

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 Tuesday, May 28, 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
Tuesday, May 28, 2024

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to

join. <https://us02web.zoom.us/j/81355476991?pwd=d3JZR1lQZVhVWjdjSUdsWnMzUDlCUT09>

Passcode: 511088

Description: School Board meeting to be held on May 28, 2024.

Or One tap mobile:

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+13092053325,,81355476991# US

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

US: +1 312 626 6799 or +1 309 205 3325 or +1 305 224 1968 or +1 646 931 3860 or +1 929 205 6099
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+1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1
253 215 8782 or +1 346 248 7799

Webinar ID: 813 5547 6991

International numbers available: <https://us02web.zoom.us/j/81355476991>

1. Opening of Meeting - Roll Call

A. Approval of any Board of Education Member Participating Remotely

2. Recitation of Pledge of Allegiance

3. Approval of Minutes

A. Minutes of the Regular Meeting of the Board of Education of May 13, 2024

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Moline, Illinois, May 13, 2024
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 6:52 p.m. at John Deere Middle School, 2035 11th Street, Moline, IL 61265.

Roll Call

Members Present: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Lindsey Hines, Andrew Waeyaert, Erin Waldron-Smith

Member Absent: None

Student Member Present: Abigail Greenlee

Student Member Absent: Jathinram Kollarapu

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

APPROVAL OF ANY BOARD OF EDUCATION MEMBER PARTICIPATING REMOTELY

All board members were present, and no action was needed.

APPROVAL OF MINUTES

The minutes of the Open Session of the Regular Board of Education Meeting of April 22, 2024, were presented for approval as presented.

A motion was made by Chet DeSmet, seconded by Erin Waldron-Smith, all in favor, that the minutes of the Open Session of the Regular Board of Education meeting of April 22, 2024, be approved as presented and placed on file.

COMMUNICATION, PUBLIC COMMENT AND PARTICIPATION

There was no public comment or communication.

CONSENT AGENDA

-The Board of Education considered Consent Agenda Items **A2 through V** as presented:

A motion was made by Erin Waldron-Smith, seconded by Lindsey Hines, that the Board of Education approve the actions contained in Consent Agenda Items A2 through V as presented.

A. Employment – Certified Staff

- 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

Chan, Diana

Hutchinson, Elaine

B. Employment - Summer School - Certified Staff

the employment of the following named certified staff members for the Jump Start Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Johnson, Laura	Teacher	Hamilton
Ross, Elisabeth	Teacher	Roosevelt
Viaene, Jacob	Teacher	Roosevelt
Guyton, Jenifer	Teacher	Washington
Kane, Ashlyn	Teacher	Washington
Smith, Shirley	Teacher	Washington

C. Appointment to Differential Assignment

- 1) the appointment of the following named certified staff member to differential assignment, effective for the 2024-2025 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Stone, Casey	Counseling, Department Chair	High School

- 2) the temporary appointment of the following named non-certified staff member to differential assignment, effective for the 2024-2025 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Agent, Jadelyn	Assistant Fall & Winter Cheer	High School

D. Resignation from Differential Assignment

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

<u>Name</u>	<u>Position</u>	<u>Location</u>
Morton, Jennifer	Band Rental Equipment/Assistant Marching Band	High School

E. Resignation for the Purpose of Retirement – Certified Staff

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>
Foltz, Christina	Science	Wilson

F. Resignation/Termination – Certified Staff

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

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Emrich Muise, Jacob	Certified Hourly Instructor	High School	06/07/24

G. Employment – Educational Support Personnel

- 1) the employment of the following named educational support personnel with wages in accordance with District policies:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Barton, Jennifer	District Accountant	Allendale	07/01/24

- 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>
Hillyer, Juliann	1:1 Special Ed Paraprofessional	Jane Addams	05/07/24

- 3) 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>
King, Dominic D.	Custodian
Larson, Lauren	Classroom Paraprofessional
Sheley, Regan	Custodian

H. Transfer/Reassignment

- 1) the transfer of Frederick Pearce from the Cafeteria/J Wing 3rd floor Custodial position at the High School to the Cafeteria/Kitchen Split Shift Custodial position at the High School, effective July 1, 2024
- 2) the transfer of Marc Ellis from E1, B1, C1 1st floor Custodial position at the High School to Cafeteria/J Wing 3rd floor Custodial position at the High School, effective July 1, 2024

- 3) the transfer of Michael Roland from Logan 2nd Shift Custodial position to the 2nd Shift Custodial position at John Deere, effective May 7, 2024

I. Summer Employment - Educational Support Personnel

- 1) the employment of the following named educational support personnel for the Extended School Year Special Education Summer Learning Program with wages as determined in accordance with established rate of pay:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Harper, Karlee	Paraprofessional	Hamilton
Hurd, Lori	Paraprofessional	High School
Kale, Stephan	Paraprofessional	High School
Mandoline, Anthony	Paraprofessional	High School
Mielke, Amber	Health Professional (RN)	Hamilton
Yerrapothu, Sarada	Paraprofessional	Hamilton

- 2) the employment of the following named educational support personnel for the Traditional Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Moore, Charles	Paraprofessional	Springbrook

- 3) the employment of the following named educational support personnel for Moline High School Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>
Mielke, Amber	Health Professional (RN)
Naab, Ethan	Hall Security

- 4) the appointment of the following named educational support personnel and administrative assistant for Jefferson Summer Child Find Program:

<u>Name</u>	<u>Position</u>
Davis, Alice	Parent Coordinator 2
Titus, Susanne	Administrative Assistant

