves, as presented. **See Exhibit T in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY SECTION 6 - INSTRUCTION

A revised motion was made by Jason Farrell, seconded by Audrey Adamson, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading of revised policy 6:15-School Accountability, 6:20-School Year Calendar and Day, 6:30-Organization of Instruction, 6:65-Student Social and Emotional Development, 6:270-Guidance and Counseling Program, and 6:280-Grading and Promotions, as presented. **See Exhibit U in the official minutes.**

Ayes: Chet DeSmet, Ramona Dixon, Jason Farrell, Audrey Adamson, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 6:50, SCHOOL WELLNESS

A revised motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 6:50 School Wellness, as presented. **See Exhibit V in the official minutes.**

Ramona Dixon, Board Member, asked since we contract out our food service for the District how does the Wellness Policy work. Mr. Gallo, answered that the District still has to have a Wellness Policy in place.

Ayes: Ramona Dixon, Jason Farrell, Audrey Adamson, Chet DeSmet, Andrew Waeyaert

Nays: None

Absen: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 6:60, CURRICULUM CONTENT

A motion was made by Chet DeSmet, seconded by Jason Farrell, that the Board of Education approve the first reading revised Board of Education policy 6:60 Curriculum Content, as presented. **See Exhibit W in the official minutes.**

Dr. Matthew DeBaene stated that the two updates to this policy regarding Native Americans and fentanyl have been identified as to how they are going to be submitted into the District's curriculum.

Ayes: Jason Farrell, Audrey Adamson, Chet DeSmet, Ramona Dixon, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 6:230, LIBRARY MEDIA PROGRAM

A revised motion was made by Audrey Adamson, seconded by Ramona Dixon, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 6:230 Library Media Program, as presented. **See Exhibit X in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 7:50, SCHOOL ADMISSION AND STUDENT TRANSFERS TO AND FROM NON-DISTRICTS, 7:70 ATTENDANCE AND TRUANCY, 7:250, STUDENT SUPPORT SERVICES, 7:285, ANAPHYLAXIS PREVENTION, RESPONSE, AND MANAGEMENT PROGRAM, AND 7:345, USE OF EDUCATIONAL TECHNOLOGIES; STUDENT DATA PRIVACY AND SECURITY

A revised motion was made by Audrey Adamson, seconded by Jason Farrell, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 7:50-School Admissions and Student Transfers To and From Non-District Schools, 7:70-Attendance and Truancy, 7:250-Student Support Services, 7:285-Anaphylaxis Prevention, Response, and Management Program, and 7:345-Use of Educational Technologies; Student Data Privacy and Security, as presented. **See Exhibit Y in the official minutes.**

Ayes:, Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 7:60, RESIDENCE

A motion was made by Ramona Dixon, seconded by Chet DeSmet, that the Board of Education approve the first reading of Board of Education policy 7:60 Residence, as presented. **See Exhibit Z in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 7:160, STUDENT APPEARANCE & 7:165, SCHOOL UNIFORMS

A revised motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 7:160 Student Appearance & 7:165 School Uniforms, as presented. **See Exhibit AA in the official minutes.**

Ayes: Chet DeSmet, Ramona Dixon, Jason Farrell, Audrey Adamson, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 7:190, STUDENT BEHAVIOR

A motion was made by Chet DeSmet, seconded by Jason Farrell, that the Board of Education approve the first reading of Board of Education policy 7:190 Student Behavior, as presented. **See Exhibit BB in the official minutes.**

Ayes: Ramona Dixon, Jason Farrell, Audrey Adamson, Chet DeSmet, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 7:270, ADMINISTERING MEDICINES TO STUDENTS

A revised motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for

Board of Education policy 7:270 Administering Medicines to Students, as presented. **See Exhibit CC in the official minutes.**

Ayes: Ramona Dixon, Jason Farrell, Audrey Adamson, Chet DeSmet, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 7:290, SUICIDE AND DEPRESSION AWARENESS AND PREVENTION

A revised motion was made by Jason Farrell, seconded by Chet DeSmet, that the Board of Education waive the second reading and allow the first reading to stand for both the first and second reading for Board of Education policy 7:290 Suicide and Depression Awareness and Prevention, as presented. **See Exhibit DD in the official minutes.**

Ayes: Jason Farrell, Audrey Adamson, Chet DeSmet, Ramona Dixon, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

FIRST READING OF REVISED BOARD OF EDUCATION POLICY 8:30, VISITORS TO AND CONDUCT ON SCHOOL PROPERTY

A revised motion was made by Chet DeSmet, seconded by Jason Farrell, that the Board of Education waive the second reading and allow the first reading to stand for the first and second reading for Board of Education policy 8:30 Visitors to and Conduct on School Property, as presented. **See Exhibit EE in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

APPROVAL OF SPECIAL EDUCATION PARAPROFESSIONAL-LOGAN ELEMENTARY

A motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education approve a special education paraprofessional for Logan Elementary School for the remainder of the 2023-2024 school year to work 29.75 hours per week receiving a salary of approximately \$18,000. **See Exhibit FF in the official minutes.**

Ayes:, Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

APPROVAL OF RESOLUTION FOR 2023 TAX LEVY

A motion was made by Chet DeSmet, seconded by Jason Farrell, that the Board of Education of Moline-Coal Valley School District No. 40, Rock Island County, Moline, Illinois, adopt the Resolution approving the official Tax Levy as listed. **See Exhibit GG in the official minutes.**

Ayes: Chet DeSmet, Ramona Dixon, Jason Farrell, Audrey Adamson, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

APPROVAL OF RESOLUTION FOR 2023 TAX ABATEMENT

A motion was made by Jason Farrell, seconded by Audrey Adamson, that the Board of Education approve the Resolution abating all of the property taxes heretofore levied for the year 2023 to pay debt service on the General Obligation School Bonds (Alternate Revenue Source), Series 2018 of Community Unit School District Number 40, Rock Island County, Illinois. **See Exhibit HH in the official minutes.**

Ayes: Ramona Dixon, Jason Farrell, Audrey Adamson, Chet DeSmet, Andrew Waeyaert

Nays: None

Absent: Lindsey Hines, Erin Waldron-Smith

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

Dr. Rachel Savage, Superintendent of Schools, shared the official HON furniture catalog that features Hamilton Elementary and the new furniture that Hamilton received from HON during the photo shoot. Dr. Savage reminded the Board that we will be transitioning to the Black Box in the Bartlett Performing Arts center beginning the first Board meeting in January which is on the 8th. Dr. Savage invited Board Members to attend the all staff institute day on January 8th which will feature speaker Will Bowen. Dr. Savage thanked Kristin Sanders for her time and knowledge as Board of Education Secretary. Ms. Sanders will be stepping down as Board Secretary due to her retirement in June, 2024.

Student BOE Member Report

Student Board Member, Jathin Kollarapu, noted that this year's Share Joys dollars equaled \$51,249 and was the 3rd largest total. These dollars stay in our community and will clothe 351 students this year. Jathin thanked Dr. Savage for donating two TV's for the raffle.

Financial/Facilities Report

Mr. Vince Gallo, Chief Financial Officer, stated that the revenue and expenditures for the year are on track. Mr. Gallo updated the board on facility projects. Lincoln-Irving and Washington projects are 98% complete. At Washington the District is working on closing paperwork and getting quotes for new blinds, contingency funds that were not used will be used to pay for the blinds. Lincoln-Irving needs to have testing on their new chiller this will be done in the Spring when the weather warms up. The new roofs at Wilson and the J-Wing at the High School are now complete. The parking lots at both Butterworth and Horace Mann are complete. All exterior bathroom doors have been reinstalled at the High School. The

District and the vendor are working together to get the restriping completed at the Physical Education Center. The bids for the welding room are complete and this project will be completed in the summer of 2024. The bids for the High School front entrance have come back higher than expected. The District is working with the architect to see if changes to the design can be done to align with the District's budget. John Deere's stage lighting is planned to be completed over winter break. Wilson's stage lighting bid is completed and their fire alarm system is in design and will partially be paid for by the school maintenance grant. The District has purchased three heat pumps for Wilson and those heat pumps will be installed later this year. Mr. Gallo stated that Horace Mann is in need of a new boiler, and the pre-bid was on December 7th. The bids should be done on December 20th, with the results discussed at the January 8th Board meeting. Bicentennial and John Deere are in need of a total of seven heat pumps and Roosevelt is in need of a replacement control system, Mr. Gallo is looking into what is left of ESSER dollars to purchase this equipment. Studies are just starting for the Lincoln-Irving expansion and Athletics needs; these findings will be presented around April or May of 2024. Mr. Gallo has requested and received pricing for immediate fencing needs from two companies and is currently working with a contractor to replace roofs on both dugouts of the High School Softball field, with hopes of these repairs before the season starts.

Board Member Jason Farrell shared about the recent trip to Chicago for the School Board conference for board members and administration. Mr. Farrell stated that he was very pleased and excited about the information that he gained from the conference and thanked administration for the opportunity to be a part of the conference.

A motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education meeting be adjourned. Time 8:07 p.m.

President

Secretary

4. Communications, Public Comment and Participation

5. Consent Agenda

20

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

5. **Consent Agenda**

Recommended Motion: that the Board of Education approve the actions contained in Consent Agenda Items A-J and L-Q as presented:

A. **Employment - Certified Staff**

the temporary employment of the following named certified substitute teacher for the remainder of the 2023-2024 school year with wages in accordance with district schedules:

Morrissey, Erin

B. **Salary Reclassification – Certified Staff**

a change in salary classification for the following certified staff effective second semester of the 2023-2024 school year:

Haverland, Max from B. A. +15 to M. A.
Viaene, Jacob from B. A. to B. A. +15
Wetherell, Anna from B.A. to B.A. +15

C. **Appointment to Differential Assignment**

1) the temporary appointment of the following named non-certified staff members to differential assignment, effective for the 2023-2024 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Ekberg, Kyle	Head Grade 8 Boys Track	John Deere
Ellis, Charles	Assistant Grade 7 Boys Track	John Deere
Ritchie, Heather	Assistant Sophomore Girls Basketball	High School

D. **Resignation from Differential Assignment**

1) the resignation of the following named non-certified staff member from differential assignment, effective for the 2023-2024 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Abel, Steven	Head Grade 8 Boys Track	Wilson

2) the resignation of the following named non-certified staff members from differential assignment, effective for the 2024-2025 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Cramer, Christopher	Assistant Girls Golf	High School

E. Resignation for the Purpose of Retirement

- 1) the resignation for the purpose of retirement of the following named certified staff members at the end of the 2027-2028 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
DeTaeye, Todd	Assistant Superintendent for Administration & Human Resources	Allendale
Roberts, Emily	Vocal Music	Bicentennial/Franklin

- 2) the resignation for the purpose of retirement of the following named educational support personnel for the 2024-2025 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Bennett, Susan	Custodian	Franklin	12/04/24

F. Resignation/Termination - Educational Support Personnel

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

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Wehr, Lisa	Digital Learning Support Assistant	Roosevelt	02/08/24

G. Approval of Family Medical Leave Act

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

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Houseman, Jessica	Hall Security	High School	Beginning 01/23/24 with an approximate return date of 03/19/24

H. Employment – Educational Support Personnel

- 1) the employment of the following named educational support personnel for the 2023-2024 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Ames, David	Special Education Paraprofessional	High School	01/09/24

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

<u>Name</u>	<u>Languages</u>	<u>Effective Date</u>
Cornelio, Lewis	Swahili, Kirundi, Kinyarwanda	12/07/23

- 3) the temporary employment of the following named educational support personnel for the 2023-2024 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Taets, Danielle	1:1 Special Education Paraprofessional	Logan	01/09/24

- 4) the temporary employment of the following named substitute educational support personnel for the 2023-2024 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>
Birditt, Susy	Classroom Paraprofessional
Pelletier, Elizabeth	Classroom Paraprofessional

I. Transfer/Reassignment

- 1) the transfer of Tina Durham from the 2nd Shift Custodial position at John Deere to the 2nd Shift Custodial position at Roosevelt, effective January 2, 2024.
- 2) the transfer of Chris Ethridge from the 2nd Shift Custodial position at Bicentennial to the 1st Shift Custodial position at Bicentennial, effective January 2, 2024.
- 3) the transfer of Alyssa Luxmore from the 2nd Shift Custodial position at Roosevelt to the 3rd Shift Custodial position of the K Wing and PE Center at the High School, effective January 2, 2024.

J. Payments for Board Approval

approval of payments:

Fund 1 Educational	2,595,609.50
Fund 2 Operations & Maintenance	149,555.49
Fund 3 Debt Service	582,625.08
Fund 4 Transportation	107,753.97
Fund 5 Retirement	186,515.48
Fund 6 Capital Projects	24,499.22
Fund 7 Working Cash	33,496.46
Fund 8 Tort Fund	3,154.11
Fund 9 Life Safety Code	66,694.00
Fund 10 Group Insurance	847,605.39
Fund 11 Student Activity	<u>54,407.14</u>
TOTAL	4,651,915.84

See Attachment No. 1.

L. Freedom of Information Act Requests

- 1) A Freedom of Information Act request was received from Technology International, Inc requesting bid results/tabulations and awardee information for the Kitchen Equipment bid. The District has responded to this request.
- 2) A Freedom of Information Act request was received from Construct Connect requesting an as-read tabulation and/or name of the awarded company and award amount for the Moline-Coal Valley School District 2024 Welding Lab Renovation. The District has responded to this request.
- 3) A Freedom of Information Act request was received from Tri State Travel requesting the accepted bids for the Charter Bus contract from Green River for the 2023-2024 school year. The District has responded to this request.

M. Acceptance of Gifts

- 1) A donation in the amount of \$815 from Deere & Company to be used to purchase new volleyball uniforms at John Deere Middle School.
- 2) A donation in the amount of \$5,000 from Lowell N. Johnson Charitable Foundation as a contribution to fine arts enhancement for students in pre-K through 12th grade.
- 3) A donation in the amount of \$25,000 from the Lowell N. Johnson Charitable Foundation as a contribution to the Moline-Coal Valley School District.
- 4) A donation in the amount of \$50,000 from Lowell N. Johnson Charitable Foundation for the Lowell N. Johnson Scholarship Fund within the Moline-Coal Valley School District.
- 5) A donation in the amount of \$26,000 from Churchill Family Charitable Foundation for the Churchill Family Foundation Scholarship Fund within the Moline-Coal Valley School District.

N. Purchase and Adoption of Understanding Economics from McGraw Hill

that the Board of Education adopt and approve the purchase of Economic books titled *Understanding Economics*, from McGraw Hill, New York, New York, at a cost not to exceed \$4,200. **See Attachment No. 2.**

O. Engage Services - Dr. Joseph M. Sanfelippo, LLC

that the Board of Education engage the services of Dr. Joseph M. Sanfelippo, LLC, Fall Creek, Wisconsin, on January 6, 2025, to conduct an all staff professional development at a total cost not to exceed \$12,500. **See Attachment No. 3.**

P. Engage Services - Wilson Middle School Cafeteria Ceiling Tile Replacement

that the Board of Education engage the services of Builders Sales and Service Company, Moline, Illinois for the Wilson Middle School cafeteria ceiling tile replacement with a total cost not to exceed \$18,241. **See Attachment No. 4.**

Q. Engage Services - Coolidge Elevator Hoist Rope Replacement

that the Board of Education engage the services of Kone Inc., Moline, Illinois, for the Coolidge Building elevator hoist rope replacement project with a total cost not to exceed \$12,190. **See Attachment No. 5.**

K.1) Facility Usage Request Recommended for Approval Subject to Compliance with Board of Education Policy 8:20

Recommended Motion: that the Board of Education approve the actions contained in Consent Agenda Item K. 1) as presented:

Bartlett Performing Arts Center - Band Room by Quad City Symphony Orchestra on Sunday, February 4, 2024 from 1:30 p.m. until 7:30 p.m. If necessary, custodial fees will be billed at \$62 per hour on Sundays. Building rental fees as stated in the contract.

K. 2) Facility Usage Request Recommended for Approval Subject to Compliance with Board of Education Policy 8:20

Recommended Motion: that the Board of Education approve the actions contained in Consent Agenda Item K. 2) as presented:

Moline High School PE Center by Moline Little League for the 2nd Annual Moline Little League Clinic on Sunday, February 4, 2024 from 11 a.m. until 5 p.m. Compensation to be received only if custodial services are required as a result of their program. If necessary, custodial fees will be billed at \$62 per hour on Sundays. Building rental fees as stated in the contract.

K. 3) Facility Usage Request Recommended for Approval Subject to Compliance with Board of Education Policy 8:20

Recommended Motion: that the Board of Education approve the actions contained in Consent Agenda Item K. 3) as presented:

Moline High School, Wilson Middle School, and John Deere Middle School baseball diamonds for Moline Little League 2024 baseball season. Coolidge Gym and Moline High School PE Center for Moline Little League tryouts on Saturday, February 24, 2024 from 9 a.m. until 12 p.m., Saturday, March 2, 2024 from 1 p.m. until 4 p.m., and Saturday,


March 9, 2024 from 9 a.m. until 12 p.m. Compensation to be received only for custodial services required as a result of their program. If necessary, custodial fees will be billed at \$54 per hour (Monday through Saturday).

K. 4) **Facility Usage Request Recommended for Approval Subject to Compliance with Board of Education Policy 8:20**

Recommended Motion: that the Board of Education approve the actions contained in Consent Agenda Item K. 4) as presented:

Bartlett Performing Arts Center by Backstage Dance and Tumbling for performances on Friday, April 26, 2024 from 5 p.m. until 8 p.m. and Saturday, April 27, 2024 from 9 a.m. until 3 p.m. Building rental fees as stated in the contract.

TO: Members of the Board of Education

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

DATE: January 04, 2024

SUBJECT: Purchase and Adoption of Understanding Economics by McGraw Hill

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

Action Necessary: Approval is requested to spend Title budgeted money to adopt the textbook Understanding Economics.


Facts: The District has been utilizing the Networks social studies curriculum by McGraw Hill for the past six years. Recently, the Board of Education approved the renewal of this curriculum that has been successful and well received. To keep in line with the Networks curriculum, the high school social studies department reviewed and then recommended Understanding Economics. This curriculum will update the Moline High School Economics curriculum while also being aligned with the general 6-12 social studies curriculum. This purchase comes with six years of online access for teachers and students.

Understanding Economics has been on public display for over 30 days. No concerns have been brought forward regarding the curriculum.

Cost: The cost to purchase Understanding Economics will not exceed \$4,200 and will be paid for by Title funds.