J. 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>
Bain, Katie	Health Professional (RN)	Hamilton	06/07/24
Cluney, Johnnie	Lunchroom Aide	Roosevelt	06/07/24

Daigle, Jess	Special Ed Paraprofessional	Roosevelt	06/07/24
Duffy, Cheryl	Lunchroom Aide	Hamilton	06/07/24
Hansen, Amanda	Health Professional (RN)	Washington	06/07/24
Jauregui, Laura	Custodian	John Deere	04/29/24
Valdes, Emme	Special Ed Paraprofessional	Roosevelt	06/07/24

K. Approval of Family Medical Leave Act - Non-Certified

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

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
O’Hern, Jennifer	District Accountant	Allendale	Beginning 05/01/24 and lasting intermittently through 06/17/24

L. Payments for Board Approval

approval of payments:

Fund 1 Educational	1,766,757.09
Fund 2 Operations & Maintenance	99,544.81
Fund 3 Debt Service	0.00
Fund 4 Transportation	123,998.30
Fund 5 Retirement	220,077.09
Fund 6 Capital Projects	480,093.37
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	4,805.93
Fund 9 Life Safety Code	48.06
Fund 10 Group Insurance	962,410.41
Fund 11 Student Activity	<u>49,499.78</u>
TOTAL	3,707,234.84

See Exhibit A in the official minutes.

M. Freedom of Information Act Requests

- 1) A Freedom of Information Act request was received from Hali Riley requesting emails between Jason Farrell and Rachel Savage and Jason Farrell and Andrew Waeyaert from April 1, 2024 until April 16, 2024. The District has responded to this request.
- 2) A Freedom of Information Act request was received from Stephanie Murphy requesting all records related to the Moline High School Cheer Account for the 2023-2024 school year. Specifically, access to financial statements, budgets, receipts, invoices, transaction logs, correspondence, and any other records pertaining to the financial activities and management of the Moline High School Cheer account. The District has responded to this request.

N. Acceptance of Gifts

- 1) A donation in the amount of \$2,400 from the William Butterworth Foundation to be divided among the elementary school art teachers and librarians to be used to purchase art and library supplies for students.
- 2) An anonymous donation in the amount of \$1,000 to be used for the Instrumental Music Department at Moline High School.
- 3) A donation in the amount of \$500 from the Illinois Reading Council Inc. to be used to purchase supplies for the Wilson Middle School Morning Coffee Club.

O. Engage Services - Horace Mann Asbestos Air Sampling and Analysis

that the Board of Education engage the services of Morland Environmental Services, Woodhull, Illinois, for Horace Mann asbestos sampling, analysis, and final report in the amount of \$14,950. **See Exhibit B in the official minutes.**

P. Engage Services - VLP Consulting and Leadership Development, LLC

that the Board of Education engage the services of Victor Simon III of VLP Consulting and Leadership Development, LLC, Lockport, Illinois, for 5Essentials professional development services for a total cost not to exceed \$52,000. **See Exhibit C in the official minutes.**

Q. Engage Services - Property & Casualty Insurance

that the Board of Education engage services for Property & Casualty Insurance with IPMG, through USI Midwest, LLC, Moline, Illinois, for the policy year July 1, 2024 through June 30, 2025 as listed. **See Exhibit D in the official minutes.**

R. Agreement with the City of Moline for Moline High School, MHS - ASPIRE, John Deere Middle School, and Wilson Middle School Police Liaison Officers

that the Board of Education approve the agreement with the City of Moline for Moline High School, MHS - ASPIRE, John Deere Middle School, and Wilson Middle School Police Liaison Officers in the amount of \$190,711 for the 2024-2025 school year. **See Exhibit E in the official minutes.**

S. Agreement with Village of Coal Valley for Police Liaison Officer

that the Board of Education approve the Agreement with the Village of Coal Valley for Bicentennial Elementary Police Liaison Officer for the 2024-2025 school year. **See Exhibit F in the official minutes.**

T. Award of Bid - Districtwide Photography RFP

that the Board of Education award the bid for photography services to Photographic Arts, Moline, Illinois. **See Exhibit G in the official minutes.**

U. Approval to Purchase - Interactive SMART Panels for Hamilton - Bradfield's Inc.

that the Board of Education approve the purchase of 10 SMART interactive panels for Hamilton Elementary from Bradfield's Inc., Peoria, Illinois, for a total cost not to exceed \$37,000. **See Exhibit H in the official minutes.**

V. Approval to Purchase - Heggerty Bridge to Reading Foundational Skills

that the Board of Education approve the purchase of Heggerty Bridge for Reading classroom kits for Grades Kindergarten through 2nd, from Heggerty, Oak Park, Illinois, for a total cost not to exceed \$135,000. **See Exhibit I in the official minutes.**

Ayes: Ramona Dixon, Jason Farrell, Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Andrew Waeyaert

Nays: None

-The Board of Education considered Consent Agenda Items **A1** as presented:

A motion was made by Audrey Adamson, seconded by Lindsey Hines, that the Board of Education approve the actions contained in Consent Agenda Items A1 through as presented.

A. Employment – Certified Staff

- 1) the regular employment of the following named certified staff member for the 2024-2025 school year with wages in accordance with District schedules:

Christensen, Katherine
Grade 5, Bicentennial Elementary
B.A. +15 Degree, Missouri State University
To teach on a regular contract basis
Two years previous teaching experience

Ehlers JR, Scott
Grade 5, Bicentennial Elementary
B.A. Degree, University of Iowa
To teach on a regular contract basis
No previous teaching experience

Frazelle, Elizabeth
Elementary Teacher, School To Be Determined
B.A. Degree, Western Illinois University
To teach on a temporary contract basis

One year previous experience in the District

Jennessee, Jeffrey

Cross Categorical SpEd, Moline High School
B.A. Degree, St Ambrose University
To teach on a regular contract basis
Twenty-three years previous teaching experience

Roseman, Heather

Grade 2, Butterworth Elementary
B.A. +15 Degree, Monmouth College
To teach on a regular contract basis
Five years previous teaching experience

Spiegel, Luke

Cross Categorical SpEd, Moline High School
M.A. Degree, University of Phoenix
To teach on a regular contract basis
Two years previous teaching experience

Spindel, Bailey

Grade 5, Roosevelt Elementary
B.A. Degree, Western Illinois University
To teach on a regular contract basis
No previous teaching experience

VanVooren, Truman

Elementary Teacher, School To Be Determined
B.A. Degree, Western Illinois University
To teach on a temporary contract basis
One year previous teaching experience

Zelnio, Zoe

Cross Categorical SpEd, Wilson Middle School
B.A. Degree, Iowa State University
To teach on a regular contract basis
No previous teaching experience

Ayes: Jason Farrell, Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Ramona Dixon

Nays: None

Abstain: Andrew Waeyaert

RESOLUTION FOR ABATING WORKING CASH FUND & AUTHORIZING ACCOUNTING TRANSFER

A motion was made by Chet DeSmet, seconded by Audrey Adamson, that the Board of Education approve the Resolution Abating Working Cash Fund and Authorizing Accounting Transfer of Moline-Coal Valley School District No. 40, Rock Island County, Illinois, as attached. **See Exhibit J in the official minutes.**

Ayes: Jason Farrell, Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Ramona Dixon, Andrew Waeyaert

Nays: None

APPROVAL OF UPDATED BOARD POLICY 4:20 - FUND BALANCES

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 4:20, Fund Balances, as presented. **See Exhibit K in the official minutes.**

Ayes: Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

APPROVAL OF UPDATED BOARD POLICY 4:165 - AWARENESS AND PREVENTION OF CHILD SEXUAL ABUSE AND GROOMING BEHAVIORS

A revised motion was made by Audrey Adamson, seconded by Lindsey Hines, 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 4:165, Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors, as presented. **See Exhibit L in the official minutes.**

Ayes: Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Lindsey Hines, Andrew Waeyaert

Nays: None

APPROVAL OF UPDATED BOARD POLICY 4:190 - TARGETED SCHOOL VIOLENCE PREVENTION PROGRAM

A revised motion was made by Ramona Dixon, seconded by Lindsey Hines, 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 4:190, Targeted School Violence Prevention Program, as presented. **See Exhibit M in the official minutes.**

Ayes: Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Lindsey Hines, Erin Waldron-Smith, Andrew Waeyaert

Nays: None

APPROVAL OF UPDATED BOARD POLICY 7:10 - EQUAL EDUCATIONAL OPPORTUNITIES

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 7:10, Equal Educational Opportunities, as presented. **See Exhibit N in the official minutes.**

Ayes: Chet DeSmet, Ramona Dixon, Jason Farrell, Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Andrew Waeyaert

Nays: None

APPROVAL OF UPDATED BOARD POLICY 7:20 - HARASSMENT OF STUDENTS PROHIBITED

A revised motion was made by Lindsey Hines, 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 7:20, Harassment of Students Prohibited, as presented. **See Exhibit O in the official minutes.**

Board member Erin Waldron-Smith asked why are they taking “sexual harassment” out of the title. Kristin Sanders, Assistant Superintendent for Pupil/Personnel Services and Special Education, responded that there is a change in language not that “sexual harassment” is necessarily being taken out, change in terminology. These changes had to do with Section 5 in the uniform grievance procedure.

Ayes: Ramona Dixon, Jason Farrell, Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Andrew Waeyaert

Nays: None

APPROVAL OF UPDATED BOARD POLICY 7:180 - PREVENTION OF AND RESPONSE TO BULLYING, INTIMIDATION, AND HARASSMENT

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 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment, as presented. **See Exhibit P in the official minutes.**

Board member Ramona Dixon noticed this policy has an AP with it, can the board expect to see changes to the AP. Ms. Sanders responded that yes after policy is approved then the AP will be approved and updated.

Ayes: Jason Farrell, Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Ramona Dixon, Andrew Waeyaert

Nays: None

APPROVAL OF UPDATED BOARD POLICY 7:185 - TEEN DATING VIOLENCE PROHIBITED

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 7:185, Teen Dating Violence Prohibited, as presented. **See Exhibit Q in the official minutes.**

Ayes: Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Ramona Dixon, Jason Farrell, Andrew Waeyaert

Nays: None

EMPLOYMENT AGREEMENT FOR INCOMING DISTRICT ACCOUNTANT

A motion was made by Chet DeSmet, seconded by Erin Waldron-Smith, that the Board of Education approve the employment agreement of the incoming District Accountant, Jennifer Barton, to include up to seven days of onboarding and training with the outgoing District Accountant, prior to the official start date of July 1st. In turn, Ms. Barton will receive the equivalent of days of compensation time to be utilized with Supervisor approval, after the July 1st start date through the end of the 2024-2025 school year.