Recommended Action: That the Board of Education adopt and approve the purchase of Economics books titled *Understanding Economics*, from McGraw Hill, New York, New York, at a cost not to exceed \$4,200.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

TO: Members of the Board of Education

FROM: Dr. Brian Prybil, Deputy Superintendent 

DATE: January 04, 2024

SUBJECT: Engage Services – Ink International Inc. and Dr. Joe Sanfelippo Professional Development Keynote Speaker for January 6, 2025

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

Action Necessary: Board approval is requested to award the January 6, 2025, professional development keynote speaker services contract to Joseph M Sanfelippo LLC.

Facts: Title: Empowering Leadership: "Lead From Where You Are" Keynote Presentations by Dr. Joe Sanfelippo

Dr. Joe Sanfelippo, a renowned and dynamic speaker, will deliver two captivating keynote presentations centered on the theme "Lead From Where You Are." His engaging and motivational approach to leadership aims to provide valuable insights, strategies, and inspiration for our secondary and elementary staff, fostering a culture of leadership within our organization.


Addressing the common phrase "I'm just..." frequently used by educators and staff with accompanying reasons for perceived limitations, Dr. Sanfelippo will challenge this mindset. His powerful message emphasizes that leadership is an action that begins with each individual. Through the principles of leading with intention, connection, and direction, attendees will discover how to enhance their capacity and create an environment where everyone in the organization has the optimal opportunity to lead effectively from their current positions.

By instilling a profound sense of purpose, connection, and direction, Dr. Sanfelippo seeks to empower our educators, encouraging them to embrace their roles as leaders. This, in turn, will contribute to the collective success of our organization. We eagerly anticipate the positive impact these keynotes will have on our staff's mindset and their ability to lead effectively in their respective roles.

Cost: The cost for this professional development keynote speaker will be \$12,500 and will be paid for from the Federal Title grants.


Recommended Action: That the Board of Education engage the services of Dr. Joseph M Sanfelippo, LLC, Fall Creek, Wisconsin, on January 6, 2025, to conduct an all staff professional development keynote speaker services at a total cost not to exceed \$12,500.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

TO: Members of the Board of Education

FROM: Vincent Gallo, Chief Financial Officer 
Keith Karstens, Director of Facilities

DATE: January 04, 2024

SUBJECT: Engage Services – Wilson Middle School Cafeteria Ceiling Tile Replacement

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


Action Necessary: Board of Education approval is requested.

Facts: The ceiling tiles in the cafeteria at Wilson Middle School have developed significant damage. Since the addition of air conditioning to Wilson Middle School in 2010, the cafeteria ceilings have been exposed to higher humidity. In 2019 the REK ceiling tiles were replaced for the same reason. The tiles were replaced with Optima #3153 tile, which is designed to withstand higher than normal humidity levels. With students using both the East entry before and after school, and North entries in the cafeteria to exit during lunch periods, a high volume of humidity enters the building due to the frequency of the door operations. It is the recommendation of administration that the ceiling tiles in the Wilson Middle School cafeteria ceiling tiles be replaced with Optima #3153 tile.

Cost: The project cost for labor and materials will not exceed \$18,241, and will be paid from the Food Service Account (Fund 1).


Recommended Motion: That the Board of Education engage the service of Builders Sales and Service Company, Moline, Illinois, for the Wilson Middle School Cafeteria Ceiling Tile Replacement with a total cost not to exceed \$18,241.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

TO: Members of the Board of Education

FROM: Vincent Gallo, Chief Financial Officer 
Keith Karstens, Director of Facilities

DATE: January 04, 2024

SUBJECT: Engage Services – Coolidge Elevator Hoist Rope Replacement

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

Action Necessary: Board of Education approval is requested.

Facts: During the recent annual required state elevator inspection, the six elevator hoist ropes were evaluated on the Coolidge freight elevator, and it was determined they are in need of replacement. Kone's records date back twenty years, and Kone found no record of the hoist ropes being replaced within that time frame. Replacement of the hoist ropes will include all materials and labor to perform the work on the freight elevator. It is the recommendation of administration that the District engage service with Kone Inc. for the replacement of the Coolidge elevator hoist ropes.

Cost: The project cost for labor and materials will not exceed \$12,190, and will be paid from the Capital Projects (Fund 6).

Recommended Motion: That the Board of Education engage the service of Kone Inc., Moline, Illinois for the Coolidge Building hoist rope replacement project for a total not to exceed \$12,190.

Approved for Submission to the Board of Education




Dr. Rachel Savage
Superintendent of Schools

6. Engage Services - Conceptual Pre-Construction Services for Exterior Athletic Facilities Improvement 31

Recommended Motion: that the Board of Education authorize the administration to engage in pre-construction services for the preliminary project planning and design exercises with Russell Construction, Davenport, Iowa, to develop a formal agreement for pre-construction services for Moline-Coal Valley District Exterior Athletic Facilities at a cost not to exceed \$21,400. **See Attachment No. 6.**

TO: Members of the Board of Education

FROM: Vincent Gallo, Chief Financial Officer 
Keith Karstens, Director of Facilities

DATE: January 04, 2024

SUBJECT: Engage Services - Conceptual Pre-Construction Services for Exterior Athletic Facilities Improvements

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

Action Necessary: Board of Education approval is requested.

Facts: At the March 13, 2023, Board of Education meeting, the Board approved the District's Operational Plan which includes a study with District staff and committee members to make renovation improvements to the existing exterior athletic fields. The objective calls for the evaluation of the existing sports facilities with Legat Architects. Russell Construction will provide pre-construction services related to the conceptual planning and improvements to the District sports fields. To accomplish that objective, the District must begin the process of planning with staff and stakeholders. A project team needs to be formed, and conceptual ideas for the project must be established. A construction manager will need to be hired to participate in the planning and design to provide pre-construction services to assist in setting the budget of the project. The construction manager's role will be to assist in:

- Participation with the core team of decision-makers for the project.
 - o Meeting #1 - Attending all meetings to collaboratively discuss and document the overall process, goals, vision, and development of the project budget.
 - o Meeting #2 - Touring of all exterior sports facilities to better understand potential athletic field improvements.
 - o Meeting #3 - Assembling pricing options and value analysis, as required to align project costs with budget expectations for the District.
 - o Meeting#4 - Participating in the collaborative design exercise to develop conceptual site plans with pre-construction estimates based on previous meetings.
 - o Meeting #5 - Meeting to present potential adjustments from Meeting #4.
 - o Meeting #6 - Final meeting to recap the process and review deliverables.

It is the recommendation of the administration that Russell Construction, Davenport, Iowa, be selected as the pre-construction manager to provide pre-construction services for this project. The Board action requested today would authorize the administration to engage Russell Construction in the planning phases of the project, while the concepts of the project are being defined. This planning will allow the District to begin the process of negotiating a formal agreement, or put out a formal Request for Qualifications proposal

to seek multiple construction managers before a formal agreement is approved with a construction manager. These preliminary services, if billed, would be billed at agreed to hourly rates, not to exceed \$21,400. If a formal agreement is entered into, the preliminary services will be provided for and billed under the agreement.

The District has had a very successful working relationship with Russell Construction in the past. They were the pre-construction managers for Hamilton Elementary and Moline High School's Bartlett Center and Physical Education Center projects.

Cost: This preliminary action would limit the District's costs to \$21,400. The administration is to negotiate a formal agreement for all services required to be brought back to the Board for approval at a future date. The funding for these services is proposed to come from the Capital Project Fund (Fund 6).

Recommended Motion: That the Board of Education authorize the administration to engage in pre-construction services, for the preliminary project planning and design exercises with Russell Construction, Davenport, Iowa, to develop a formal agreement for pre-construction services for Moline-Coal Valley School District Exterior Athletic Facilities at a cost not to exceed \$21,400.

Approved for Submission to the Board of Education




Dr. Rachel Savage
Superintendent of Schools

7. Engage Services - Conceptual Pre-Construction Services for Lincoln-Irving Expansion 34

Recommended Motion: that the Board of Education authorize the administration to engage in pre-construction services for the preliminary project planning and design exercises with Russell Construction Davenport, Iowa, to develop a formal agreement for pre-construction service for Moline-Coal Valley School District improvements and expansion of Lincoln-Irving Elementary School at a cost not to exceed \$17,500. **See Attachment No. 7.**

TO: Members of the Board of Education

FROM: Vincent Gallo, Chief Financial Officer 
Keith Karstens, Director of Facilities

DATE: January 04, 2024

SUBJECT: Engage Services - Conceptual Pre-Construction Services for Lincoln Irving Expansion

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

Action Necessary: Board of Education approval is requested.

Facts: At the November 13, 2023 Board of Education meeting, the Board approved Legat Architects to develop a Conceptual Plan for the expansion of Lincoln-Irving Elementary School. This includes a study with District staff and committee members, to make renovation improvements and expand the school with the closing of Willard Elementary.

The objective: Legat Architects will provide an evaluation of the existing facility. Russell Construction will provide pre-construction services related to conceptual planning and improvements and expansion of Lincoln-Irving. To accomplish that objective, the District must begin the process of planning with staff and stakeholders. A project team will need to be formed, and conceptual ideas for the project must be established. A construction manager will need to be hired to participate in the planning and design to provide pre-construction services to assist in setting the budget for the project. The construction manager's role will be to assist in:

- Participation with the core team of decision-makers for the project.
 - Meeting #1 - Attending all meetings to collaboratively discuss and document the overall process, goals, vision, and development of the project budget.
 - Meeting #2 - Touring of the existing facility and other schools to better understand potential improvements for the expansion of the school.
 - Meeting #3 - Assembling pricing options and value analysis, as required to align project costs with budget expectations for the District.
 - Meeting#4 - Participating in the collaborative design exercise to develop conceptual site plans with pre-construction estimates based upon previous meetings.
 - Meeting #5 - Meeting to present potential adjustments from Meeting #4.
 - Meeting #6 - Final meeting to recap the process and review deliverables.

It is the recommendation of administration that Russell Construction, Davenport, Iowa, be selected as the pre-construction manager to provide pre-construction services for this project. The Board action requested today would authorize the administration to engage Russell Construction in the planning phases of the project, while the concepts of the

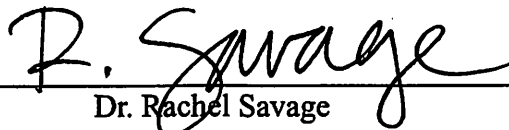
project are being defined. This planning will allow the District to begin the process of negotiating a formal agreement, or put out a formal Request for Qualifications proposal to seek multiple construction managers before a formal agreement is approved with a construction manager. These preliminary services, if billed, would be billed at agreed to hourly rates, not to exceed \$17,500. If a formal agreement is entered into, the preliminary services will be provided for and billed under the agreement.

The District has had a very successful working relationship with Russell Construction in the past. They were the pre-construction managers for Hamilton Elementary and Moline High School's Bartlett Center and Physical Education Center projects.

Cost: This preliminary action would limit the District's costs to \$17,500. The administration is to negotiate a formal agreement for all services required to be brought back to the Board for approval at a future date. The funding for these services is proposed to come from the Capital Project Fund (Fund 6).

Recommended Motion: That the Board of Education authorize the administration to engage in pre-construction services for the preliminary project planning and design exercises with Russell Construction, Davenport, Iowa, to develop a formal agreement for pre-construction services for Moline-Coal Valley School District improvements and expansion of Lincoln-Irving Elementary school at a cost not to exceed \$17,500.

Approved for Submission to the Board of Education

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


Dr. Rachel Savage
Superintendent of Schools

8. Award of Bid - Moline High School Welding Lab Renovation

37

Recommended Motion: that the Board of Education award the bid for Moline High School Welding Lab Renovations to Valley Construction, Rock Island, Illinois, in the amount of \$464,830. **See Attachment No. 8.**

TO: Members of the Board of Education

FROM: Vincent Gallo, Chief Financial Officer 
Keith Karstens, Director of Facilities

DATE: January 04, 2024

SUBJECT: Award of Bid – Moline High School Welding Lab Renovations

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

Action Necessary: Board of Education approval is requested.

Facts: Specifications were prepared and issued by Legat Architects, Moline, Illinois, for Moline High School Welding Lab Renovations. Bids were received on December 5, 2023. The bids are as shown on the attached tabulation. Based on the responses, Valley Construction is the lowest qualified bidder. Therefore, it is the recommendation of the administration that the Board of Education award the contract for the Moline High School Welding Lab Renovations to the lowest qualified bidder as identified.

Cost: The total cost is \$464,830, and will be supported through the Capital Project Fund (Fund 6).

Recommended Motion: That the Board of Education award the bid for Moline High School Welding Lab Renovations to Valley Construction, Rock Island, Illinois in the amount of \$464,830.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

December 15, 2023		Attachment No. 8	
Moline-Coal Valley School District		01/08/24 Brd. Mtg.	
Moline High School Welding Lab Renovation 12/23			


Bidder	Base Bid 1.0 Construction	Base Bid 2.0 FF&E	Lowest Bid Awarded
Valley Construction	\$446,790	\$18,040	\$464,830
Swanson Construction	\$575,000	\$21,000	\$596,000
Tri-Con Builders	\$558,000	\$22,800	\$580,800
Estes Construction	\$469,800	\$35,500	\$505,300
Precision Builders	\$494,500	\$18,350	\$512,850

9. Second Reading of Revised Board of Education Policy 2:200, Types of School Board Meetings

40

Recommended Motion: that the Board of Education accept the second reading the revised Board of Education policy 2:200, Types of School Board Meetings, as presented. **See Attachment No. 9.**

TO: Members of the Board of Education

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

DATE: January 04, 2024

SUBJECT: Approve Updated Board Policy 2:200, Types of School Board Meetings

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

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

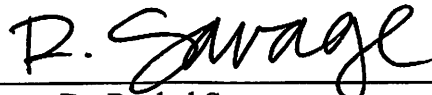
Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 2:200, Types of School Board Meetings, which was included as part of the October, 2023 PRESS update review. The policy, footnotes, and Cross References are updated. The policy is updated in response to the Open Meetings Act, permitting boards to meet in closed session for hearings regarding denial of admission to school events under Section 105 of the Illinois School Code. Continuous improvement updates are also made to the footnotes, and 8:30, Visitors to and Conduct on School Property, is added to the Cross References

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 second reading the revised Board of Education Policy 2:200, Types of School Board Meetings, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

School Board

Types of School Board Meetings¹

General

For all meetings of the School Board and its committees, the Superintendent or designee shall satisfy all notice and posting requirements contained herein as well as in the Open Meetings Act. This shall include mailing meeting notifications to news media that have officially requested them and to others as approved by the Board.² Unless otherwise specified, all meetings are held in the District's main office.³ Board policy 2:220, *School Board Meeting Procedure*, governs meeting quorum requirements.

The Superintendent is designated on behalf of the Board and each Board committee to receive the training on compliance with the Open Meetings Act that is required by Section 1.05(a) of that Act. The Superintendent may identify other employees to receive the training.⁴ In addition, each Board member must complete a course of training on the Open Meetings Act as required by Section 1.05(b) or (c) of that Act.⁵

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

¹ State law controls this policy's content. The provisions of the Open Meetings Act (OMA) do not apply to collective bargaining negotiations, including negotiating team strategy sessions, and grievance arbitrations as provided in 115 ILCS 5/18, amended by P.A. 100-768.

² 5 ILCS 120/2.02. These responsibilities may be given to anyone.

³ State law only requires that meetings be held in a location convenient and open to the public and no open meeting is allowed to be held on a legal holiday unless the regular meeting day falls on that holiday. 5 ILCS 120/2.01. According to an Ill. Atty. Gen. Public Access Counselor Opinion (PAO), a board may not meet in a private residence because it would not be convenient and open to the public. PAO 12-8. A board meeting 26 miles away from its regular location, while open to the public, was inconvenient because "the public, as a practical matter, would be deterred from attending it." PAO 13-14. Any person may record an open meeting. 5 ILCS 120/2.05. See sample policy 2:220, School Board Meeting Procedure.

⁴ Each board must designate at least one employee or member to receive training on compliance with OMA. 5 ILCS 120/1.05. Revise this paragraph if the board designates other individual(s) to receive the training. A list of designated individual(s) must be submitted to the Ill. Attorney General's Public Access Counselor (PAC). The designated individual(s) must successfully complete an electronic training curriculum administered by the PAC within 30 days after that designation, and thereafter must successfully complete an annual training program. The OMA does not specify duties for the designated individuals who receive the training but presumably they would assist the board in its OMA compliance efforts.

⁵ 5 ILCS 120/1.05(b) applies to training administered by the Ill. Attorney General's Office; 1.05(c) applies to training administered by IASB. Board members elected or appointed after 1-1-12 must complete the training not later than 90 days after taking the oath of office. Even before this law, compliance with the OMA has always been considered a shared responsibility of board members. Failing to complete the OMA training does not affect the validity of an action taken by the board nor is it considered a criminal violation. 5 ILCS 120/1.05(b) and 120/4. However, a person found to have violated any other provisions of the OMA is guilty of a Class C misdemeanor punishable by a \$1,500 fine and/or 30 days in jail. 5 ILCS 120/4.

Regular Meetings

The Board announces the time and place for its regular meetings at the beginning of each fiscal year.⁶ The Superintendent shall prepare and make available the calendar of regular Board meetings. The regular meeting calendar may be changed with 10 days' notice in accordance with State law.⁷

A meeting agenda shall be posted at the District's main office and the Board's meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting.⁸

Closed Meetings⁹

The Board and Board committees may meet in a closed meeting to consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity.¹⁰ However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase

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⁶ The OMA and the School Code have different provisions regarding the establishment of a regular meeting schedule. The OMA requires each public body to prepare and make available a regular meeting schedule at the beginning of each calendar or fiscal year. 5 ILCS 120/2.03. The School Code states that this task is accomplished during the organizational meeting. By *announcing* the schedule at the beginning of each calendar or fiscal year and by *fixing* the schedule at the organizational meeting, a board can implement both laws. Note that the phrase in this sample policy, "at the beginning of each fiscal year," can be changed to "at the beginning of each calendar year."

⁷ Regular meeting dates may be changed by giving at least 10 days' notice in a newspaper of general circulation and posting a notice at the district's main office. 5 ILCS 120/2.03. Districts with a population of less than 500, in which no newspaper is published, may give the 10 days' notice by posting a notice in at least three prominent places within the district, in addition to posting a notice at the district's main office. *Id.* Notice shall also be given to those news media having filed an annual request to receive notifications. *Id.*

⁸ 5 ILCS 120/2.02(a). The posting location may need modification to comply with the law's requirement that the agenda be posted at the district's main office. For agenda requirements, see sample policy 2:220, School Board Meeting Procedure.