Ayes: Erin Waldron-Smith, Audrey Adamson, Chet DeSmet, Jason Farrell, Lindsey Hines, Andrew Waeyaert

Nays: None

Abstain: Ramona Dixon

REPORTS, REQUESTS, AND OPEN DISCUSSION

Student Board of Education Member Report

Abigail Greenlee, a Student Board member, reported that most students are done or halfway through with AP testing, most Spring sports are wrapping up, the High School Band performed at the Spotlight Theater over the past weekend, and most clubs are preparing for next year.

Superintendent's Report

-Dr. Savage, Superintendent, highlighted the current and former students who passed away on May 5th.

Giovanni Flores was currently a junior at Moline High School and worked at Johnny's Italian Steakhouse, where his charm and quick wit made him a favorite among his co-workers. His passions were as vibrant as his personality; he had an unparalleled love for fast cars, a commitment to fitness, and an eye for fashion, ensuring his shoes and attire were always impeccable.

Zachery Meincke graduated from Moline High School in 2023 and was known for his vibrant personality and infectious smile. A lover of fast cars, playful corgis, competitive dart games, and engaging movies,

Zach lived his life with a joy and enthusiasm that magnetically drew people to him. His spirit was characterized by a delightful goofiness, and he was invariably the life of any gathering.

Our hearts go out to the families and I wish to express a heartfelt thanks to the Moline Police Department, especially our school resource officers and all of the mental health support providers we have including counselors, school social workers, and psychologists, our therapy dog handlers, and our outside providers such as Youth Services Bureau.

-Board of Education 2024-2025 PACE Goal Areas of Focus.

Dr. Savage stated that the District Administration has a couple of meetings set up to pull data together to focus on the important areas. This session tonight is to give ideas and input to the administration to think about, then over the summer administration will pull ideas together and present goals back to the Board in July or August. Board members were able to brainstorm and come up with ideas for next year's PACE goals: People, Achievement, Community, and Environment.

Erin Waldron-Smith, a Board member, asked what testing at the high school level is given to pull data to make sure that students are meeting the District's growth goals. Dr. Matt DeBaene answered that the District uses data from PSATs, SAT, and a pocket of students that take MAP testing.

A motion was made by Chet DeSmet, seconded by Erin Waldron-Smith, all in favor, that the Board of Education meeting be adjourned. Time: 7:47 p.m.

President

Secretary

Moline, Illinois, May 22, 2024
Minutes
Board of Education
School District No. 40

The Special Meeting of the Board of Education was called to order by Vice-President Erin Waldron-Smith at 6:00 p.m. at Allendale 1619 11th Avenue, Moline, IL 61265.

Roll Call

Members Present: Chet DeSmet, Ramona Dixon, Jason Farrell, Lindsey Hines, Erin Waldron-Smith

Member Absent: Audrey Adamson (arrived at 6:04 p.m.), Andrew Waeyaert

Student Member Present: None

Student Member Absent: Abigail Greenlee, Jathinram Kollarapu

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

COMMUNICATION, PUBLIC COMMENT AND PARTICIPATION

There was no public comment or communication.

A motion was made by Chet DeSmet, seconded by Lindsey Hines, all in favor, that the Board of Education go into Closed Session. Time: 6:01p.m.

*****CLOSED SESSION*****

(to consider student disciplinary cases 5ILCS 120/2(c)(9))

A motion was made by Lindsey Hines, seconded by Chet DeSmet, all in favor, that the Board of Education return to Open Session. Time: 6:32 p.m.

RETURN TO OPEN SESSION FOR POSSIBLE ACTION

A motion was made by Audrey Adamson, seconded by Chet DeSmet, that the Board of Education expel Student A for the remainder of the 2023-2024 school year, as well as the 2024-2025 school year. Student A is eligible to return on May 23, 2026.

Ayes: Ramona Dixon, Jason Farrell, Lindsey Hines, Erin Waldron-Smith, Audrey Adamson, Chet DeSmet

Nays: None

Absent: Andrew Waeyaert

A motion was made by Lindsey Hines, seconded by Chet DeSmet, all in favor, that the Board of Education meeting be adjourned. Time: 6:37p.m.

Vice- President

Secretary

4. Communications, Public Comment and Participation

5. Student Presentation of the Portrait of a Moline-Coal Valley School District Educator - Dr. Savage

6. Presentation on the square footage test fit of the Lincoln-Irving expansion - Mr. Gallo

7. Consent Agenda

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

7. **Consent Agenda**

Recommended Motion: that the Board of Education approve the actions contained in Consent Agenda Items A through S as presented:

A. **Employment – Certified Staff**

- 1) the regular employment of the following named certified staff members for the 2024-2025 school year with wages in accordance with District schedules:

Eisenband, Julie
Bilingual, Moline High School
M.A. Degree, New York University
To teach on a regular contract basis
Nine years previous teaching experience

Myers, Haylee
Cross Categorical SpEd, Roosevelt Elementary
B.A. Degree, Illinois State University
To teach on a regular contract basis
Six years previous teaching experience

Vershaw, Emily
Psychologist, Location to be determined
Specialist School Psychology, Illinois State University
To serve on a regular contract basis
Two years previous experience

- 2) the temporary employment of the following named Certified Hourly Instructor for the 2024-2025 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Location</u>
John, Jennifer	Quad City Christian

B. **Employment - Summer School**

the employment of the following named certified staff for the Traditional Summer Learning Program with wages as determined in accordance with established rates of pay:

<u>Name</u>	<u>Position</u>	<u>Location</u>
Robinson, Sarah	Teacher	Seton
Fox, Heather	Teacher	Seton

C. Salary Reclassification – Certified Staff

a change in salary classification for the following certified staff effective at the beginning of the 2024-2025 school year:

Briggs, Angela from M.A. to M.A. +30
 Estrada, Allison from B.A. to B.A. +15
 Gantt, Kathi from B.A. +15 to M.A.
 Ketner, Brooke from B.A. +15 to M.A.
 Sommers, Lindsay from B.A. +15 to M.A.
 Suss, Zahra from B.A. +15 to M.A.

D. Resignation from Differential Assignment – Certified Staff

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

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Brems, Alyssa	Asst Girls Grade 7 Track	Wilson	05/15/24
Johnson, Maggie	Grade Level Chairperson, Grade 5	Bicentennial	05/15/24

E. 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>
Muck, Bryan	Custodian	Logan	05/30/24
Sheley, Regan	Custodian	TBD	05/29/24

2) the temporary employment of the following named substitute educational support personnel for the remainder of the 2023-2024 school year and the upcoming 2024-2025 school year with wages in accordance with District schedules:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>
Francis, Robyn	Administrative Assistant	06/01/24

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>
Miller, Kadence	Student Worker	John Deere	03/07/24

F. Resignation/Termination - Educational Support Personnel

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Smith, Mackenzie	Student Worker	High School	06/19/24

G. Resignation from Differential Assignment – Non-Certified Staff

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

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Diallo, Mamadou	Head Grade 7 Boys Track	Wilson	05/15/24

H. Payments for Board Approval

approval of payments:

Fund 1 Educational	222,724.56
Fund 2 Operations & Maintenance	65,488.80
Fund 3 Debt Service	0.00
Fund 4 Transportation	13,681.48
Fund 5 Retirement	0.00
Fund 6 Capital Projects	217.50
Fund 7 Working Cash	0.00
Fund 8 Tort Fund	7,142.65
Fund 9 Life Safety Code	0.00
Fund 10 Group Insurance	9,955.30
Fund 11 Student Activity	<u>15,465.16</u>
TOTAL	334,675.45

See Attachment No. 1.

I. Freedom of Information Act Requests

A Freedom of Information Act request was received from SmartProcure requesting any and all purchasing records from 02/23/2024 to 05/21/24 for the Moline-Coal Valley School District. The District has responded to this request.

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

- 1) Bartlett Performing Arts Center Auditorium by Quad City Symphony Orchestra on Sunday, June 8, 2025 from 10 a.m. until 6 p.m. Building rental fees as stated in the contract. **Please note that Sunday use is an exception to Board Policy.**

- 2) Moline High School Pool by Moline Swimming and Diving Feeder Program for swim practice on Monday through Friday from 5 p.m. until 8 p.m. and Tuesdays and Thursdays from 9 a.m. until 10:30 a.m. beginning Monday, June 10, 2024 through Thursday, August 15, 2024. 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.

K. Engage Services - Center for Model Schools Professional Learning

that the Board of Education engage the services of the Center for Model Schools Professional Learning, a division of Houghton Mifflin Harcourt, Boston, Massachusetts, to provide Leadership and Instructional Support across all schools to continue the work of Building a Culture of Excellence for Ambitious Instruction, at a total cost not to exceed \$98,600. **See Attachment No. 2.**

L. Engage Services - Employee Benefits Consultant

that the Board of Education approve the employee benefit consultant services of L.B. Benefits, Inc. Moline, Illinois, for the 2024-2025, 2025-2026, 2026-2027 school years in the amount of \$25,500 per year. **See Attachment No. 3.**

M. Approval to Purchase - Summit K-12 Online Supplemental Curriculum for Multilingual Learners

that the Board of Education approve the purchase of licenses for targeted instruction and progress monitoring for multilingual learners from Summit K-12, Austin, Texas, for a total cost not to exceed \$29,000. **See Attachment No. 4.**

N. Approval to Purchase - New Business Office Analytics Solution - Frontline Education

that the Board of Education approve the purchase of Financial Analytics Solution from Frontline Education, Malvern, Pennsylvania, for an annual cost of \$22,720.50 and a one-time implementation cost of \$2,600. **See Attachment No. 5.**

O. Approval to Purchase - Updated Science Textbooks and Biology Online Renewal

that the Board of Education approves the purchase of high school science materials from Savvas Learning Company, Hoboken, New Jersey, as presented, at a total cost not to exceed \$50,000. **See Attachment No. 6.**

P. Approval of Sponsored Continuing Education Center Course Credit with Rock Island-Milan School District 41 and Western Illinois University

that the Board of Education approve a cooperative sponsorship by Moline-Coal Valley Unit School District No. 40 for Western Illinois University, Moline, Illinois, to provide continuing education courses for Moline-Coal Valley School District No. 40 teachers pursuing their Multilingual Endorsement, for a total cost not to exceed \$15,000 for the 2024-2025 school year. **See Attachment No. 7.**

Q. Approval of Risk Management Plan

that the Board of Education approve the Moline-Coal Valley School District No. 40 Risk Management Plan for the 2024-2025 school year. **See Attachment No. 8.**


R. Award of Bid - Paper Products bid by the Regional Office of Education

that the Board of Education approve the purchase of paper products through the Regional Office of Education in the amount of \$35,734 from Great Western Supply, Davenport, Iowa, and copy paper in the amount of \$70,226 from The Paper Corporation, Des Moines, Iowa. **See Attachment No. 9.**

S. Award of Bid - Food Service Management

that the Board of Education approve the award of food service contract to Chartwells/Compass Group, Rye Brook, New York, for the 2024-2025 school year with rates as listed. **See Attachment No. 10.**

TO: Members of the Board of Education

FROM: Dr. Brian Prybil, Deputy Superintendent 

DATE: May 23, 2024

SUBJECT: Engage Services –Center for Model Schools Professional Learning: Leadership & Instructional Support in Building a Culture of Excellence for Ambitious Instruction.