OMA also requires that "any requested notice and agenda for the meeting be continuously available for public review during the entire 48-hour period preceding the meeting." *Emphasis added, 5 ILCS 120/2.02(c) (emphasis added)*. The requirement for continuously available is satisfied if the district posts any required notice and agenda on its website. However, to comply with the legislative intent, posting on the district website does not replace the posting described in this sentence. See Rep. Pihos' remarks reported in *New open-meetings law; is hard-copy posting of agendas still required?*, Sept. 2012, Illinois Bar Journal.

For districts that do not post board meeting agendas on a website (because they do not have a website maintained by a full-time staff member), add the following sentence:

The agenda shall be continuously available for public review during the entire 48-hour period preceding the meeting. If a notice or agenda is not continuously available for the full 48-hour period due to actions outside of the district's control, the lack of availability does not invalidate any meeting or action taken.

⁹ 5 ILCS 120/2(c), amended by P.A. 103-311. The reasons for closed meetings are frequently addressed in court decisions and Ill. Attorney General opinions; only a few of these decisions/opinions are mentioned in the footnotes.

¹⁰ "Th[is] exception is not intended to allow private discussion of fiscal matters, notwithstanding that they may directly or indirectly impact the employees of the public body." See PAOs 12-11 and 15-03. Discussing the elimination of an employee's position for reasons unrelated to the performance of the employee is not within the scope of Section 2(c)(1). See PAO 15-07. Nor does the exception permit a public body to hold closed sessions to discuss employees in general or issues that may ultimately have an impact on employees. See PAOs 15-05, 16-13, and 18-12.

- Transparency Act may not be closed and shall be open to the public and posted and held in accordance with [the Open Meetings Act]. 5 ILCS 120/2(c)(1), amended by P.A. 101-459. ¹¹
2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2). ¹²
 3. The selection of a person to fill a public office, as defined in the Open Meetings Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
 4. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in the Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4).
 - 4.5. Evidence or testimony presented to the Board regarding denial of admission to school events or property pursuant to 105 ILCS 5/24-24, provided that the Board prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4.5).
 - 5-6. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
 - 6-7. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).
 - 7-8. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
 - 8-9. Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8).
 - 9-10. Student disciplinary cases. 5 ILCS 120/2(c)(9).
 - 10-11. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).

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

¹¹ The Local Government Wage Increase Transparency Act, 50 ILCS 155/, allows *disclosable payments* (described below) to Ill. Municipal Retirement Fund (IMRF) employees only when the school board has first discussed the specific payment to be made at a meeting open to the public and posted and held in accordance with the requirements of OMA. 50 ILCS 155/5, amended by P.A. 101-228.

The provisions apply only to disclosable payments made to participating employees under Article Seven of the Ill. ~~in~~ Pension Code (IMRF) who began participation before 1-1-11 and who are not subject to a collective bargaining agreement with respect to the employment upon which the participation is based.

Disclosable payments means a payment, whether in the form of an increase in the rate of earnings or a lump-sum payment, that would:

1. Be made by a participating employer to a participating employee after the employee has expressed to the employer his or her intent to retire or withdraw from service;
2. Have the effect of increasing the employee's reportable monthly earnings from that employer by more than 6% compared to the previous month; and
3. Be made between 12 months and 90 days prior to the employee's expected termination of service.

A disclosable payment also includes payment for accumulated sick leave; it does not include a refund of contributions or any payment required to be paid by State or federal law.

¹² Discussing a hiring freeze is not within the scope of Section 2(c)(2). See PAO 15-07. And if a public body is not engaged in collective bargaining at the time of the meeting, discussion of a hiring freeze does not constitute a collective negotiating matter. Id.

- ~~11-12.~~ 12. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11).
- ~~12-13.~~ 13. The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member. 5 ILCS 120/2(c)(12).
- ~~13-14.~~ 14. Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member. 5 ILCS 120/2(c)(16). ¹³
- ~~14-15.~~ 15. Discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).
- ~~15-16.~~ 16. Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(29).

The Board may hold a closed meeting, or close a portion of a meeting, by a majority vote of a quorum, taken at an open meeting. The vote of each Board member present, and the reason for the closed meeting, will be publicly disclosed at the time of the meeting and clearly stated in the motion and the meeting minutes. ¹⁴

A single motion calling for a series of closed meetings may be adopted when such meetings will involve the same particular matters and are scheduled to be held within three months of the vote. ¹⁵

No final Board action will be taken at a closed meeting. ¹⁶

Reconvened or Rescheduled Meetings

A meeting may be rescheduled or reconvened. Public notice of a rescheduled or reconvened meeting shall be given in the same manner as that for a special meeting, except that no public notice is required

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

¹³ IASB field services directors are available to facilitate a board self-evaluation.

¹⁴ 5 ILCS 120/2a. Provided the open meeting was properly noticed, no additional notice is required to close the meeting. A motion to close a meeting can be as simple as, "I move that the Board hold [go into] a closed session to discuss [state one of the closed meeting grounds with reference to the specific section authorizing the closed meeting]."

The adequacy of a motion to go into closed session was discussed in Henry v. Anderson and Champaign Community Unit School Dist. No. 4, 827 N.E.2d 522 (Ill. App. 4, 356 Ill. App. 3d 952 (4th Dist. 2005)). A statutory citation is not required in the motion to go into closed session, but the OMA does require a reference to the specific exception.

The litigation exception is tricky. If the litigation has been filed and is pending, the motion to go into closed session need only state that the board will discuss litigation that has been filed and is pending. If the litigation has not been filed, the board must: (1) find that the litigation is probable or imminent, and (2) record and enter into the closed session minutes the basis for that finding. 4205 ILCS 5120/2(c)11. See City of Bloomington v. Raoul, 184 N.E.3d 366 (Ill. App. 4th Dist. 2021) (finding city council improperly invoked litigation exception to justify closed session); PAO 21-03.

¹⁵ Id.

¹⁶ 5 ILCS 120/2(e). See also PAOs 13-03, 13-07, and 14-01.

when the original meeting is open to the public and: (1) is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. ¹⁷

Special Meetings

Special meetings may be called by the President or by any three members of the Board by giving notice thereof, in writing, stating the time, place, and purpose of the meeting to remaining Board members by mail at least 48 hours before the meeting, or by personal service at least 24 hours before the meeting. ¹⁸

Public notice of a special meeting is given by posting a notice at the District's main office at least 48 hours before the meeting and by notifying the news media that have filed a written request for notice. A meeting agenda shall accompany the notice. ¹⁹

All matters discussed by the Board at any special meeting must be related to a subject on the meeting agenda. ²⁰

Emergency Meetings

Public notice of emergency meetings shall be given as soon as practical, but in any event, before the meeting to news media that have filed a written request for notice. ²¹

Posting on the District Website ²²

In addition to the other notices specified in this policy, the Superintendent or designee shall post the following on the District website: (1) the annual schedule of regular meetings, which shall remain posted until the Board approves a new schedule of regular meetings; (2) a public notice of all Board meetings; and (3) the agenda for each meeting which shall remain posted until the meeting is concluded.

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

¹⁷ 5 ILCS 120/2.02.

¹⁸ 105 ILCS 5/10-16 (two members of a board of directors; 105 ILCS 5/10-6). Lawyers disagree whether three members may call a special meeting without violating OMA, although there is general agreement that no violation occurs if three members call a special meeting while they are participating in a lawful board committee meeting with the matter on the agenda.

¹⁹ 5 ILCS 120/2.02. News media that gave the board an address or telephone number within the district's territorial jurisdiction must be given notice in the same manner as given board members.

OMA requires that "any required notice and agenda be *continuously available* for public viewing during the entire 48-hour period preceding the meeting." *Emphasis added*, 5 ILCS 120/2.02(c) (*emphasis added*). The requirement for *continuously available* is satisfied if the district posts any required notice and agenda on its website. Posting on the district website does not replace the posting described in this paragraph. See *fn 8*.

For districts that do not post board meeting notices and agendas on a website (because they do not have a website maintained by a full-time staff member), add the following sentence:

The notice and agenda shall be continuously available for public review during the entire 48-hour period preceding the meeting.

²⁰ Lawyers disagree whether OMA mandates this restriction, i.e., whether it restricts board *discussions* to items related to an item on the special meeting agenda. OMA limits board *action* to items on the agenda (5 ILCS 120/2.02(c)); it states that the validity of any action taken "which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda." 5 ILCS 120/2.02(a). For agenda requirements, see sample policy 2:220, *School Board Meeting Procedure*.

²¹ 5 ILCS 120/2.02(a).

²² Required *only if* the district has a website that is maintained by a full-time staff member; if not, this section may be omitted. 5 ILCS 120/2.02. Note that 5 ILCS 120/2.02(b) requires that a notice of *all* meetings be posted on the district website, but only notices of *regular* meetings must remain posted until the *regular* meeting is concluded. As this is an obvious oversight, it is wise to leave the notice of every meeting on the website until after the meeting occurred. The agenda must remain on the district website until the meeting is concluded. *Id.*


LEGAL REF.: 5 ILCS 120/, Open Meetings Act.
5 ILCS 140/, Freedom of Information Act.
105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:110 (Qualifications Term, and Duties of Board Officers), 2:120 (Board Member Development), 2:210 (Organizational School Board Meetings), 2:220 (School Board Meeting Procedure), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 6:235 (Access to Electronic Networks), 8:30 (Visitors to and Conduct on School Property)

10. Second Reading of Revised Board of Education Policy 4:60, Purchases and Contracts

48

Recommended Motion: that the Board of Education accept for second reading the revised Board of Education policy 4:60, Purchases and Contracts, as presented. **See Attachment No. 10.**

TO: Members of the Board of Education
FROM: Vince Gallo, Chief Financial Officer 
DATE: January 04, 2024
SUBJECT: Approve Updated Board Policies for Policy 4:60, Purchases and Contracts

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 a portion of Section 4 with suggested changes based on PRESS recommendations. The administration is requesting the Board accept updates for Section 4:60, as listed.

Attached are the suggested changes based on PRESS recommendations. The administration is requesting the Board accept updates for Section - 4:60 Purchases and Contracts. This revision will allow the BOE to utilize the design-build delivery system for construction projects. The BOE will be required to substantially present the terms of, and approve new contracts for District-administered assessments at a regular Board meeting, changing the bidding threshold to \$35,000 to align with P.A. 103-8.

Cost: None.

Recommended Action: That the Board of Education accept for second reading, the revised Board of Education Policy 4:60 Purchases and Contracts, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Operational Services

Purchases and Contracts¹

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.² 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.³

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:

1. Supplies, materials, or work involving an expenditure in excess of ~~\$35,000~~^{\$25,000} must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.⁴

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

¹ State law controls this policy's content. 105 ILCS 5/10-20.21, amended by P.A.s 102-1101 and 103-8, eff. 1-1-24, 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). 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.

² This end statement should be amended according to local board discretion.

³ 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.

⁴ The bidding threshold increases from \$25,000 to \$35,000 on 1-1-24. 105 ILCS 5/10-20.21, amended by P.A. 103-8, eff. 1-1-24. See sample administrative procedure 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.

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.⁵
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.⁶
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).⁷
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*.⁸
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-80(c)⁹ 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;¹⁰ 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.¹¹
 - 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

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

⁵ 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).

⁶ 105 ILCS 5/10-20.21(b-5).

⁷ 105 ILCS 5/10-20.21(b-10).

⁸ 105 ILCS 5/10-20.19c.

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

¹⁰ *Id.*

¹¹ The implementation process is in sample administrative procedure 4:60-AP3, Criminal History Records Check of Contractor Employees. See sample administrative procedure 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.

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).¹²

- 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; and (2) require any new or existing employee who 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. of Public Health rules or order of a local health official.¹³

9. 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.¹⁴

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

¹² 105 ILCS 5/22-94, added by P.A. 102-702, ~~eff. 7-1-23~~. See sample administrative procedure 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 sample administrative procedures 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 after-school 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.

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.

¹³ 105 ILCS 5/24-5. 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.*).

¹⁴ 410 ILCS 170/10(b), added by P.A. 102-242.

10. Design-build contracts must comply with 105 ILCS 5/15A-1 et seq. ¹⁵

9-11. Any new contract for a district-administered assessment must comply with 105 ILCS 5/10-20.85. ¹⁶

10-12. 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. ¹⁷

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. ¹⁸

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

¹⁵ 105 ILCS 5/15A-1 et seq., added by P.A. 103-491, eff. 1-1-24. Under a design-build delivery system for a construction project, a board contracts with a design-build entity that furnishes architecture, engineering, land surveying, public art or interpretive exhibits, and other construction services, as required for the project. It allows a single contractor to manage both the design and construction of a project, creating the potential for greater efficiency. Contrast this method with the traditional design-bid-build delivery method, in which a board contracts with multiple entities and utilizes a competitive bidding process for certain contractors, such as a general contractor. 105 ILCS 5/15A-1 et seq., added by P.A. 103-491, eff. 1-1-24, does not impact a district's ability to use a qualification-based selection process under 50 ILCS 510/, Local Government Professional Services Act (LGPSA), to select design professionals or construction managers for design-build projects. 105 ILCS 5/15A-50. See sample policy 2:170, Procurement of Architectural, Engineering, and Land Surveying Services. For design-build projects, consult with the board attorney as needed to ensure the district: (1) complies with the specific procedural requirements related to requests for proposals (RFPs) and evaluation of RFP submissions for these contracts, and (2) incorporates additional criteria for requests for proposals and evaluation of proposals based on local conditions and the specific project, as permitted by the statute. Note that under 105 ILCS 5/15A-20, added by P.A. 103-491, eff. 1-1-24, a board must employ or contract with an independent design professional or public art designer (as applicable) selected under the LGPSA to assist with developing the scope and criteria for performance for a request for proposal under a design-build delivery system.

¹⁶ 105 ILCS 5/10-20.85, added by P.A. 103-393. See sample administrative procedure 4:60-API, Purchases, for specific requirements. A district-administered assessment is one that requires all student test takers at any grade level to answer the same questions, or a selection of questions from a common bank of questions. It does not include the observational assessment tool used to satisfy the annual kindergarten assessment required by 105 ILCS 5/2-3.64a-10 or an assessment developed by district teachers or administrators that is used to measure student progress at an attendance center. Id.

¹⁷ 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 Ill. State Board of Education, see www.isbe.net/gata.

¹⁸ This is an optional provision. The numerous reporting and website posting mandates are in sample exhibit 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:

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.

LEGAL REF.: 2 C.F.R. Part 200.
105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-20.85, 5/10-21.9, 5/10-22.34c, 5/15A-1 et seq., 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)

11. Second Reading of Revised Board of Education Policy 5:200, Terms and Conditions of Employment and Dismissal

55

Recommended Motion: that the Board of Education accept for second reading the revised Board of Education policy 5:200, Terms and Conditions of Employment and Dismissal, as presented. **See Attachment No. 11.**

TO: Members of the Board of Education

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

DATE: January 04, 2024

SUBJECT: Approve Updated Board Policy 5:200, Terms and Conditions of Employment and Dismissal

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 5:200, Terms and Conditions of Employment and Dismissal, which was included as part of the October 2023 PRESS update review. Recall the underlined text represents suggested new additions; whereas, the strikethrough text represents suggested deletions.

The revised policy is in response to requiring districts, when hiring or assigning educators for physical education, music, or visual arts, to prioritize the hiring or assigning of educators who hold an educator license and endorsement in those areas.

Cost: None.

Recommended Motion: That the Board of Education accept for second reading the revised Board of Education Policy 5:200, Terms and Conditions of Employment and Dismissal, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Professional Personnel

Terms and Conditions of Employment and Dismissal¹

The School Board delegates authority and responsibility to the Superintendent to manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable individual employment contract or collective bargaining agreement in effect. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff.²

School Year

Teachers shall work according to the school calendar adopted by the Board, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days.³ Teachers are not required to work on legal school holidays unless the District has followed applicable State law that allows it to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); February 12 (the Birthday of President Abraham Lincoln); the first Monday in March (known as Casimir Pulaski's birthday); the second Monday in October (Columbus Day); and November 11 (Veterans Day).⁴

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

¹ State or federal law controls this policy's content. This policy contains items on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. The local collective bargaining agreement may contain provisions that exceed these requirements. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement."

Evaluation, tenure, and dismissals changed significantly from 2013 to 2016 as P.A.s 96-861, 97-8, and 98-513 were implemented. These public acts are referred to as *Education Reform* or *Education Reform Acts*.

² This paragraph is consistent with the IASB's *Foundational Principles of Effective Governance*, at:

www.iasb.com/IASB/media/Documents/found_prin.pdf. Boards have three options for using this paragraph: (1) use it as an introduction to the policy; (2) use it alone leaving the specific other topics for administrative implementation; or (3) do not use it.

³ 105 ILCS 5/10-19, amended by P.A.s 101-12 and 101-643. See *sample policy 6:20, School Year Calendar and Day*.

⁴ 105 ILCS 5/24-2(b). See *sample policy 5:330, Sick Days, Vacation, Holidays, and Leaves*, for a holiday listing as well as a discussion of the case finding the State-mandated school holiday on Good Friday unconstitutional. 105 ILCS 5/24-2, amended by P.A.s 101-642, 102-14, 102-15, 102-334, and 102-411, and 103-395, prohibits districts from making a deduction "from the time or compensation of a school employee on account of any legal or special holiday."

~~10 ILCS 5/24-1.1, added by P.A. 102-15 and scheduled to be repealed on 1-1-23, and 105 ILCS 5/24-2(e), amended by P.A.s 101-642 and 102-15, designated 2020 Election Day on 11-3-2020 and 2022 Election Day on 11-8-22 as legal school holidays for purposes of 105 ILCS 5/24-2. 10 ILCS 5/24-1.1, added by P.A. 102-15 and scheduled to be repealed on 1-1-23, requires any school closed on 2023 Election Day to make itself available to an election authority as a polling place on those days.~~

~~No waiver exists for 2022 Election Day, 105 ILCS 5/24-2(b) and (e), amended by P.A.s 101-642 and 102-15 and 103-467.~~

~~10 ILCS 5/1-24, added by P.A. 103-467 and scheduled to be repealed on 1-1-25, designated 2024 Election Day as a legal school holiday for the purposes of 105 ILCS 5/24-2 and requires any school closed on 2024 Election Day to make itself available to an election authority as a polling place on that date. No waiver exists for 2024 Election Day, 105 ILCS 5/24-2(b) and (e), amended by P.A.s 102-15 and 103-467.~~

School Day

Teachers are required to work the school day adopted by the Board.⁵ Teachers employed for at least four hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer.⁶

The District accommodates employees who are nursing mothers according to provisions in State and federal law.⁷

Salary

Teachers shall be paid according to the salaries fixed by the Board, but in no case less than the minimum salary provided by the School Code.⁸ Teachers shall be paid at least monthly on a 10- or 12-month basis.⁹

Assignments and Transfers¹⁰

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. In order of priority, ~~except as otherwise provided by law~~, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

Commented [JD1]: Footnote 10, which formerly appeared after the first sentence of the paragraph under this subhead has been moved to the subhead title.