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

Action Necessary: Approval from the Board of Education is sought to continue the services of Center for Models Schools Professional Learning and Leadership Development, into the 2024-2025 school year.

Facts: During the 2023-2024 school year, the Culture of Rigorous Learning and Ambitious Instruction focused on principals, instructional coaches, and selected teacher leaders. This included professional learning days and applying this learning by visiting multiple campuses and classrooms to observe and provide feedback. The feedback was positive, and there is strong enthusiasm to expand this work for the 2024-2025 school year.

For the 2024-2025 school year, we will continue to enhance classroom learning cultures by expanding teacher training through direct instruction from The Center for Model Schools, supported by school leaders. This will include focused planning during PLCs, observations and feedback, and complete learning/coaching cycles. Our goal is to incorporate the Rigor & Relevance Rubrics into our work by guiding participating teachers through a complete lesson cycle, including pre-planning, observation, and post-lesson feedback.

Additionally, The Center for Model Schools will build the capacity of instructional leaders by facilitating the implementation of the rubric and sound instructional practices through campus instructional walks. This process will identify campus/district trends rather than evaluate individual teachers, aiming to support school administrators and instructional coaches in improving feedback consistency and overall instruction quality.

The Center for Model Schools will collaborate with district administration and campus leadership to customize services to meet district goals, with formative assessments and adjustments as needed.

Cost: The total cost for the services and professional development will not exceed \$98,600 and will be paid for from Federal Title grants.


Recommended Action: That the Board of Education engage the services of the Center for Model Schools Professional Learning, a division of Houghton Mifflin Harcourt, Boston, Massachusetts, to provide Leadership and Instructional Support across all schools to continue the work of Building a Culture of Excellence for Ambitious Instruction, at a total cost not to exceed \$98,600.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

TO: Members of the Board of Education

FROM: Vince Gallo, Chief Financial Officer 
Todd DeTaeye, Assistant Superintendent for Administration and Human Resources

DATE: May 23, 2024

SUBJECT: Approval of Engaged Services – Employee Benefits Consultant

Reason for Board Consideration: Board approval is required for engaged services – employee benefits consultant.

Action Necessary: Board approval for the renewal of the contract with L.B. Benefits, Inc. for the 2024-2025, 2025-2026 and 2026-2027 fiscal years to provide services as the Employee Benefits Consultant.

Facts: The District Insurance Committee met May 15, 2024, to discuss consulting services provided by L.B. Benefits, Inc. As a result of that meeting, the recommendation by the committee is to engage the services of L.B. Benefits, Inc for the 2024-2025, 2025-2026 and 2026-2027 fiscal years (a three-year agreement) at a proposed net annual fee of \$25,500 per year.

Cost/Revenue: Total cost of \$76,500 for 2024-2025, 2025-2026 and 2026-2027 fiscal years paid from Group Insurance Fund.


Recommended Action: That the Board of Education approve the employee benefit consultant services of L.B. Benefits, Inc. Moline, Illinois, for 2024-2025, 2025-2026 and 2026-2027 fiscal years in the amount of \$25,500 per year.

Approve 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 
Leslie Perkins, Coordinator of English Learners

DATE: May 23, 2024

SUBJECT: Summit K-12 Online Supplemental Curriculum for Multilingual Learners

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

Action Necessary: Approval is requested for Moline-Coal Valley Unit School District No. 40 to purchase student licenses for Summit K-12 for the 2024-2025 school year.

Facts: The Moline-Coal Valley School District has seen an increased number of multilingual learners over the last several years, with approximately 1270 currently enrolled. One particular challenge with measuring growth toward English proficiency with this population of students has been progress monitoring for each domain of language acquisition, including listening, reading, speaking, and writing to adjust instruction for students to eventually reclassify as Former English Learners by achieving the minimal cut score on the state assessment, ACCESS.

Summit K-12 is a standards-based, digital program that emulates the format of the annual state assessment, with benchmarks three times per year to measure growth and develops individualized pathways for the students in all four language domains to improve those skills based on where students begin. It provides comprehensive reports to provide educators with real-time data on their student's learning trajectory, so they can adjust instruction and more quickly close those gaps. Impressively, this program includes a money back guarantee of growth for all students who use it with fidelity.

Cost: The yearly cost to purchase licenses for the targeted multilingual students will not exceed \$29,000, funded through Federal Title I funds.


Recommended Action: That the Board of Education approve the purchase of licenses for targeted instruction and progress monitoring for multilingual learners from Summit K-12, Austin, Texas, for a total cost not to exceed \$29,000.

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 
Craig Reid, Director for Technology

DATE: May 23, 2024

SUBJECT: New Business Office Analytics Solution - Frontline Education

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

Action Necessary: Approval is requested for Business Office Financial Analytics solution.

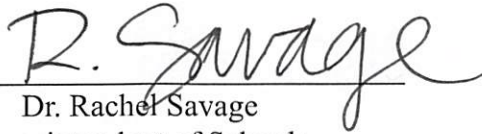
Facts: The District partners with ESD for its finance and human resources management platform. While this solution manages the day-to-day operations of these functions, it lacks the tools, processes, and reporting required for in-depth financial planning, forecasting, and annual budget modeling.

Frontline Education, whom the District partners with for substitute tracking and Applitrak, has another product that will provide the financial planning ESD lacks. Features include budget modeling, future planning analytics, reporting dashboards, and monthly comparison reports. Combined, these tools feed into an efficient financial dashboard that allows the Business Department to model and analyze financial outcomes accurately.