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

⁵ A school day is required to consist of a minimum of five clock hours under the direct supervision of a teacher or non-teaching personnel or volunteer personnel that provides non-teaching or supervisory duties as specified in 105 ILCS 5/10-22.34(a) in order to qualify as a full day of attendance. 105 ILCS 5/10-19.05(a) and (j-5), amended by P.A. 103-560, eff. 1-1-24, added by P.A. 101-443 and amended by P.A. 101-643. See www.isbe.net/school-calendar for ISBE's instructional day changes notice regarding this law. See 105 ILCS 5/10-19.05, amended by P.A. 103-560, eff. 1-1-24, added by P.A. 101-443 and amended by P.A. 101-643, for additional exceptions to the attendance calculation.

⁶ 105 ILCS 5/24-9.

⁷ 29 U.S.C. 5218(d), added by Pub.L. 117-328; 42 U.S.C. 52000gg et seq. added by Pub.L. 117-328; 740 ILCS 137/; 820 ILCS 260/. Ill. law requires more of employers than federal law. Consult the board attorney to ensure the district is properly accommodating nursing mothers. See *sample administrative procedure 5:10-AP, Workplace Accommodations for Nursing Mothers*.

⁸ 105 ILCS 5/10-20.7, 5/10-21.1, 5/24-1, and 5/24-8, amended by P.A. 103-515, amended by P.A. 101-443 (minimum salary). The Commission on Government Forecasting and Accountability is required to annually certify and publish the teacher minimum salary to be used for the 2024-2025 school year and each year thereafter. Salaries are a mandatory subject of collective bargaining. 115 ILCS 5/10. Annually, by Oct. 1, each district must: (1) during an open school board meeting, report salary and benefits information for the superintendent, administrators, and teachers; (2) publish that information on the district's website, if any; and (3) provide this information to ISBE. 105 ILCS 5/10-20.47. According to a Public Access Counselor (PAC) *Informal Mediation* letter interpreting 5 ILCS 120/7.3, an IMRF employer must post on its website the names of employees having a total compensation package that exceeds \$75,000 per year. 2012 PAC 19808 (Informal Mediation by the Ill. Attorney General's Public Access Counselor (PAC)); see PAC Annual Report for 2012 at https://foi.pac.ilag.gov/viewpdf.aspx?P=/content/pdf/Public_Access_Counselor_Annual_Report_2012.pdf.

⁹ 105 ILCS 5/24-21.

¹⁰ Districts are required to have a policy on the distribution of the listed assignments. 23 Ill. Admin. Code §1.420(d).

Absent an individual or collective bargaining agreement, the board has unilateral discretion to assign or retain a teacher to or in an extracurricular duty. *Betebenner v. Bd. of Educ.*, 336 Ill. App. 448 (4th Dist. 1949); *Dist. 300 Educ. Assoc. v. Bd. of Educ.*, 31 Ill. App. 3d 550 (2nd Dist. 1975); *Lewis v. Bd. of Educ.*, 181 Ill. App. 3d 689 (5th Dist. 1989).

105 ILCS 5/22-95(a), added by P.A. 103-46, eff. 1-1-24, requires school districts, when hiring or assigning educators for physical education, music, or visual arts, to prioritize the hiring or assigning of educators who hold an educator license and endorsement in those areas. The law also requires professional educator licensure applicants to pass the licensure content area test for the content area the educator is assigned to teach or complete nine semester hours of coursework in the content area prior to the educator's employment start date, among other requirements. Id. At (b). However, the law does not make clear whether the licensure requirements in 105 ILCS 5/22-95(b), added by P.A. 103-46, eff. 1-1-24, apply only to physical education, music, and visual arts. Consult the board attorney to determine the applicability of these provisions.

School Social Worker Services Outside of District Employment

School social workers may not provide services outside of their District employment to any student(s) attending school in the District. *School social worker* has the meaning stated in 105 ILCS 5/14-1.09a.¹¹

Dismissal

The District will follow State law when dismissing a teacher. ¹²

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

¹¹ Optional. This subhead provides information to district employees and the community that 105 ILCS 5/14-1.09a prohibits school social workers from moonlighting by providing services to students attending the districts in which they are employed. Delete "540-20.65, 544-1.09a," from the Legal References if the board deletes this subhead.

¹² All dismissal laws in the chart below were amended by the *Education Reform Acts*. 105 ILCS 5/24A-5.5, added by P.A. 101-591, requires districts to develop and implement a local appeals process for unsatisfactory ratings issued to teachers under 105 ILCS 5/24A-5, amended by P.A.s 101-643, 102-252, and 102-729. Districts must: (1) develop the process in cooperation with the bargaining unit or teachers, if applicable, and (2) include an assessment of the original rating by a panel of qualified evaluators agreed to by the PERA joint committee (105 ILCS 5/24A-4(b)).

Non-tenure Teacher Discharge	105 ILCS 5/24-11, amended by P.A.s 101-643 and 102-552 and 103-500.
Tenured and Non-tenure Teachers Reduction in Force	105 ILCS 5/24-12(b), amended by P.A.s 103-398, eff. 1-1-24, and 103-500, 101-643, and (c)
Tenured Teacher Discharge Where Cause Remediable	105 ILCS 5/24-12(d) (prior reasonable warning required), amended by P.A.s 101-531, 101-643, and 102-708 and 103-354, eff. 1-1-24. 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.s 101-531, 101-643, and 102-708 and 103-354, eff. 1-1-24. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Where Cause Irremediable	105 ILCS 5/24-12(d) (no prior warning required) amended by P.A.s 101-531, 101-643, 102-708 and 103-354, eff. 1-1-24. 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.s 101-531, 101-643, and 102-708 and 103-354, eff. 1-1-24. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Failure to complete remediation plan with a rating of <i>Proficient or Excellent</i>	105 ILCS 5/24A-5(m) (participation in remediation plan after unsatisfactory evaluation) 105 ILCS 5/24-12(d)(1) (no prior warning required if cause(s) were subject of remediation plan) 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.s 101-531, 101-643, and 102-708 and 103-354, eff. 1-1-24. 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge – Optional Alternative Evaluative Dismissal Process for PERA Evaluation Failure to complete remediation plan with a <i>Proficient</i> or better rating 105 ILCS 5/24A-2.5	105 ILCS 5/24-16.5(d) (provide written notice) 105 ILCS 5/24-16.5 (pre-remediation and remediation procedural mandates) 105 ILCS 5/24-16.5(e) and (f) (school board makes final decision with only PERA-trained board members participating in vote)
Tenured Teacher Discharge – <i>Unsatisfactory</i> PERA evaluation within 36 months of completing a remediation plan 105 ILCS 5/24A-2.5	105 ILCS 5/24A-5(n), amended by P.A. 102-252 (forego remediation and proceed to dismissal) 105 ILCS 5/24-12(d) (procedural mandates), amended by P.A.s 101-531, 101-643, 102-708, 103-354, eff. 1-1-24. 105 ILCS 5/10-22.4 (general authority)

Evaluation

The District's teacher evaluation system will be conducted under the plan developed pursuant to State law.¹³

On an annual basis, the Superintendent will provide the Board with a written report which outlines the results of the District's teacher evaluation system.

LEGAL REF.: 29 U.S.C. §218(d), Pub. L. 117-328, Pump for Nursing Mothers Act
42 U.S.C. §2000gg et seq., Pub. L. 117-328, Pregnant Workers Fairness Act
105 ILCS 5/10-19, 5/10-19.05, 5/10-20.65, 5/14-1.09a, 5/22-95, 5/22.4, 5/24-16.5,
5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.
820 ILCS 260/, Nursing Mothers in the Workplace Act.
23 Ill.Admin.Code Parts 50 (Evaluation of Educator Licensed Employees) and 51
(Dismissal of Tenured Teachers).
Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

CROSS REF.: 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest),
5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar
and Day)

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

Educational Support Personnel Employees (non-licensed)	105 ILCS 5/10-23.5, amended by P.A.s 101-46 and 102-854.
Probationary Teacher (non-tenure teacher)	105 ILCS 5/24-11, amended by P.A.s 101-643, 102-552, and 102-854, and 103-500.

Various components of a RIF (e.g., impact and decision to RIF) and an evaluation plan (e.g., development, implementation, and impact) may be subject to mandatory collective bargaining. Central City Educ. Assoc. v. IELRB, 149 Ill.2d 496 (Ill. 1992).

105 ILCS 5/22-95, amended by P.A. 03-46, eff. 1-1-24, provides that in the event of a reduction in force, schools may follow the employee contract language for filling positions.

Teacher RIF procedures were changed by 105 ILCS 5/24-12(b), amended by P.A. 103-398 and 103-500/101-643, and (c). See PERA Overview for School Board Members, question 15, "What is the process for selecting teachers for a reduction in force/layoff (RIF)" at: www.iasb.com/law/PERAoverview.pdf.

State law does not prohibit a PERA joint committee from agreeing to put a teacher on a remediation plan if the teacher receives a second needs improvement (rather than unsatisfactory) rating after being on a professional development plan. Bd. of Educ. Rockford Public Sch. v. Rentsch, 2022-11, App. (2d) 210187212 N.E.3d 565 (Ill. App. Ct. 2nd Dist. 2022).

According to a binding opinion from the Ill. Public Access Counselor, a board must identify an employee by name in a motion to dismiss him or her. PAO 13-16. As this may be a significant change in practice with possible other legal consequences, a board should consult with the board attorney on this issue before dismissing an employee.


¹³ 105 ILCS 5/24A-5, amended by P.A.s 102-252, and 102-729, and 103-85. Teacher evaluation plans are covered in PERA Overview for School Board Members at: www.iasb.com/law/PERAoverview.pdf.

12. Second Reading of Revised Board of Education Policy 6:60, Curriculum Content

61

Recommended Motion: that the Board of Education accept for second reading the revised Board of Education policy 6:60, Curriculum Content, as presented. **See Attachment No. 12.**

TO: Members of the Board of Education

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

DATE: January 04, 2024

SUBJECT: Approve Updated Board Policy 6:60 - Curriculum Content

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 6:60, Curriculum Content. 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 October 2023 PRESS update review. Recall, the underlined text represents suggested new additions; whereas, the ~~struckthrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accept for second reading revised Board of Education Policy 6:60, Curriculum Content, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Instruction

Curriculum Content ¹

The curriculum shall contain instruction on subject required by State statute or regulation as follows:

1. In kindergarten through grade 8, subjects include: (a) language arts, (b) reading,² (c) other communication skills, (d) science, (e) mathematics³, (f) social studies, (g) art, (h) music,⁴ and (i) drug and substance abuse prevention including the dangers of opioid abuse.⁵ A reading opportunity of 60 minutes per day will be promoted for all students in kindergarten through grade 3 whose reading levels are one grade level or more lower than their current grade level.⁶ Daily time of at least 30 minutes (with a minimum of at least 15 consecutive minutes if divided) will be provided for supervised, unstructured, child-directed play for all students in

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

¹ Districts must have a policy on physical education (23 Ill.Admin.Code §1.425) and what grade level(s) students will be offered cursive writing instruction (105 ILCS 5/27-20.7). Policies on the remaining topics in this policy are optional. State or federal law controls this policy's content. 23 Ill.Admin.Code §1.420, recommends that activities, including student internships and observations of government in action, be a part of the instructional program where appropriate.

State law mandates certain courses of study but local school boards may set requirements exceeding State-law mandated courses of study. 105 ILCS 5/10-20.8 and 5/27-1 *et seq.* For a resource on instructional mandates, see *Illinois Instructional Mandates (formerly Mandated Units of Study)*, at: www.isbe.net/Pages/Learning-Standards.aspx, under the Administrator Resources tab.

² 105 ILCS 5/2-3.196, added by P.A. 103-402, requires the Ill. State Board of Education (ISBE) to develop a Statewide literacy plan by 1-31-24, make certain resources and guidance on literacy curriculum and instruction available to schools by 7-1-24, and offer training opportunities for teachers by 7-1-25. For further information, see www.isbe.net/literacyplan.

³ 105 ILCS 5/2-3.156 requires the Ill. State Board of Education (ISBE) to coordinate, adapt and develop middle and high school math curriculum models. There is no consistent definition for *middle school* or *high school* in either State or federal law. Districts are not required to use ISBE's models and may develop their own mathematics curricula.

The purpose of the math curriculum models will be to aid school districts and teachers in implementing the *Common Core Standards*. The ISBE has adopted new math and English language arts (ELA) standards for K-12 education referred to as the *New Ill. State Learning Standards Incorporating the Common Core*. The goal of incorporating the *Common Core Standards* into the *State Goals for Learning and Learning Standards* is to better prepare Ill. students for success in college and the workforce in a competitive global economy. See www.isbe.net/Documents/cc-overview-0913.pdf www.isbe.net/Documents/cc-faq-0813.pdf.

The terms *Common Core Standards* and the *New Ill. State Learning Standards Incorporating the Common Core* are synonymous. Referencing the Ill. Learning Standards includes them both. That is because they are incorporated by reference into ISBE's rules and *State Goals for Learning and Learning Standards*. A district that wants to include the term *Common Core Standards* in its policy may do so; however, districts should understand that referring to the *Common Core Standards* only will cover only math and ELA learning standards and goals and not any other subject areas that the *Ill. Learning Standards* cover. The best practice is to continue using *Ill. Learning Standards*, which includes the *Common Core Standards*.

⁴ 23 Ill.Admin.Code §1.430(a).

⁵ 105 ILCS 5/27-13.2, amended by P.A. 102-195, requires that in addition to instruction, study, and discussion of effective methods for the prevention and avoidance of drugs and substance abuse, the subject must also cover the dangers of opioid abuse. See also *f/n 33*, below, regarding instruction on the dangers of fentanyl.

⁶ 105 ILCS 5/10-20.53.

kindergarten through grade 5.⁷ Before the completion of grade 5, students will be offered at least one unit of cursive instruction.⁸ In grades 6, 7, or 8, students must receive at least one semester of civics education in accordance with Illinois Learning Standards for social science.⁹

2. In grades 9 through 12, subjects include:¹⁰ (a) language arts, (b) writing intensive courses, (c) science, (d) mathematics,¹¹ (e) social studies including U.S. history, American government and one semester of civics,¹² (f) foreign language,¹³ (g) music, (h) art, (i) driver and safety education,¹⁴ and (j) vocational education.

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

⁷ 105 ILCS 5/27-6.3, added by P.A. 102-357. Schools must provide at least 30 minutes of play time for any school day five clock hours or longer in length. For any school days less than that, the total time allotted during the school day must be at least one-tenth of a day of attendance for the student. Time spent dressing or undressing for outdoor play may not count towards the daily time allotment. Play time must be computer-, tablet-, phone-, and video-free. Play time may be withheld as a disciplinary or punitive action only if a student's participation poses an immediate threat to the safety of the student or others. Id. For ISBE guidance and resources, see www.isbe.net/Pages/School-Health-Issues.aspx (Unstructured Play Time/Recess dropdown).

⁸ 105 ILCS 5/27-20.7 requires districts to offer students a unit of cursive instruction before they complete grade 5. Other than before completing grade 5, the law is silent about what grade level(s) in which students must receive their unit of cursive instruction. This provides an opportunity for a board to have a conversation with the superintendent about local community expectations and direct him or her to determine the appropriate grade level(s) in which students will be offered a unit of cursive instruction.

Use the following alternative if the board wants to specify grade level(s) before the end of grade 5 in which cursive instruction will be offered:

A unit of cursive instruction will be offered in grade(s) _____.

⁹ 105 ILCS 5/27-3.10, added by P.A. 101-254. The statute specifically states that school districts may utilize private funding available for offering civics education.

¹⁰ 105 ILCS 5/27-22, amended by P.A.s 101-643, 101-654, 102-366, 102-551, and 102-864; 23 Ill.Admin.Code §1.440. ISBE may adopt rules to modify these requirements for students in grades 9 through 12 if the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7. 105 ILCS 5/27-22(e)(3.5), amended by P.A. 101-654 and 102-864, and 5/27-22(e)(3.5) and (e-5)(3.5), added by P.A. 102-864, requires "a year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject." Because computer literacy may be included within another subject, it is not listed here, but in number 6 of this policy with f/n 265, below.

¹¹ 105 ILCS 5/2-3.156. See f/n 2.

105 ILCS 5/27-22(e)(3), amended by P.A. 101-464, allows the substitution of an advanced placement computer science course for a year of mathematics. For specific requirements, see sample exhibit 6:300-E2, State Law Graduation Requirements, and sample policy 6:310, High School Credit for Non-District Experiences; Course Substitutions; Re-entering Students.

¹² 105 ILCS 5/27-22(e)(5). The statute specifically states that school districts may utilize private funding available for offering civics education.

¹³ The General Assembly encouraged school boards to implement American Sign Language courses into the school foreign language curriculum. 105 ILCS 5/10-20.52. Senate Joint Resolution 68 (96th General Assembly, 2010) encourages school districts to explore the introduction of Arabic as a foreign language in their curriculums.

¹⁴ The ISBE rule on driver education personnel is found at 23 Ill.Admin.Code §252.40. School districts may contract with a commercial driver training school (CDTS) for driver education. 105 ILCS 5/27-24.2, amended by P.A. 101-450. To qualify to contract with a school district, a CDTS must: (a) hold a valid license issued by the Ill. Sec. of State; (b) provide teachers who meet the educator licensure and endorsement requirements under 105 ILCS 5/21B; and (c) follow the same evaluation and observation requirements that apply to non-tenured teachers under 105 ILCS 5 24-A. Id. A district contracting with a CDTS must provide a list to ISBE of the CDTS instructors. Id. The list must include the name, personal ISBE identification number, birth date and driver's license number of each instructor who will teach driver education. Id. Although a formal waiver for outsourcing of driver's education is no longer required, districts must consider their applicable collective bargaining agreement(s), board policy, and the reduction in force (RIF) provisions of the School Code as they relate to outsourcing of instructional staff. Consult the board attorney for guidance.

Students otherwise eligible to take a driver education course must receive a passing grade in at least eight courses during the previous two semesters before enrolling in the course. The Superintendent or designee may waive this requirement if he or she believes a waiver to be in the student's best interest.¹⁵ The course shall include: (a) instruction necessary for the safe operation of motor vehicles, including motorcycles, to the extent that they can be taught in the classroom,¹⁶ (b) classroom instruction on distracted driving as a major traffic safety issue,¹⁷ (c) instruction on required safety and driving precautions that must be observed at emergency situations, highway construction and maintenance zones, and railroad crossings and their approaches,¹⁸ and (d) instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.¹⁹ Automobile safety instruction covering traffic regulations and highway safety must include instruction on the consequences of alcohol consumption and the operation of a motor vehicle.²⁰ The eligibility requirements contained in State law for the receipt of a certificate of completion from the Secretary of State shall be provided to students in writing at the time of their registration. ²¹

3. In grades 7 through 12, as well as in interscholastic athletic programs, steroid abuse prevention must be taught. ²²
4. In kindergarten through grade 12, provided it can be funded by private grants or the federal government, violence prevention and conflict resolution must be stressed, including: (a) causes of conflict, (b) consequences of violent behavior, (c) non-violent resolution, and (d) relationships between drugs, alcohol, and violence.²³ In addition, anti-bias education and intergroup conflict resolution may be taught as an effective method for preventing violence and

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A school district may decide to allow a student to take a portion of the driver education course through a distance learning course. This is determined on a case-by-case basis and must be approved by the district's administration, the student's driver's education teacher, and the student's parent/guardian. 105 ILCS 5/27-24.2, amended by P.A. 101-183; 23 Ill.Admin.Code §252.20(c)(2).

¹⁵ 105 ILCS 5/27-24.1, amended by P.A. 102-455, and 5/27-24.2; 23 Ill.Admin.Code §252.20(c)(2).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ 105 ILCS 5/27-17, amended by P.A. 102-971, eff. 1-1-23.

²¹ The Ill. Vehicle Code, 625 ILCS 5/6-408.5, amended by P.A. 102-1100, contains these requirements; they are paraphrased below and may be added to the policy or otherwise disseminated.

Before a certificate of completion will be requested from the Secretary of State, a student must receive a passing grade in at least eight courses during the two semesters last ending before requesting the certificate. A certificate of completion will not be requested for any person less than 18 years of age who has dropped out of school unless the individual provides:

1. Written verification of his or her enrollment in a high school equivalency or alternative education program or a State of Illinois High School Diploma (formerly GED certificate);
2. Written verification that before dropping out, the individual had received passing grades in at least eight courses during the two previous semesters last ending before requesting a certificate;
3. Written consent from the individual's parent/guardian and the Regional Superintendent; or
4. Written waiver from the Superintendent of the School District in which the individual resides or resided at the time he or she dropped out of school, or from the chief school administrator with respect to a dropout who attended a non-public high school. A waiver may be given if the Superintendent or chief administrator deems it to be in the individual's best interests.

²² 105 ILCS 5/27-23.3.

²³ 105 ILCS 5/27-23.4.

lessening tensions in schools; these prevention methods are most effective when they are respectful of individuals and their divergent viewpoints and religious beliefs, which are protected by the First Amendment to the Constitution of the United States. ²⁴

5. In grades kindergarten through 12, age-appropriate Internet safety must be taught, the scope of which shall be determined by the Superintendent or designee. The curriculum must incorporate policy 6:235, *Access to Electronic Networks*, and, at a minimum, include: (a) education about appropriate online behavior, (b) interacting with other individuals on social networking websites and in chat rooms, and (c) cyberbullying awareness and response. ²⁵
6. In all grades, students must receive developmentally appropriate opportunities to gain computer literacy skills that are embedded in the curriculum. ²⁶
7. In all grades, character education must be taught including respect, responsibility, fairness, caring, trustworthiness, and citizenship in order to raise students' honesty, kindness, justice, discipline, respect for others, and moral courage.²⁷ Instruction in all grades will include

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²⁴ Optional. 105 ILCS 5/27-23.6 ~~entitled (Anti-bias education)~~ allows districts to incorporate activities to address intergroup conflict, with the objectives of improving intergroup relations on and beyond the school campus, defusing intergroup tensions, and promoting peaceful resolution of conflict.

Boards that adopt a policy to incorporate activities to address intergroup conflict pursuant to this law must make information available to the public that describes the manner in which the district has implemented the activities. Methods for making this information available include: the district's website, if any, and in the district's offices upon request. See sample exhibit 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records. Districts may also include the information in a student handbook and in district newsletters. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with PRESS material, Online Model Student Handbook (MSH), at: www.ilprincipals.org/msh.

See *fn 12* in sample policy 6:180, *Extended Instructional Programs*, and ensure that these policies align.

²⁵ 47 C.F.R. §54.520 and 105 ILCS 5/27-13.3 control this section. "Grades kindergarten through 12" is used because federal law requires school districts that receive E-rate funding to certify that they have an Internet safety education policy for all minors. 47 C.F.R. §54.520(c)(1)(i). This federal law defines minors as any individual who has not attained the age of 17 years. 47 C.F.R. §54.520(a)(4)(i).

105 ILCS 5/27-13.3 only requires a unit on Internet safety for students in grades 3 or above. It recommends seven topics for the unit on Internet safety and required ISBE to "make available resource materials for educating children regarding child online safety." See www.isbe.net/Pages/Internet-Safety.aspx. It also invites schools to "adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12."

For boards that do not receive E-rate funds and do not want to exceed the requirements of the School Code, replace this section with the following sentence:

In grades 3 or above, the curriculum contains a unit on Internet safety, the scope of which shall be determined by the Superintendent or designee.

For boards that do not receive E-rate funds, but want to exceed the requirements of 105 ILCS 5/27-13.3 to include grades K-2, replace this section with the following sentences:

In grades 3 or above, the curriculum contains a unit on Internet safety, the scope of which shall be determined by the Superintendent or designee. In kindergarten through grade 2, age-appropriate Internet safety must be taught.

²⁶ 105 ILCS 5/10-20.79, added by P.A. 101-654 and renumbered by P.A. 102-813, 5/10-20.74, and 5/27-22(e)(3.5), added by P.A. 101-654 and amended by P.A. 102-894, and 5/27-22(e-5)(3.5), added by P.A. 102-894. 105 ILCS 5/10-20.74, added by P.A. 101-654, requires that districts submit an annual report to ISBE regarding educational technology capacities and policies. See the subhead **Educational Technology Committee** and *fn 20* in sample administrative procedure 2:150-AP, Superintendent Committees.

²⁷ 105 ILCS 5/27-12.

examples of behaviors that violate policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.²⁸

8. In all schools, citizenship values must be taught, including: (a) American patriotism, (b) principles of representative government (the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois), (c) proper use and display of the American flag, (d) the Pledge of Allegiance, and (e) the voting process.²⁹
9. In all grades, physical education must be taught including a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. Unless otherwise exempted, all students are required to engage in a physical education course with such frequency as determined by the Board after recommendation from the Superintendent,³⁰ but at a minimum of three days per five-day week.³¹ For exemptions and substitutions, see policies 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students* and 7:260, *Exemption from Physical Education*.³²

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²⁸ Required as part of a district's Bullying Prevention and Response Plan pursuant to 105 ILCS 5/27-23.7. Because of the negative outcomes associated with bullying in schools, the Ill. General Assembly has found "that [school districts] should educate students, parents, and [school district personnel] about what behaviors constitute prohibited bullying." 105 ILCS 5/27-23.7(a). This language aligns with sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

The Ill. General Assembly invited boards to "make suitable provisions for instruction in gang resistance education and training in all grades and include such instruction in the courses of study regularly taught in those grades." See 105 ILCS 5/27-23.10(c). A board that shares this concern may add the following option: "In addition, in all grades gang resistance education and training must be taught."

²⁹ 105 ILCS 5/27-3 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. See also *Palmer v. City of Chicago*, 466 F. Supp. 600 (N.D. Ill. 1979) (teacher would not teach and direct the Pledge of Allegiance to the flag of the United States for religious reasons and was terminated for not doing so because it was part of the curriculum). Requirements for displaying a U.S. flag at each school and in each classroom are found in 5 ILCS 465/3 and 465/3a.

Note that the Illinois statute does not require every student to recite the *Pledge* – that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the Pledge, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the *Pledge*. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943); *Sherman v. Cmty. Consol. Sch. Dist. 21 of Wheeling Twp.*, 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the *Pledge*, such as, "You may now stand to recite the *Pledge*." Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

³⁰ The phrase "after recommendation by the Superintendent" is optional. If a superintendent does not bring this topic to the board for discussion, the board may not have a trigger to make the determination.

³¹ 23 Ill.Admin.Code §1.425(b). Boards that want their daily physical education requirement to align with their goal in policy 6:50, *School Wellness*, may replace "minimum of three days per five-day week" with their local daily requirements. See f/n 10 in sample policy 6:50, *School Wellness*.

³² 105 ILCS 5/27-5 requires school boards to provide for students' physical education and allows the P.E. course offered in grades 5 through 10 to include the health education courses required by State law. See also 23 Ill.Admin.Code §1.425.

105 ILCS 5/27-6, describes when students may be excused from P.E. See also 23 Ill.Admin.Code §1.425(d).

105 ILCS 5/27-6 contains an exception to the minimum of three days per five-day week P.E. requirement for schools engaged in block scheduling; if this is applicable, substitute this sentence for the second-to-last sentence in this paragraph:

Unless otherwise exempted, all students are required to engage with such frequency as determined by the Board, but at a minimum of three days per five-day week, during the school day, except on block scheduled days, in a physical education course.

10. In all schools, health education must be stressed, including³³: (a) proper nutrition, (b) physical fitness, (c) components necessary to develop a sound mind in a healthy body, (d) dangers and avoidance of abduction, ~~and~~ (e) age-appropriate and evidence-informed sexual abuse and assault awareness and prevention education in all grades,³⁴ and (f) beginning in the fall of 2024, in grades 9-12, the dangers of fentanyl. The Superintendent shall implement a comprehensive health education program in accordance with State law.³⁵

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105 ILCS 5/27-6.5 describes physical fitness assessments required, beginning with the 2016-17 school year and every school year thereafter, for grades 3-12 in an effort to meet State Goal 20 of the Illinois Learning Standards for Physical Development and Health at: www.isbe.net/Pages/Enhanced-Physical-Education.aspx~~www.isbe.net/Pages/School-Health-Issues.aspx~~.

See also 23 Ill.Admin.Code §1.425 (g) and (h); ISBE's *IL Fitness Assessments and Data Reporting Requirements Questions and Answers (Rev. 2017)* at: www.isbe.net/Documents/Physical_Fitness_Assessment_FAQ.pdf.

105 ILCS 5/27-7 describes the goals and requirements for P.E. courses; these are re-stated in this sample policy.

³³ Citations for letters (a) - (e), required by the Comprehensive Health Education Program (105 ILCS 110/3) in this paragraph follow:

(a) 105 ILCS 5/2-3.139 and 105 ILCS 5/27-7 (proper nutrition) and see also sample policy 6:50, *School Wellness*.

(b) *Id.* (physical fitness) and see also sample policy 6:50, *School Wellness*.

(c) *Id.* (sound mind and healthy body).

(d) 105 ILCS 5/27-13.2 (dangers and avoidance of abduction). The Ill. State Police and ISBE must develop instruction on child abduction prevention. 20 ILCS 2605/2605-480.

(e) 105 ILCS 110/3, amended by P.A.s ~~101-305~~, 102-464, and 102-1034, ~~eff. 1-1-23~~, and 105 ILCS 5/10-23.13, amended by P.A. 102-610 a/k/a *Erin's Law* (child sexual abuse prevention). While 105 ILCS 5/10-23.13(b) states pre-K through 12th, this policy uses *all grades* for brevity and ease of administration. *Erin's Law* requires a policy addressing child sexual abuse prevention and curriculum content on that subject (see sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*). A sentence in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*, restates the basic recommendations from page 16 of the *Erin's Law* Taskforce Final Report (Report) to Governor Quinn at: www.isbe.net/Documents/erins-law-final0512.pdf, which was the basis for P.A. 102-676. The professional educator training component of *Erin's Law* is addressed in sample policies 5:90, *Abused and Neglected Child Reporting* and 5:100, *Staff Development Program*. The Report also encouraged parental involvement because parents play a key role in protecting children from child sexual abuse.

(f) 105 ILCS 5/27-13.2(c), added by P.A. 103-365 (dangers of fentanyl).

³⁴ See f/n 11 in sample policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, for a definition of *evidence-informed*. 105 ILCS 5/10-23.13, amended by P.A. 102-610.

³⁵ 105 ILCS 110/3, amended by P.A.s ~~101-305~~, 102-464, and 102-1034, ~~103-212~~, eff. 1-1-24~~3~~, and 103-365, eff. 1-1-24; and 23 Ill.Admin.Code §1.420(n). Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act, 105 ILCS 110/.

More detailed critical health problems and comprehensive health education program content is described in sample administrative procedure 6:60-AP1, *Comprehensive Health Education Program*. That procedure follows the Comprehensive Health Education Program law (CHEP), 105 ILCS 110/3, amended by P.A.s ~~101-305~~, 102-464, and 102-1034, ~~103-212~~, eff. 1-1-24~~3~~, and 103-365, eff. 1-1-24, and it formerly included the requirements for the development of the now-repealed family life and sex education programs in 105 ILCS 5/27-9.1 and 9.2, amended by P.A.s ~~100-684~~, ~~101-579~~, 102-412 and repealed by P.A. 102-522.

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The former family life and sex education programs were replaced with the National Sex Education Standards (NSES) (105 ILCS 5/27-9.1a, added by P.A. 102-522) and a developmentally appropriate consent education curriculum (105 ILCS 5/27-9.1b, added by P.A. 102-522). But the term *family life*, “including evidence-based and medically accurate information regarding sexual abstinence,” remains in the CHEP (105 ILCS 110/3, amended by P.A.s ~~101-305~~, 102-464, and 102-1034, eff. ~~1-1-23~~). The CHEP also includes many other health education topics that all elementary and secondary schools in Illinois must provide, including teen dating violence (105 ILCS 110/3.10, see sample policy 7:185, *Teen Dating Violence Prohibited*, for the required “teen dating violence policy”) and cardiopulmonary resuscitation and automated external defibrillator use. 105 ILCS 110/3. For ease of administration, sample administrative procedure 6:60-AP1, Comprehensive Health Education Program, content includes reference to the new NSES curriculum that is outlined in more detail at sample administrative procedure 6:60-AP2, Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES)). 105 ILCS 5/27-9.1a, added by P.A. 102-522. ISBE’s learning standards and resources are available at www.isbe.net/sexualhealth, however, no guidance exists about whether districts that provide the now-repealed family life and sex education programs formerly in 105 ILCS 5/27-9.1 and 9.2, repealed by P.A. 102-522, could continue to do so. Consult the board attorney if the district offered the now-repealed family life and sex education program to assess whether that program may continue during future school years.

Two choices exist for school boards related to providing students with a sex education curriculum:

1. No sex education; or
2. NSES a/k/a Comprehensive Personal Health and Safety and Sexual Health Education Program (105 ILCS 5/27-9.1a, added by P.A. 102-522, and see sample administrative procedure 6:60-AP2, Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))).

While boards are not required to include sex education curriculum information in their policies, if they offer it, the new law requires them to identify the curriculum their districts use along with the name and contact information, including an email address, of a school staff member who can respond to inquiries about instruction and materials. 105 ILCS 5/27-9.1a, added by P.A. 102-522. Methods for making this information available include: the district’s website, if any, and in the district’s offices upon request. See sample exhibit 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records.

For boards that do offer NSES but do not wish to communicate it in this policy, ensure that superintendents: (1) identify the curriculum along with the name and contact information, including an email address of the school staff member designated to respond to inquiries about instruction and materials (see 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*); and (2) implement both 6:60-AP1, *Comprehensive Health Education Program*, and 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*.

For boards that want to communicate to their communities in this policy that they offer NSES, insert the following text into the last sentence in number 10:

The Superintendent shall implement a comprehensive health education program in accordance with State law, including a personal health and safety and sexual health education program (National Sex Education Standards) pursuant to 105 ILCS 5/27-9.1a.

Legal Reference insertions are not necessary with the statute in the text of the policy. Ensure: (1) the implementation of both 6:60-AP1, *Comprehensive Health Education Program* and 6:60-AP2, *Comprehensive Personal Health and Safety and Sexual Health Education Program (National Sex Education Standards (NSES))*, align with this policy; and (2) that the superintendent identifies the curriculum along with the name and contact information, including an email address of the school staff member designated to respond to inquiries about instruction and materials (see 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*).

For boards that communicated NSES in this policy and also want to communicate that they additionally offer developmentally appropriate consent education curriculum, insert the following sentence as the last sentence of the number 10 paragraph:

The Superintendent shall also implement a developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-9.1b.

Legal Reference insertion is not necessary with the statute in the text of the policy. Ensure the implementation of 6:60-AP3, *Developmentally Appropriate Consent Education*, aligns with this policy.

For boards that do offer NSES and do not communicate that in policy AND/OR boards that do not offer NSES, but want to communicate that they offer developmentally appropriate consent education curriculum, insert the following text into the last sentence in number 10:

The Superintendent shall implement a comprehensive health education program in accordance with State law, including a developmentally appropriate consent education curriculum pursuant to 105 ILCS 5/27-9.1b.

11. In all schools, career/vocational education must be taught, including: (a) the importance of work, (b) the development of basic skills to enter the world of work and/or continue formal education, (c) good work habits and values, (d) the relationship between learning and work, and (e) if possible, a student work program that provides the student with work experience as an extension of the regular classroom. A career awareness and exploration program must be available at all grade levels. ³⁶
12. In grades 9 through 12, consumer education must be taught, including: (a) financial literacy, including consumer debt and installment purchasing (including credit scoring, managing credit debt, and completing a loan application); budgeting; savings and investing; banking (including balancing a checkbook, opening a deposit account, and the use of interest rates); understanding simple contracts; State and federal income taxes; personal insurance policies; the comparison of prices; higher education student loans; identity-theft security; and homeownership (including the basic process of obtaining a mortgage and the concepts of fixed and adjustable rate mortgages, subprime loans, and predatory lending); and (b) the roles of consumers interacting with agriculture, business, labor unions and government in formulating and achieving the goals of the mixed free enterprise system. ^{37 38}
13. ~~Beginning in the fall of 2022,~~ In grades 9 through 12, intensive instruction in computer literacy, which may be included as a part of English, social studies, or any other subject. ³⁹
14. ~~Beginning in the fall of 2022,~~ In grades 9 through 12, a unit of instruction on media literacy that includes, but is not limited to, all of the following topics: (a) accessing information to evaluate multiple media platforms and better understand the general landscape and economics of the platforms, and issues regarding the trustworthiness of the source of information; (b) analyzing and evaluating media messages to deconstruct media representations according to the authors, target audience, techniques, agenda setting, stereotypes, and authenticity to distinguish fact from opinion; (c) creating media to convey a coherent message using multimodal practices to a specific target audience that includes, but is not limited to, writing

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Legal Reference insertion is not necessary with the statute in the text of the policy. Ensure that implementation of 6:60-AP3, *Developmentally Appropriate Consent Education*, aligns with this policy.