Cost: This solution, supported and hosted by Frontline Education, Malvern, PA, costs \$22,720.50 annually for five users. The one-time implementation cost is \$2,600. Educational Technology funds will be used for this purchase.


Recommended Action: That the Board of Education approve the purchase of Financial Analytics Solution from Frontline Education, Malvern, Pennsylvania, for an annual cost of \$22,720.50 and a one-time implementation cost of \$2,600.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

TO: Members of the Board of Education

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

DATE: May 23, 2024

SUBJECT: Purchase of Updated Science Textbooks and Biology Online Renewal

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

Action Necessary: Approval is requested to use budgeted Title dollars to purchase books that will update the courses of AP Biology and Environmental Science. This purchase will also include a renewal of the online component to the current Biology book so that students can have access to readability features and accommodations as needed and appropriate.

Facts: *New Purchase* - The current environmental science textbook is antiquated. Environmental science staff viewed options and piloted with the text Environmental Science, published by Savvas.

Renewal and Updated Edition - The AP Biology book currently being used has an expiring online component that needs to be renewed. Updated texts are also required to comply with AP course audits as well as to provide students with updated materials.

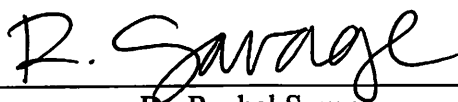
Renewal - Traditional biology courses are taught through the Miller and Levine Biology book. The science department went away from this series years ago and later decided to come back to this book as it is often considered the gold standard for high school biology. The book's online component is coming to an end. While the book itself is used by teachers, staff found the online component has been useful for students requiring accommodations to access the text (such as text-to-speech features). This portion of the purchase is for a two-year renewal of the online access only for student accommodations as appropriate.

The three purchases/renewals are all from Savvas.

Cost: The cost for the purchase of these science materials to the Title budget will not exceed \$50,000.


Recommended Action: That the Board of Education approves the purchase of high school science materials from Savvas Learning Company, Hoboken, New Jersey, as presented, for a total cost not to exceed \$50,000.

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 
Leslie Perkins, Coordinator of English Learners

DATE: May 23, 2024

SUBJECT: Sponsored Continuing Education Course Credit with Rock Island-Milan School District 41 and Western Illinois University

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

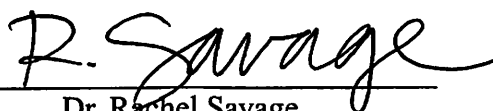
Action Necessary: Approval is requested for Moline-Coal Valley Unit School District No. 40, in conjunction with Rock Island-Milan School District 41, to sponsor continuing education courses in English as a Second Language provided by Western Illinois University Moline, Illinois, throughout the 2024-2025 school year.

Facts: The Moline-Coal Valley School District has offered a sponsored English as a Second Language (ESL) endorsement opportunity to certified staff members since 2015. With current staff numbers in the program dropping, the District is partnering with Rock Island-Milan School District to share the costs and the spots of the rotating classes held throughout the 2024-2025 school year, to allow current Moline-Coal Valley teachers to attain an additional endorsement to serve our rapidly growing population of multilingual students by gaining effective strategies and explicit knowledge. Sharing the cost of the courses with the Rock Island-Milan School District will reduce the total cost to us, as the Elevating Educators Grant opportunity that funded this program over the last year is set to expire with no option to reapply. The District will utilize Title I funds to split the total cost of each course with Rock Island and will split the remaining 50% of the cost with the enrolled participants.


Cost: The yearly cost to co-sponsor three courses (one course each semester plus a summer session) will not exceed \$15,000, funded through Title I funds.

Recommended Action: That the Board of Education approve a cooperative sponsorship by Moline-Coal Valley Unit School District No. 40 for Western Illinois University, Moline, Illinois, to provide continuing education courses for Moline-Coal Valley School District No. 40 teachers pursuing their Multilingual Endorsement, for a total cost not to exceed \$15,000 for the 2024-2025 school year.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

TO: Members of the Board of Education
FROM: Vince Gallo, Chief Financial Officer 
DATE: May 23, 2024
SUBJECT: Approval of the Risk Management Plan

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

Action Necessary: Board of Education approval is required.

Facts: Best practice requires the Board of Education to annually approve a Risk Management Plan for the District, which identifies and allocates expenses associated with the Tort Tax Levy revenues. The Plan allows the expenditures for staff and other expenses directly attributable to student supervision and safety prevention. More specifically, a Risk Management Program reduces or prevents the District's exposure to liability. It is of utmost importance for the District: 1) to ensure that statutory law, common law, and health and safety protection are extended to all students, employees, and visitors; 2) to ensure the District's buildings and grounds are maintained in a safe condition; and 3) to provide careful supervision and protection of all the District's real and personal property, including vehicles.

The attached Plan properly aligns those expenditures for the 2024-2025 school year. Therefore, it is the recommendation of the administration that the Risk Management Plan be approved by the Board of Education

Cost: None.

Recommended Motion: That the Board of Education approve the Moline-Coal Valley School District No. 40 Risk Management Plan for the 2024-2025 school year.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools


**Report of Recommended Compensation Allocations
Pursuant to the Tort Immunity Levy**

The following compensation allocations are representative activities and costs recommended to be charged to, and payable with, Tort Immunity Levy Funds.