³⁶ 23 Ill.Admin.Code §1.420(i). See 105 ILCS 435/, Vocational Education Act

A unit or high school district may offer workplace preparation instruction in grades 9 through 12 that covers legal protections in the workplace, including protection against sexual harassment and racial and other forms of discrimination and protections for employees. 105 ILCS 5/27-23.14, added by P.A. 101-347 and renumbered by P.A. 102-558.

For high school and unit boards, insert "5/27-23.14," after 105 ILCS 5/27-23.11 in the Legal References or if a board offers a course on hunting safety as part of its curriculum during the school day (see the option in f/n 52 below), after its Legal Reference 105 ILCS 5/27-23.13, and the following text to the end of number 11 if the board wants to offer workplace preparation instruction:

In grades 9-12, workplace preparation instruction will be offered, covering legal protections in the workplace, including protection against sexual harassment and racial and other forms of discrimination and protections for employees.

³⁷ 105 ILCS 5/27-12.1; 23 Ill.Admin.Code §1.420(k). P.A. 99-284 added these subjects to the required consumer education course: consumer debt, higher education student loans, and identity-theft security.

³⁸ For high school and unit boards that want to offer a unit of instruction about the process of naturalization pursuant to 105 ILCS 5/27-23.16, added by P.A. 102-472 and renumbered by P.A. 102-813, insert an optional number 13, and amend numbers after it accordingly:

13. In grades 9 through 12, a unit of instruction about the process of naturalization by which a foreign citizen or foreign national becomes a U.S. citizen that includes content from the components of the naturalization test administered by the U.S. Citizenship and Immigration Services.

³⁹ 105 ILCS 5/27-22(e)(3.5), added by P.A. 101-654. ISBE states that *Computer literacy* is broadly defined as one's knowledge of an ability to use computers and related technologies efficiently and effectively. See www.isbe.net/keeplearning for more ISBE guidance on computer literacy.

blogs, composing songs, designing video games, producing podcasts, making videos, or coding a mobile or software application; (d) reflecting on media consumption to assess how media affects the consumption of information and how it triggers emotions and behavior; and (e) social responsibility and civics to suggest a plan of action in the class, school, or community for engaging others in a respectful, thoughtful, and inclusive dialogue over a specific issue using facts and reason. ⁴⁰

15. ~~Beginning in the fall of 2023,~~ In grades 9 through 12, an opportunity for students to take at least one computer science course aligned to Illinois learning standards. Computer science means the study of computers and algorithms, including their principles, hardware and software designs, implementation, and impact on society. Computer science does not include the study of everyday uses of computers and computer applications; e.g., keyboarding or accessing the Internet. ⁴¹
16. In all schools, conservation of natural resources must be taught, including: (a) home ecology, (b) endangered species, (c) threats to the environment, and (d) the importance of the environment to life as we know it. ⁴²
17. In all schools, instruction as determined by the Superintendent or designee on United States (U.S.) history must be taught, including: (a) the principles of representative government, (b) the Constitutions of the U.S. and Illinois, (c) the role of the U.S. in world affairs, (d) the role of labor unions, (e) the role and contributions of ethnic groups, including but not limited to, the African Americans, Albanians, Asian Americans, Bohemians, Czechs, French, Germans, Hispanics (including the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression), Hungarians, Irish, Italians, Lithuanians, Polish, Russians, Scots, and Slovaks in the history of this country and State, (f) a study of the roles and contributions of lesbian, gay, bisexual, and transgender (LGBT) people in the history of the U.S. and Illinois, (g) Illinois history, and (h) the contributions made to society by Americans of different faith practices, including, but not limited to, Muslim Americans, Jewish Americans, Christian Americans, Hindu Americans, Sikh Americans, Buddhist Americans, and any other collective community of faith that has shaped America, (i) Native American nations' sovereignty and self-determination, both historically and in the present day, with a focus on urban Native Americans, and (j) beginning in the fall of 2024, the

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

⁴⁰ 105 ILCS 5/27-20.08, added by P.A. 102-55. *Media literacy* means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print, visual, audio, interactive, and digital texts. For additional resources, see www.isbe.net/keeplearning.

⁴¹ ~~Optional until fall 2023;~~ 105 ILCS 5/27-23.15(b), added by P.A. 101-654. Subject to appropriation, school districts can apply for a competitive grant to support computer science programs. 105 ILCS 5/2-3.196, added by P.A. 103-264, eff. 1-1-24.

⁴² 105 ILCS 5/27-13.1; 23 Ill.Admin.Code §1.420(I).

events of the Native American experience and Native American history within the Midwest and Illinois since time immemorial in accordance with 105 ILCS 5/27-20.05. ⁴³

In addition, all schools shall hold an educational program on the United States Constitution on Constitution Day, each September 17, commemorating the September 17, 1787 signing of the Constitution. However, when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week. ⁴⁴

18. In grade 7 and all high school courses concerning U.S. history or a combination of U.S. history and American government, students must view a Congressional Medal of Honor film made by the Congressional Medal of Honor Foundation, provided there is no cost for the film. ⁴⁵

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

⁴³ 105 ILCS 5/27-21, amended by P.A.s 101-227 (adding the roles and contributions of LGBT people in U.S. and Illinois), 101-341 (Illinois history), 101-643 (during a public health emergency, allowing schools to obtain evidence from students remotely that they have comprehensive knowledge of United States history), and 102-411 (adding contributions made to society by Americans of different faith practices) and 103-422 (adding teaching about Native American nations' sovereignty and self-determination) and 105 ILCS 5/27-20.05, added by P.A. 103-422 (adding instruction on Native American experience and history); 23 Ill.Admin.Code §1.420(r). 105 ILCS 5/27-21, amended by P.A.s 102-411 and 103-422, requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. "[Evidence of having comprehensive knowledge [of United States history], which may be administered remotely" is not clear. The practical reading is that it refers to teachers collecting evidence through remote assessments when students are engaged in a remote learning program during a disaster declaration due to a public health emergency.

Note that instruction on Native American nations' sovereignty and self-determination under 105 ILCS 5/27-21, amended by P.A. 103-422, does not specify a delayed implementation date. Consult the board attorney regarding whether a district may delay implementation of such instruction given that the implementation of Native American experience and Native American history in 2024-2025 must include instruction on tribal sovereignty.

Instruction in events of the Native American experience and Native American history must include "the contributions of Native Americans in government and the arts, humanities, and sciences, as well as the contributions of Native Americans to the economic, cultural, social, and political development of their own nations and of the United States." Additionally, in grades 6 through 12, the instruction must include "the study of the genocide of and discrimination against Native Americans, as well as tribal sovereignty, treaties made between tribal nations and the United States, and the circumstances around forced Native American relocation." 105 ILCS 5/27-20.05, added by P.A. 103-422. See also f/n 46, below. ISBE is required to make instructional materials related to Native Americans available on its website, but not until 1-1-25. For additional resources, see <https://americanindian.si.edu/nk360> and <https://iste.org/blog/15-resources-for-teaching-native-american-history-and-culture> www.iste.org/explore/classroom/15-resources-teaching-native-american-history-and-culture.

105 ILCS 5/27-21, amended by P.A. 101-643, does not specify at what grade level districts must cover these topics as part of U.S. history instruction; however, no student may graduate from grade 8 unless the student has received instruction in U.S. history and demonstrated comprehensive knowledge of the subject matter.

For guidance about the requirements of adding the roles and contributions of LGBT people in U.S. and Illinois, see:

1. Inclusive Curriculum Law Frequently Asked Questions (FAQs) at:
www.phimc.org/wp-content/uploads/2020/05/Inclusive-Curriculum-FAQs.pdf;
2. Inclusive Curriculum Law Overview at:
www.phimc.org/wp-content/uploads/2020/05/Inclusive-Curriculum-One-Pager.pdf; and
3. Inclusive Curriculum Implementation Guidance (Condensed Edition) at:
www.isbe.net/Documents/Support-Students-Implementation-Guidance.pdf

⁴⁴ Section 111 of Division J of Pub. L. 108-447, the Consolidated Appropriations Act, 2005, 12-8-04; 118 Stat. 2809, 3344-45 (Section 111). Section 111(b) states: "[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the U.S. Constitution on September 17 of such year for the student served by the educational institution."

⁴⁵ 105 ILCS 5/27-3.5. The Congressional Medal of Honor film is available on ISBE's website for no cost at: www.isbe.net/Pages/Medal-of-Honor.aspx.

19. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the Holocaust and crimes of genocide, including Nazi atrocities of 1933-1945, the Native American genocide in North America, Armenian Genocide, the Famine-Genocide in Ukraine, and more recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan. ⁴⁶
20. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on the history, struggles, and contributions of women. ⁴⁷
21. In all schools, the curriculum includes instruction as determined by the Superintendent or designee on Black History, including the history of the pre-enslavement of Black people from 3,000 BCE to AD 1619, the African slave trade, slavery in America, the study of the reasons why Black people came to be enslaved, the vestiges of slavery in this country, the study of the American civil rights renaissance, as well as the struggles and contributions of African-Americans. ⁴⁸
22. In all schools offering a secondary agricultural education program, the curriculum includes courses as required by 105 ILCS 5/2-3.80. ⁴⁹
23. In all schools, instruction during courses as determined by the Superintendent or designee on disability history, awareness, and the disability rights movement. ⁵⁰
24. ~~Beginning in the fall of 2022, i~~In all schools, instruction as determined by the Superintendent or designee on the events of Asian American history, including the history of Asian Americans in Illinois and the Midwest, as well as the contributions of Asian Americans toward advancing civil rights from the 19th century onward, which must include the contributions made by individual Asian Americans in government and the arts, humanities, and sciences, as well as

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

⁴⁶ 105 ILCS 5/27-20.3, ~~amended by P.A. 103-422~~. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. Beginning with the 2024-2025 school year, instruction on Native American genocide is also required by 105 ILCS 5/27-20.05, added by P.A. 103-422 in grades 6-12, see f/n 43, above. Note that instruction on Native American genocide under 105 ILCS 5/27-20.3, amended by P.A. 103-422, does not specify a delayed implementation date. Consult the board attorney regarding whether a district may delay implementation of such instruction given that the implementation of Native American experience and Native American history in 2024-2025 must include instruction on Native American genocide. ISBE is not required to make instructional materials on the Native American genocide in North America available on its website until 1-1-25.

⁴⁷ 105 ILCS 5/27-20.5. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. House Resolution 365 (98th General Assembly, 2013) and Senate Resolution 1073 (98th General Assembly, 2014) both urge all Illinois educators to share with students of an appropriate age the story of *comfort women* when discussing the history of Asia or World War II, or the issue of human trafficking.

⁴⁸ 105 ILCS 5/27-20.4, ~~amended by P.A. 101-654~~. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. A school may meet this curriculum requirement through an online program or course. Id.

⁴⁹ 105 ILCS 5/2-3.80(e) or (f), as applicable.

⁵⁰ 105 ILCS 5/27-23.8. The statute requires the school board to determine the minimum amount of instructional time. The sample policy complies by delegating this responsibility to the superintendent or designee. The statute requires that the instruction be founded on the principle that all students, including students with disabilities, have the right to exercise self-determination. It urges districts to request individuals with disabilities to assist with the development and delivery of this instruction and allows instruction to be supplemented by knowledgeable guest speakers.

the contributions of Asian American communities to the economic, cultural, social, and political development of the United States. ⁵¹

25. In kindergarten through grade 8, education must be available to students concerning effective methods of preventing and avoiding traffic injuries related to walking and bicycling. ^{52 53}

LEGAL REF.: Pub. L. No. 108-447, Section 111 of Division J, Consolidated Appropriations Act of 2005.
Pub. L. No. 110-385, Title II, 122 stat. 4096 (2008), Protecting Children in the 21st Century Act.
47 C.F.R. §54.520.
5 ILCS 465/3 and 465/3a.
20 ILCS 2605/2605-480.
105 ILCS 5/2-3.80(e) and (f), 5/10-20.79, 5/10-23.13, 5/27-3, 5/27-3.5, 5/27-5, 5/27-6, 5/27-6.5, 5/27-7, 5/27-12, 5/27-12.1, 5/27-13.1, 5/27-13.2, 5/27-20.05, 5/27-20.08, 5/27-20.3, 5/27-20.4, 5/27-20.5, 5/27-20.7, 5/27-20.8, 5/27-21, 5/27-22, 5/27-23.3, 5/27-23.4, 5/27-23.7, 5/27-23.8, 5/27-23.10, 5/27-23.11, 5/27-23.15, 5/27-23.16, 5/27-24.1, and 5/27-24.2.
105 ILCS 110/3, Comprehensive Health Education Program.
105 ILCS 435/, Vocational Education Act.
625 ILCS 5/6-408.5, Ill. Vehicle Code.
23 Ill.Admin.Code §§1.420, 1.425, 1.430, and 1.440.

CROSS REF.: 4:165 (Awareness and Prevention of Child Sex Abuse and Grooming Behaviors), 6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:70 (Teaching About Religions), 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:260 (Exemption from Physical Education)

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

⁵¹ 105 ILCS 5/27-20.8, added by P.A. 102-44. *Id.* at (c) states that the regional superintendent of schools [or Intermediate Service Center Executive Director, whichever is appropriate] will monitor districts' compliance with this law during the annual compliance review visits. Districts may meet this law's requirements through online programs or courses. *Id.* at (d). 105 ILCS 5/3-0.01 states any reference to "regional superintendent" includes the chief administrative officer of Intermediate Service Centers established under 105 ILCS 5/2-3.62. For resources, see www.isbe.net/Pages/ContinueEDResources.aspx.

⁵² 105 ILCS 5/27-23.11 requires districts that maintain any of the grades kindergarten through 8 to adopt a policy. The law is silent about how to educate students on this topic. See sample exhibit 6:60-API, E2, Resources for Biking and Walking Safety Education, for additional information.


⁵³ A school district may offer a course on hunting safety as part of its curriculum during the school day. 105 ILCS 5/27-23.13, ~~added by P.A. 101-152~~. No grade levels are specified in the statute. Insert "5/27-23.13," after 105 ILCS 5/27-23.11 in the Legal References, and an optional number 26, if the board wants to offer a course on hunting safety as part of its curriculum: In grade(s) [*insert grade level(s)*], a course on hunting safety will be offered during the school day.

13. **Second Reading of Revised Board of Education Policy 7:60, Residence**

75

Recommended Motion: that the Board of Education accept for second reading the revised Board of Education policy 7:60, Residence, as presented. **See Attachment No. 13.**

TO: Members of the Board of Education

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

DATE: January 04, 2024

SUBJECT: Approve Updated Board Policy 7:60, Residence

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 7:60, Residence, which was included as part of the October, 2023 PRESS update review. The policy, Legal References, and footnotes are updated in response to changes in the School Code, permitting boards to adopt a policy to waive nonresident tuition for a student who is the child of a district employee, and for continuous improvement. The Legal References are updated for continuous improvement by adding citations to provisions in the School Code addressing the residency of students with disabilities.

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 second reading the revised Board of Education Policy 7:60, Residence, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Students

Residence¹

Resident Students

Only students who are residents of the District may attend a District school without a tuition charge, except as otherwise provided below or in State law.² A student's residence is the same as the person who has legal custody of the student.³

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement or affidavit stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.⁴

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition.⁵

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school.⁶

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

¹ State or federal law controls this policy's content. For a resource, see the Ill. State Board of Education's non-regulatory guidance, *Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers* at www.isbe.net/Pages/Student-Registration-and-Enrollment-Guidance.aspx.

² In certain cases, no tuition may be charged for nonresident children placed: (1) by the Ill. Dept. of Children and Family Services with a foster parent or childcare facility (105 ILCS 5/10-20.12b); or (2) with a person who (i) has temporary custody of a child of a person who is on active military duty, and (ii) is responsible for making decisions for that child (105 ILCS 70/). ~~When special education services are provided, resident district is determined by 105 ILCS 5/14-1.11 and 14-1.11e, amended by P.A. 102-514.~~

³ In the case of divorced or divorcing parents, the Ill. Marriage and Dissolution of Marriage Act (IMDMA), 750 ILCS 5/, provides that "for purposes of Section 10-20.12b of the School Code only, the parent with the majority of parenting time is considered to have legal custody." See 750 ILCS 5/606.10. The IMDMA also requires a *parenting plan* that sets forth a child's residential address for school enrollment purposes. 750 ILCS 5/602.10(f)(6). Consult the board attorney when the residential address set forth in a parenting plan is not the address of the parent with the majority of parenting time.

⁴ 105 ILCS 5/10-20.12b. In order to establish residence, a school district may not require a parent to transfer custody/guardianship to the person with whom the child is living. *Israel S. by Owens v. Bd. of Educ. of Oak Park and River Forest High Sch., Dist. 200*, 235 Ill.App.3d 652 (5th Dist. 1992). See also *Joel R. v. Bd. of Educ. of Manheim Sch. Dist. 83*, 292 Ill.App.3d 607 (1st Dist. 1997).

⁵ 105 ILCS 5/10-20.12a.

⁶ 105 ILCS 5/10-20.12b(a-5).

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within six months after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.⁷

Residence of Students with Disabilities⁸

The residence of a child with a disability is determined in accordance with 105 ILCS 5/14-1.11, 5/14-1.11a, and 5/14-1.11b.

Requests for Nonresident Student Admission⁹

Nonresident students may attend District schools upon the approval of a request submitted by the student's parent(s)/guardian(s) for nonresident admission. The Superintendent may approve the request subject to the following:¹⁰

1. The student will attend on a year-to-year basis. Approval for any one year is not authorization to attend a following year.
2. The student will be accepted only if there is sufficient room.
3. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law.¹¹
4. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

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

⁷ 105 ILCS 5/10-22.5a(a-5), amended by P.A. 102-126. Military personnel must provide proof that the child will be living within the district within six months after the date of initial enrollment. Proof of residency may include postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district.

⁸ When special education services are provided, a student's resident district is determined by 105 ILCS 5/14-1.11 (when the resident district is the district in which the parent/guardian resides), 14-1.11a, amended by P.A. 102-514 (when the resident district is the district in which the student resides), and 14-1.11b (applying the provisions of 105 ILCS 5/14-1.11 and 14-1.11a to determine the resident district in all cases in which special education services and facilities are provided).

⁹ Optional. A district that wants to include this subhead should specify and customize the listed criteria to match local conditions. Consult the board attorney regarding cost exceptions that may be applicable to specific student populations such as students with disabilities.

¹⁰ ~~State law is silent regarding nonresident student enrollment except to require the parent(s)/guardian(s) to pay tuition.~~
105 ILCS 5/10-20.12a and 5/10-20.12b.

105 ILCS 5/10-20.12a(a), amended by P.A. 103-111, allows boards to adopt a policy to waive nonresident tuition if the student is the child of a district employee. A child means a district employee's child who is a biological child, adopted child, foster child, stepchild, or a child for which the employee serves as legal guardian. If a board wishes to accept requests from district employees for their nonresident children to attend school in the district on a tuition-free basis, insert the following language as its own paragraph after the numbered list:

For a nonresident student who is the child of a District employee, if the Superintendent approves the request for nonresident admission for the student, the tuition cost is waived pursuant to 105 ILCS 5/10-20.12a(a).

¹¹ 105 ILCS 5/10-20.12a specifies a formula for calculating the maximum amount a district can charge nonresident students.

Admission of Nonresident Students Pursuant to an Agreement or Order ¹²

Nonresident students may attend District schools ~~tuition-free~~ pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and nonresident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a nonresident student.

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency.¹³ School Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Challenging a Student's Residence Status ¹⁴

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a nonresident of the District for whom tuition is required to be charged, he or she on behalf of the School Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall detail the specific reasons why the Board believes that the student is a nonresident of the District¹⁵ and shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by the School Code, 105 ILCS 5/10-20.12b.

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

¹² The agreement described in #1 is optional (105 ILCS 5/10-22.5a(a)) and districts are not required to enter into such agreements nor to alter existing transportation services due to the attendance of such nonresident students. The agreement described in #2 is optional (105 ILCS 5/10-22.5a(a)); districts should be sure it is consistent with sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. An example of an agreement described in #3 is one to accept nonresident students; entering into such an agreement is optional.

¹³ Required by 105 ILCS 45/ and the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 *et seq.* See §11432 (g)(3)(C)(i).

¹⁴ *Id.* See sample administrative procedure 7:60-AP1, *Challenging a Student's Residence Status*, for sample procedures implementing this paragraph.

¹⁵ 105 ILCS 5/10-20.12b.

LEGAL REF.:

42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
105 ILCS 5/10-20.12a, 5/10-20.12b, 5/10-22.5, and 5/10-22.5a, 5/14-1.11, 5/14-1.11a, and 5/14-1.11b.
105 ILCS 45/, Education for Homeless Children Act.
105 ILCS 70/, Educational Opportunity for Military Children Act.
23 Ill.Admin.Code §1.240.
Israel S. by Owens v. Bd. of Educ. of Oak Park and River Forest High Sch. Dist. 200, 235 Ill.App.3d 652 (5th Dist. 1992).
Joel R. v. Board of Education of Manheim School District 83, 292 Ill.App.3d 607 (1st Dist. 1997).
Kraut v. Rachford, 51 Ill.App.3d 206 (1st Dist. 1977).

CROSS REF.:


6:140 (Education of Homeless Children), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy)

14. Second Reading of Revised Board of Education Policy 7:190, Student Behavior

81

Recommended Motion: that the Board of Education accept for second reading the revised Board of Education policy 7:190, Student Behavior, 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: January 04, 2024

SUBJECT: Approve Updated Board Policy 7:190, Student Behavior

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 7:190, Student Behavior, which was included as part of the October, 2023 PRESS update review. The policy is amended with optional language for Item #9 in the Prohibited Student Conduct subhead to prohibit academic dishonesty using a writing service and/or generative artificial intelligence technology. This optional language is further explained in new footnote 18. The Required Notices subhead of the policy and its accompanying footnotes are updated to align with subsection J, Required Notices in sample administrative procedure 4:170-AP1, and Comprehensive Safety and Security Plan. The Policy is also updated to clarify the reporting obligations of school officials upon receipt of a report regarding a verified incident involving a firearm on school property. The Legal References citation to the Pro-Children Act is updated. The footnotes are also updated in response to School Code changes, establishing specific procedures for administratively transferring a disruptive student to an ISBE regional safe school, and for continuous improvement.

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 second reading the revised Board of Education Policy 7:190, Student Behavior, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Students

Student Behavior¹

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

When and Where Conduct Rules Apply³

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

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

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

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

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

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

See fn 1 in sample policy 4:170, *Safety*, for information on the U.S. School Safety Clearinghouse website at: www.SchoolSafety.gov/www.schoolsafety.gov.

³ Board policy should provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Jurisdictional rules in board policy should generally be as broad as possible to give staff members authority to respond to unforeseen situations. Taking jurisdiction over off-campus misconduct generally survives the test of reasonableness when the misconduct has a direct nexus to the school. A countervailing interest concerns liability for off-campus student injuries, i.e., the greater the jurisdiction a district is willing to impose, the greater the scope of liability it may be assuming. Ultimately, a decision whether to discipline for off-campus misconduct requires a thorough factual inquiry to determine the degree of nexus and impact on the school. Consult the board attorney in these situations.

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

Prohibited Student Conduct ⁵

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

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

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A U.S. Supreme Court decision and many lower court decisions address disciplining a student for off-campus misconduct. See Mahanoy Area Sch. Dist. v. B.L., 141 S.Ct. 2038 (2021), discussed in f/n 3 of sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities*; and J.S. v. Blue Mountain Sch. Dist., 650 F.3d 915 (3rd Cir. 2011), combined with Layshock v. Hermitage Sch. Dist., 650 F.3d 205 (3d Cir. 2011), cert. denied 565 U.S. 1156 (2012) (absent evidence that parodies of school personnel caused, or could cause, substantial disruption, school districts may not punish out-of-school expressive conduct, even if it is lewd, indecent, or offensive speech).

In contrast, the 7th Circuit Court of Appeals upheld a student's expulsion for an article in an underground newspaper titled "So You Want to be a Hacker." The article's instructions for hacking into the school's computers clearly interfered with the school's operations. Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield, 134 F.3d 821 (7th Cir. 1998). See also Wisniewski v. Bd. of Educ. of the Weedsport Central Sch. Dist., 494 F.3d 34 (2nd Cir. 2007), cert. denied 552 U.S. 1296 (2008), (holding a student's transmission of an icon of a pistol with blood splattering and the words "Kill Mr. VanDer Molen" crossed the boundary of protected speech and posed a reasonably foreseeable risk that the icon would come to the attention of school authorities and materially and substantially disrupt the school).

Historically, schools have had more leeway in disciplining participants in athletics and extracurricular activities; however, the Mahanoy decision raises unresolved questions about the degree of leeway now afforded to school officials. See sample policy 7:240, *Conduct Code for Participants in Extracurricular Activities* at f/n 3 for further discussion.

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

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

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

⁶ 105 ILCS 5/10-20.5b prohibits use of tobacco on school property. Federal law prohibits smoking within schools by anyone. Pro-Children Act of 1992/2004, 20 U.S.C. §6087971 et seq. Districts that fail to comply risk a civil penalty of up to \$1,000 per violation per day. 20 U.S.C. §6087973(fe)(1). See 8:30, *Visitors to and Conduct on School Property*, for more information.

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

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

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Information and resources are available at:

www.isbe.net/Pages/School-Health-Issues.aspx

www.fda.gov/tobacco-products~~www.fda.gov/tobacco-products/default.htm~~

www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm

www.dph.illinois.gov/topics-services/prevention-wellness/tobacco/e-cigarettes-and-vapes

www.drugabuse.gov/drugs-abuse/tobacconicotine-vaping

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

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

⁹ *Anabolic steroid* is defined in 720 ILCS 570/102(c-1).

¹⁰ See sample policies 7:240, *Conduct Code for Participants in Extracurricular Activities*, and 7:300, *Extracurricular Athletics*.

unless the student is authorized to be administered a medical cannabis infused product under Ashley's Law. ¹¹

- e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance:
 - (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or
 - (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form. ¹²
- g. *Look-alike* or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy. ¹³

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¹¹ To legally use medical cannabis, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program. 410 ILCS 130/~~amended by P.A. 101-363, scheduled to be repealed on 7-1-20~~. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis. This includes in a school bus or on the grounds of any preschool, or primary or secondary school unless the student meets the requirements of 105 ILCS 5/22-33, *aka Ashley's Law*. 410 ILCS 130/30(a)(2) and (3), ~~amended by P.A. 101-363, scheduled to be repealed on 7-1-20~~. *Ashley's Law* provides that school districts "shall authorize a parent or guardian or any other individual registered with the Department of Public Health as a designated caregiver of a student who is a registered qualifying patient to administer a medical cannabis-infused product to the student on the premises of the child's school or on the child's school bus if both the student (as a registered qualifying patient) and the parent or guardian or other individual (as a registered designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Program Act." 105 ILCS 5/22-33(b), ~~amended by P.A. 101-363~~. Once the product is administered, the designated caregiver must remove the product from the school premises/bus. Id. 105 ILCS 5/22-33(b-5), ~~added by 101-370~~, allows a properly trained school nurse or administrator to administer medical cannabis infused products to a student while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. The product may not be administered in a manner that would (in the school or district's opinion) create a disruption or expose other students to the product, and schools are not required to authorize use of the product if the school or district would lose federal funding as a result. 105 ILCS 5/22-33(c). For more information/discussion, see fn's 21-31 in sample policy 7:270, Administering Medicines to Students. Contact the board attorney for advice concerning medical cannabis, including whether a federal or State law requires the district to accommodate a student who is a *registered qualifying patient*. See Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.; Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §1400 et seq.; Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794; 105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b; and 23 Ill.Admin.Code Part 226.

¹² The Powdered Caffeine Control and Education Act states: "No person may sell, offer for sale, give away, or provide free samples of powdered pure caffeine to any person under age 18 located within the State or to any person under age 18 making the purchase from within the State." A limited exception to this prohibition exists for "the sale of any powdered pure caffeine product that receives explicit approval as safe and effective for its intended use under the federal Food, Drug, and Cosmetic Act or is lawfully marketed under an over-the-counter monograph issued by the United States Food and Drug Administration." 410 ILCS 647/20.

¹³ *Counterfeit* and *look-alike substances* are defined in 720 ILCS 570/102(g) and (y). This provision is broader because it would apply, for example, if a student represents a powdered vitamin to be pure caffeine – pure caffeine is prohibited on campus even though it is a legal substance. *Look-alike* drugs should be defined; an unpublished Ill. appellate decision in 2000 found a policy prohibiting possession of *look-alikes* had vagueness problems.

- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances. ¹⁴

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the **Weapons** section of this policy, or violating the **Weapons** section of this policy. ¹⁵
5. Using or possessing an electronic paging device. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off or silenced and out-of-sight¹⁶ during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student's individualized education program (IEP); (c) it is used during the student's lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals. ¹⁷
6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, using a writing service and/or generative artificial intelligence technology in place of original work

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¹⁴ *Drug paraphernalia* is defined in 720 ILCS 600/2(d). Contact the board attorney for advice concerning a student who is a *registered qualifying patient*, as explained in ¶n 11.

¹⁵ This language is broader than the **Weapons** section of this policy. The **Weapons** section contains the statutorily required punishment for "a student who is determined to have brought" a *weapon* to school along with the statutory definition of *weapon*. 105 ILCS 5/10-22.6(d). The language in item #4 is broader because it prohibits "using, possessing, controlling, or transferring" a *weapon* in addition to violating the **Weapons** section. See the footnotes in the **Weapons** section for a discussion of the Firearm Concealed Carry Act's provisions.

¹⁶ Delete "and out-of-sight" if the district wants to provide greater flexibility.

¹⁷ 105 ILCS 5/10-21.10 prohibits student possession of electronic paging devices, but State law leaves to local boards the discretion whether to prohibit student possession of cellular phones. 105 ILCS 5/10-20.28. The misuse of camera phones can seriously invade a student's privacy. A board wanting a sweeping prohibition may use the following alternative for item #5:

Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.

Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934. 47 U.S.C. §§301, 302a, and 333. Fines are as high as \$10,000 for each violation and/or imprisonment, and the device may also be seized. 47 U.S.C. §§501-510.

Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a Class 4 felony. 720 ILCS 5/26-4. A minor who distributes or disseminates an indecent visual depiction of another minor through the use of a computer or electronic communication device may be subject to adjudication as a minor in need of supervision. 705 ILCS 405/3-40.

- unless specifically authorized by staff.¹⁸ wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct.¹⁹
 10. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
 11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.²⁰
 12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.²¹
 13. Entering school property or a school facility without proper authorization.

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¹⁸ Optional. Generative artificial intelligence (AI) is a broad label used to describe any AI system that generates, with varying levels of autonomy, content such as complex text, images, audio, or video. When not used for academic dishonesty purposes, generative AI tools may present innovative learning opportunities for students and teaching opportunities for educators. For further information, see the International Society for Technology in Education webpage on AI exploration for educators at: www.iste.org/areas-of-focus/AI-in-education.

¹⁹ All districts must have a policy on bullying. 105 ILCS 5/27-23.7(d), amended by P.A. 103-47. Sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the statutory definition of bullying. Districts must also have an age-appropriate policy on sexual harassment. 105 ILCS 5/10-20.69, added by P.A. 104-418. See sample policy 7:20, *Harassment of Students Prohibited*, and its fn 7 for further detail.

105 ILCS 5/10-20.14 requires boards, in consultation with their parent-teacher advisory committees and other community-based organizations, to include provisions in their student discipline policy to address aggressive behavior, including bullying. These provisions must include procedures for notifying a student's parents/guardians about his/her aggressive behavior and early intervention procedures based upon available community-based and district resources. See 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

Suspending students for hazing was upheld in *Gendelman v. Glenbrook North High Sch. and Northfield Twp. Sch. Dist.* 225, 2003 WL 21209880 (N.D.Ill. 2003). This decision may have been legislatively overturned by amending 105 ILCS 5/10-20.14.

The failure of a school official (including any administrator, teacher, counselor, support staff, or coach) to report hazing is a Class B misdemeanor. 720 ILCS 5/12C-50.1.

A person commits a felony hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, transmission of obscene message, harassment by telephone, or harassment through electronic communications as these crimes are defined in the Criminal Code. 720 ILCS 5/12-7.1. The penalty is heightened when the offense is committed in a school or administrative facility.

720 ILCS 5/26-1(a)(3.5) and (b) make transmitting a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

²⁰ All school boards must have a policy on prohibited teen dating violence. 105 ILCS 110/3.10. Verify that the board adopted the policy listed and amend its title in this policy, if necessary.

²¹ 720 ILCS 5/26-1(a)(3.5) and (b) make threatening to destroy a school building or school property, whether or not school is in session, or causing such a threat to be transmitted, a Class 4 felony.

14. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
15. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants. ²²
16. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member. ²³
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. ²⁴
18. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
19. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. ²⁵
20. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee. ²⁶
21. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property. ²⁷

For purposes of this policy, the term possession includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's

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²² 105 ILCS 5/26-2a, amended by P.A.s ~~402-406, 102-266, and 102-321~~, and ~~102-981~~; 5/26-9; and 5/26-12, amended by P.A. ~~101-81~~. See sample policies 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*, and 7:70, *Attendance and Truancy*.

²³ State law requires schools to suspend or expel any student who engages in this activity. 105 ILCS 5/31-3.

²⁴ See *Kelly v. Bd. of Educ. of McHenry Cmty. High Sch. Dist. 156*, 2007 WL 114300 (N.D.Ill. 2007) (upheld student's expulsion for drawing gang symbols while at school; testimony that the danger posed by gang signs and the presence of gangs at school supported the board's insistence on strict enforcement of board policy prohibiting gang related behavior and made expulsion a proper remedy).

²⁴ 105 ILCS 147/15 *et seq.* allows a school district to bring a civil suit against a gang, gang officers, or gang members for losses it suffers due to their criminal activity.

²⁵ This statement of misconduct restates 105 ILCS 5/10-22.6(d-5). The following alternative provides a shorter statement but will require the administrator to check the statute before imposing discipline based on it:

Making an explicit threat on an Internet website against a school, employee, or any school-related personnel under circumstances described in 105 ILCS 5/10-22.6(d-5).

²⁶ For more information regarding unmanned aircraft systems, see www.faa.gov/uas/.

²⁷ A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

If the board adopts a mandatory uniform policy (see *sample policy 7:165, School Uniforms*), add the following item to the list as number 22: "Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful."

person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event. ²⁸

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident.²⁹ The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student's parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. ³⁰

Disciplinary Measures ³¹

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions.³² School personnel shall

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²⁸ *Possession* should be defined to avoid vagueness problems.

²⁹ See *fn 198*.

³⁰ Mandated by 105 ILCS 5/10-20.36.

³¹ **IMPORTANT:** The practice of suspending or expelling a student based on the number of accumulated disciplinary infractions is illegal under 105 ILCS 5/10-22.6. This includes a system of assigning points to specific infractions and then tallying the points a student receives over a period of time to determine a disciplinary exclusion from school.

Before amendments to 105 ILCS 5/10-22.6, courts used the following factors to determine if a board abused its discretion when it expelled a student: (1) the egregiousness of the student's conduct; (2) the record of the student's past conduct; (3) the likelihood that such conduct will affect the delivery of educational services to other students; (4) the severity of the punishment; and (5) the intent of the child. *Robinson v. Oak Park*, 213 Ill.App.3d 77 (1st Dist. 1991); *Wilson ex rel. Geiger v. Hinsdale Elementary Dist.*, 349 Ill.App.3d 243 (2nd Dist. 2004). Whether courts will continue to use these factors is yet to be determined. The amendments to 105 ILCS 5/10-22.6 call into question the validity of relying on past misconduct in suspension or expulsion decisions.

Aside from procedural due process protection, students have a constitutional substantive due process right. This right protects them from an abuse of government power which "shocks the conscience." While the scope of substantive due process is very limited, it is available to students who believe they were subject to arbitrary and excessive discipline. Generally, however, school officials need not fear being found guilty of a substantive due process violation. Federal courts are loath to second-guess school officials. See *Tun v. Whitticker*, 398 F.3d 899 (7th Cir. 2005) (expulsion did not amount to a substantive due process violation because it fell short of the required *shocks the conscience* standard).

³² 105 ILCS 5/10-22.6(b-5). In addition, -subsection c-5 states, "[s]chool districts must make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates." 105 ILCS 5/10-22.6(c-5).

not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.³³ Potential disciplinary measures include, without limitation, any of the following: ³⁴

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property. ³⁵
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised. ³⁶
7. After-school study or Saturday study³⁷ provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs.³⁸ The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules. ³⁹
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*. ⁴⁰
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*.⁴¹ A student who has been suspended may also be restricted from being on school grounds and at school activities. ⁴²

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³³ 105 ILCS 5/10-22.6(h).

³⁴ Most school attorneys advise against using a grade reduction as a disciplinary measure. A decision upholding such a policy is Knight v. Bd. of Educ., 38 Ill.App.3d 603 (4th Dist. 1976). A decision striking one is Smith v. Sch. City of Hobart, 811 F.Supp. 391 (N.D.Ind. 1993) (grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension was found unconstitutional).

³⁵ While restitution is permitted, issuing a fine or fee as a disciplinary consequence is not permitted. 105 ILCS 5/10-22.6(i). Possible parental liability for damages under the Parental Responsibility Law (740 ILCS 115/5) is discussed in a footnote² in sample policy 7:170, *Vandalism*.

³⁶ An in-school suspension program may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel, and districts may employ a school social worker or a licensed mental health professional to oversee in-school suspension programs. 105 ILCS 5/10-22.6(l). Providing programming during in-school suspensions is not required, however providing such programming will help distinguish them from exclusionary suspensions. See fn ³⁴ in sample policy 5:230, *Maintaining Student Discipline*, for further discussion of in-school suspension programs.

³⁷ Teachers may not be required to teach on Saturdays. 105 ILCS 5/24-2.

³⁸ See Herndon v. Chapel Hill-Carrboro City Bd., 89 F.3d 174 (4th Cir. 1996) (upheld policy requiring students to complete community service in order to graduate).

³⁹ Consult the board attorney for advice concerning confiscated devices. There is no binding Ill. court decision regarding school personnel seizing and retaining a student's property. The Supreme Court of Arkansas held that a teacher and principal did not violate a student's state or federal rights when they confiscated and retained a student's cell phone for two weeks for violating school rules on cell phones. Koch v. Adams, 361 S.W.3d 817 (Ark. 2010).

⁴⁰ 105 ILCS 5/10-22.6(b) and (b-30).

⁴¹ A suspension may be imposed in only limited situations that vary according to the suspension's length. 105 ILCS 5/10-22.6(b-15). This is explained in sample board policy 7:200, *Suspension Procedures*, and its footnotes.

⁴² This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

12. Expulsion from school and all school activities for a definite time period not to exceed two calendar years in accordance with Board policy 7:210, *Expulsion Procedures*.⁴³ A student who has been expelled may also be restricted from being on school grounds and at school activities.⁴⁴
13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code.⁴⁵
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), look-alikes, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies.⁴⁶

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available,

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

⁴³ An expulsion may be imposed in only limited situations. 105 ILCS 5/10-22.6(b-20). This is explained in sample policy 7:210, *Expulsion Procedures*, and its footnotes.

105 ILCS 5/10-22.6(d) permits expulsion for a definite period of time not to exceed two calendar years. School officials must document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

⁴⁴ This sentence is optional. A board may make this mandatory by replacing "may also be" with "shall also be."

⁴⁵ 105 ILCS 5/10-22.6(a) and (b). Subsection 10-22.6(b) uses the phrase "is suspended in excess of 20 school days" even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 419 U.S. 565 (1975). An alternative program is probably available to a student who is suspended for 11 to 20 consecutive days because that student is technically expelled and, as such, qualifies under subsection (a) of Section 10-22.6. Contact the board attorney if the district wants to interpret the statute as referring to *cumulative* school days so that it can transfer a student to an alternative program upon his or her suspension in excess of 20 *cumulative* school days.

105 ILCS 5/13A, amended by P.A. 103-473, a/k/a Safe Schools Law, governs the transfer of disruptive students, defined to include suspension- or expulsion-eligible students in grades 6-12, to an alternative school program. See sample administrative procedure 7:190-AP9, *Administrative Transfer to Regional Safe School Program*, and the Ill. State Board of Education (ISBE) regional safe schools program webpage at: www.isbe.net/Pages/Regional-Safe-Schools-Program.aspx. 105 ILCS 5/13B governs the transfer of students to an alternative learning opportunities program. See ISBE's alternative learning opportunities program webpage at: www.isbe.net/Pages/Special-Education-Alternative-Learning-Opportunities-Programs.aspx.

Contact the board attorney regarding the necessary due process procedures before imposing a disciplinary transfer to an alternative school. The court in *Leak v. Rich Twp. High Sch. Dist. 227* (397 Ill. Dec. 90 (1st Dist. 2015)), held that placement in an alternative school is tantamount to an expulsion. Thus, according to dicta in this decision, districts must follow expulsion procedures before a student is transferred to an alternative school. Schools may still reach agreements with parents/guardians to transfer students to such schools without completing the expulsion procedures.

The alternative program may not deny the transfer on the basis of the suspension or expulsion, except in cases in which the transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

⁴⁶ 105 ILCS 5/22-88, added by P.A. 101-478 and amended by P.A.s 102-197 and 102-558. See sample policy 7:150, *Agency and Police Interviews*.

and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion.⁴⁷

Corporal punishment is prohibited. *Corporal punishment* is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property.⁴⁸

Isolated Time Out, Time Out, and Physical Restraint⁴⁹

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in 105 ILCS 5/10-20.33, State Board of Education rules (23 Ill.Admin.Code §§ 1.280, 1.285), and the District's procedure(s).

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

⁴⁷ Note: Districts that receive early childhood block grant funding (authorized by 105 ILCS 5/1C-2 of the School Code) are prohibited from expelling children from their early childhood programs. 105 ILCS 5/2-3.71(a)(7) and 105 ILCS 5/10-22.6(k). A district may, however, transition a child to a new program if: (1) it has documented evidence that all available interventions and supports recommended by a qualified professional have been exhausted; (2) the program determines that transitioning a child is necessary for the well-being of the child or his or her peers and staff; and (3) the current and pending programs create a transition plan for the child with parent or legal guardian permission. 105 ILCS 5/2-3.71(a)(7)(C). A district may temporarily remove a child from attendance in the group setting in the case of a serious safety threat to a child or others, or in the case of possession of a weapon as described in 105 ILCS 5/10-22.6(d), but it must then begin the process of documenting interventions and supports as outlined in the law. 105 ILCS 5/2-3.71(a)(7)(E). Ill. State Board of Education (ISBE) rules implementing these new requirements are at 23 Ill.Admin.Code §§ 235.300-235.340. As of PRESS Issue 104 (June 2020), the ISBE forms required to document steps taken in accordance with these rules were being developed and projected to be available in late summer 2020 at: www.isbe.net/Pages/Early-Childhood.aspx. For guidance on behavior support and transition plans, including links to ISBE Form 37-50A, *Early Childhood Block Grant (ECBG) Program Transition Plan*, and ISBE Form 37-50B, *Early Childhood Block Grant (ECBG) Behavior Support Plan*, see ISBE's *Frequently Asked Questions: Behavior Support and Program Transition* (March 2021) at: www.isbe.net/Documents/EC-FAQ-Behavior-Transition-Plan.pdf. Consult the board attorney for advice to ensure compliance with ISBE rules. Compliance with this law does not relieve a district of its obligations to also comply with the Individuals with Disabilities Education Improvement Act of 2004 when disciplining students with disabilities. For further information, see sample policy 7:230, *Misconduct by Students with Disabilities*. For districts that receive early childhood block grant funding, add the following:

Students enrolled in the District's State-funded preschool program(s) may be temporarily removed or transitioned to a new program in accordance with federal and State law. State law prohibits the expulsion of students from the program(s).

If this language is inserted, add 105 ILCS 5/2-3.71(a)(7) to the Legal References for this policy.

⁴⁸ This paragraph paraphrases 105 ILCS 5/24-24.

⁴⁹ Isolated time out, time out, or physical restraint may be used by staff members only if their use is authorized by policy and administrative procedure. 105 ILCS 5/2-3.130, and 5/10-20.33, both amended by P.A. 102-339, and 105 ILCS 5/24-24; 23 Ill.Admin.Code §§ 1.280(c) and 1.285. See 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. The sample policy allows the use of isolated time out, time out, and physical restraint pursuant *only* to the conditions allowed in the School Code and ISBE rules. State statute and ISBE rules contain complex restrictions on the use of isolated time out, time out, and physical restraint. 105 ILCS 5/2-3.130 and 5/10-20.33, both amended by P.A. 102-339; 105 ILCS 5/24-24; 23 Ill.Admin.Code §§ 1.280(c) and 1.285. According to the ISBE rule, isolated time out, time out, and physical restraints are allowed only if a board authorizes their use in a policy containing the numerous components identified in the rule. To comply with ISBE's rule, a board must also incorporate by reference the district's procedure, i.e., 7:190-AP4, *Use of Isolated Time Out, Time Out, and Physical Restraint*. By doing this, the policy includes the district's procedure. For a board that wants to prohibit the use of isolated time out, time out, and physical restraint (1) replace the contents of this subhead with "The district prohibits the use of isolated time out, time out, and physical restraint, as defined in 105 ILCS 5/10-20.33."; (2) amend the Legal References as follows "23 Ill.Admin.Code §§ 1.280, ~~1.285~~," and (3) delete "Incorporated by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)."

Weapons ⁵⁰

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than two calendar years:

1. A *firearm*, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of ~~1961~~2012 (720 ILCS 5/24-1).
2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any *firearm* as defined above.

The expulsion requirement under either paragraph one or two above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.⁵¹

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area.⁵²

Re-Engagement of Returning Students ⁵³

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of

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⁵⁰ This section paraphrases 105 ILCS 5/10-22.6(d) and contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon*. When preparing for a due process hearing, a principal needs to use the applicable State and federal law definitions of *firearm* – not just the School Code.

While subsection 105 ILCS 5/10-22.6(b-10) explicitly forbids zero tolerance policies, it provides an exception for those zero tolerance policies established by State or federal law, which includes weapons in school. Section 10-22.6(d) provides that a student who brings a weapon to school, as defined in the section, "shall be expelled for a period not less than one year," unless modified by the superintendent or board. The federal Gun-Free Schools Act (20 U.S.C. §7961 *et seq.*) provides for at least a one year expulsion for students who bring firearms to school. As directed by 20 U.S.C. §7961(b)(1), 105 ILCS 5/10-22.6(d), the superintendent and the board may modify that consequence; however, the superintendent/board may decline to exercise that discretion and instead impose the maximum penalty authorized by law. Analyzing the student's circumstances on a case-by-case basis may avoid a judicial finding that an expulsion is too severe. See Washington v. Smith, 248 Ill.App.3d 534 (1st Dist. 1993).

Item #4 in the Prohibited Student Conduct section is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the Weapons section.

⁵¹ Optional.

⁵² The Firearm Concealed Carry Act permits a properly licensed individual to carry a concealed firearm within a vehicle into a school parking area and store it in a locked vehicle out of plain view. 430 ILCS 66/65(b). The federal Gun-Free Schools Act has a similar provision. 20 U.S.C. §7961(g). The School Code, however, contains no similar exception to the ban on firearms at schools. Contact the board attorney before permitting students to store their firearms in their vehicle's trunk while parked at school.

⁵³ Required by 105 ILCS 5/10-22.6(b-25). See sample administrative procedure 7:190-AP8, Student Re-Engagement Guidelines.

exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit.⁵⁴

Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member or is subject to a battery.⁵⁵ ~~Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, Ill. State Police (ISP), and any involved student's parent/guardian. School grounds includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.~~

Upon receiving such a report of (1), above, the Building Principal or designee shall immediately notify the local law enforcement. In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee agency, Ill. State Police (ISP), and any involved student's parent/guardian. ⁵⁶

Upon receiving a report on any of the above (1)-(3), the Superintendent or designee shall immediately notify local law enforcement. The Superintendent or designee shall also report incidents involving battery against staff members to the Ill. State Board of Education through its web-based School Incident Reporting System as they occur during the year and no later than August 1 for the preceding school year. ⁵⁷

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

⁵⁴ A goal for re-engagement is optional. Schools must permit students who were suspended to make-up work for equivalent academic credit. 105 ILCS 5/10-22.6(b-30).

⁵⁵ 105 ILCS 5/10-27.1A(a), 5/10-27.1B, and 5/10-21.7, amended by P.A. 102-894. *School grounds* includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground. ~~To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on IWAS for schools to report incidents electronically. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.~~

⁵⁶ Id. State law imposes this duty to report firearm possession only on school officials; this duty may be also imposed on volunteers and community members. Only staff members, however, are vulnerable to committing a petty offense for their failure to report, and only staff members are protected from civil or criminal liability that might arise as a result of making a report (although the liability potential for anyone making a report is remote).

The building principal must notify the student's parents/guardians only when the alleged offense is firearm possession. 105 ILCS 5/27.1A(b). The policy expands this notification duty to include drug-related incidents and battery of a staff member; a board disinclined to do this should substitute the following amend the second sentence as follows:

~~Upon receiving such a report, the Building Principal or designee shall immediately notify the applicable local law enforcement.~~ In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Superintendent or designee agency, Ill. State Police (ISP), and, if a student is reportedly in possession of a firearm, also any involved student's parents/guardians.

⁵⁷ 105 ILCS 5/10-27.1A(c), amended by P.A. 103-34, 5/10-27.1B(b), and 5/10-21.7, amended by P.A. 102-894. To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on IWAS for schools to report incidents electronically. See subhead J. Required Notices of sample administrative procedure 4:170-AP1. Comprehensive Safety and Security Plan. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other certificated [licensed] educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior.⁵⁸

The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to 10 consecutive school days, provided the appropriate procedures are followed.⁵⁹ The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons.⁶⁰

Student Handbook⁶¹

The Superintendent, with input from the parent-teacher advisory committee,⁶² shall prepare disciplinary rules implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

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

⁵⁸ 105 ILCS 5/24-24 and 23 Ill.Admin.Code §1.280 require: (1) teachers and other certificated [licensed] employees (except for individuals employed as paraprofessionals) to maintain discipline, and (2) the district to have a policy on discipline that provides that:

[A] teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for the other students, school personnel or persons or for the purpose of self-defense or the defense of property, shall provide that a teacher may remove a student from the classroom for disruptive behavior, and shall include provisions which provide due process to students. The policy shall not include slapping, paddling or prolonged maintenance of students in physically painful positions nor shall it include the intentional infliction of bodily harm. 105 ILCS 5/24-24.

⁵⁹ Required by 105 ILCS 5/10-22.6(b).

⁶⁰ Id.

⁶¹ 105 ILCS 5/10-20.14(a) requires schools to provide a copy of the student discipline policy to parents/guardians within 15 days after the beginning of the school year, or within 15 days after a transfer student starts classes, but it does not specify how to provide copies. For ease of administration, this policy specifies that copies will be provided via student handbooks.

⁶² The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See 2:150, *Committees*. This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board. The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh/.

Incorporated

by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)


LEGAL REF.: 20 U.S.C. §6087971, Pro-Children Act of 2004-1994.
20 U.S.C. §7961 *et seq.*, Gun Free Schools Act.
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10,
5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/22-33, 5/24-24, 5/26-12, 5/27-23.7, and
5/31-3.
105 ILCS 110/3.10, Critical Health Problems and Comprehensive Health Education
Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
410 ILCS 647/, Powdered Caffeine Control and Education Act.
430 ILCS 66/, Firearm Concealed Carry Act.
23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.: 2:150 (Committees), 2:240 (Board Policy Development), 5:230 (Maintaining
Student Discipline), 6:110 (Programs for Students At Risk of Academic Failure
and/or Dropping Out of School and Graduation Incentives Program), 7:70
(Attendance and Truancy), 7:130 (Student Rights and Responsibilities), 7:140
(Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student
Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying,
Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:200
(Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct),
7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for
Participants in Extracurricular Activities), 7:270 (Administering Medicines to
Students), 7:310 (Restrictions on Publications; Elementary Schools), 7:315
(Restrictions on Publications; High Schools), 8:30 (Visitors to and Conduct on
School Property)

15. Agreement with Illinois State Board of Education for Visiting International Teachers Program 98

Recommended Motion: that the Board of Education approve entering into an Intergovernmental Agreement with the Illinois State Board of Education, Springfield, Illinois, to potentially host a Visiting International Teacher. **See Attachment No. 15.**

TO: Members of the Board of Education

FROM: Todd DeTaeye, Assistant Superintendent for Administration and Human Resources 
Leslie Perkins, Coordinator of English Learners

DATE: January 04, 2024

SUBJECT: Approve the Intergovernmental Agreement by and between ISBE and the Moline-Coal Valley School District for the Visiting International Teachers Program.

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

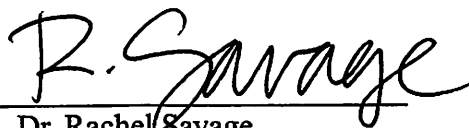
Action Necessary: Board of Education approval to partner with the Illinois State Board of Education to sponsor international visiting teachers from a Spanish speaking country as part of the Illinois Visiting International Teacher (VIT) Program.

Facts: Nationally, there is a large demand for highly qualified teachers, creating positions that are difficult to fill. At the end of the 2022-2023 school year, we were unable to find a highly-qualified, Spanish speaking teacher to fill an unexpected vacancy for our middle school dual language social studies position, where 90% of instruction is conducted in Spanish. As this position requires a teacher who is highly qualified in the content area in addition to being fluent in Spanish, we are looking to increase our opportunities to find a suitable candidate. All costs related to the visa for VIT's to work are covered by the Illinois State Board of Education. While signing the Agreement does not obligate the Moline-Coal Valley School District to hire a VIT, it is the only way to have the option should the position not be filled locally.

Cost: There is no cost to sign the Intergovernmental Agreement

Recommended Action: That the Board of Education approve entering into an Intergovernmental Agreement with the Illinois State Board of Education, Springfield, Illinois, to potentially host a Visiting International Teacher.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

16. Reports, Requests and Open Discussion

A. Superintendent's Report

B. Financial Report

C. Student BOE Member Report

17. * * * CLOSED SESSION * * *

to consider "the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired" 5ILCS 120/2(c)(5)

and

"litigation, when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting" 5ILCS 120/2(c)(11)

18. 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.