	<u>Allocation Plan</u>	<u>Allocation Budget</u>
<u>Employees Allocation:</u>		
Certified Teachers (minutes per contractual day)	10	2
Administration (minutes per contractual day)	10	5
Lunch/Playgroup Supervisors (minutes per contractual day)	10	5
Custodial Services (minutes per contractual day)	15	0
Facilities Coordinator (minutes per contractual day)	15	15
Athletic Director	25%	0%
Campus/Hall Security	100%	0%
Health Professionals/RN's	25%	0%
Security Personnel (Coaches/Plays Directors)	100%	0%
<u>Non-Employee Allocations</u>		
Workers Compensation (percentage of total cost)	100%	100%
Property & Casualty Insurance (percentage of total cost)	100%	100%
Unemployment Insurance (percentage of total cost)	100%	100%
Legal (percentage of total cost)	100%	100%
Event Security (percentage of total cost)	100%	100%
Pay Judgements (percentage of total cost)	100%	0%
Police Liaisons (percentage of total cost)	100%	100%
Athletic Trainer (percentage of total cost)	100%	0%

Notes:

1. Certified Teachers include but are not limited to: classroom teachers (core curriculum, drivers ed, PE, etc.); specialist (counselors, psych, social workers, and speech paths).
2. Administration include but are not limited to: Superintendent of School; CFO; Assistant Superintendents; Facilities Director; Principals; and Assistant Principals.
3. Custodial Services include but are not limited to: all shift custodians.

TO: Members of the Board of Education
FROM: Vince Gallo, Chief Financial Officer 
DATE: May 23, 2024
SUBJECT: Award of Bid: Paper Products bid by the Regional Office of Education

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

Action Necessary: Board of Education approval is requested.

Facts: The Regional Office of Education has requested paper products pricing for area Illinois School Districts through a Request for Proposal process. Our District has participated in this process to gain economies of scale pricing for the past several years. The bid results are attached. Therefore, it is the recommendation of the administration that the Board of Education approve the purchase of paper products bid by the Regional Office of Education for the District paper products.

Cost: The total cost is \$105,959, supported from the Educational (Fund 1) and Operations & Maintenance Fund (Fund 2).

Recommended Action: That the Board of Education approve the purchase of paper products through the Regional Office of Education in the amount of \$35,734. from Great Western Supply, Davenport, Iowa, and copy paper in the amount of \$70,226. from The Paper Corporation, Des Moines, Iowa.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

2024-2025 ROE Paper Bid Summary

Attachment No. 9
05/28/24 Brd. Mtg.

Description	FY25 Quantity	Cost	Extended Cost	(FY24) Quantity	Cost	Extended Cost
Single Fold Paper Towels (4,000 per case)	580	\$ 19.23 *	\$ 11,153.40	1,300	\$ 22.63	\$ 29,419.00
Single Fold Paper Towels (4,000 per case)	570	\$ 20.19 **	\$ 11,508.30			
Stylene Toilet Tissue (96 rolls/case)	150	\$ 40.88 *	\$ 6,132.00			
Stylene Toilet Tissue (96 rolls/case)	150	\$ 43.67 **	\$ 6,550.50	300	\$ 45.35	\$ 13,605.00
Pommettes, 100 Count, Double Tissues per Box, 30 Boxes per Case	20	\$ 19.47	\$ 389.40			
TOTAL			\$ 35,733.60			\$ 43,024.00

Vendor: Great Western Supply
116 East 53rd Street
Davenport, IA 52806

* (Now through Oct) Pricing Schedule varies through the year

** (November through April) Pricing Schedule varies through the year


2024-2025 ROE Paper Bid Summary

Attachment No. 9
05/28/24 Brd. Mtg.

Description	FY25		Extended		(FY24)		Extended		
	Quantity	Cost	Cost	Cost	Quantity	Cost	Cost		
8 1/2 x 11 Xerographic White (G131 - per case/10 reams)	2000	\$ 34.51	\$ 69,020.00		750	\$ 39.16	\$ 29,367.53	*	
8 1/2 x 11 Xerographic Blue (G132 - per case/10 reams)	0	\$ 51.01	\$ -		16	\$ 58.40	\$ 934.40		
8 1/2 x 11 Xerographic Green (G133 - per case/10 reams)	7	\$ 51.01	\$ 357.07		9	\$ 58.40	\$ 525.60		
8 1/2 x 11 Xerographic Canary (G135 - per case/10 reams)	0	\$ 51.01	\$ -		11	\$ 58.40	\$ 642.40		
8 1/2 x 11 Xerographic Pink (G134 - per case/10 reams)	15	\$ 51.01	\$ 765.15		-	\$ 58.40	\$ -		
8 1/2 x 11 Xerographic Goldenrod (G136 - per case/10 reams)	0	\$ 51.01	\$ -		-	\$ 58.40	\$ -		
11 x 17 Xerographic White (Case / 5 reams)	2	\$ 41.51	\$ 83.02		2	\$ 64.99	\$ 129.98		
8 1/2 x 11 Xerographic White (G131 - per case/10 reams) *					1140	39.4258	44945.412	*	
TOTAL			\$ 70,225.24				\$ 76,545.32		
					320	38.98	\$ 12,473.60	*	
					250	39.99	\$ 9,997.50	*	
FY25 Vendor:					250	39.99	\$ 9,997.50	*	
					320	38.99	\$ 12,476.80	*	

The Paper Corporation - Paper 101
1700 NE 58th Avenue
Des Moines, IA 50302-0599

* Vendor winning FY24 Bid would not honor paper pricing with a multiple Delivery schedule. Other vendors had pricing less than that at the Bid winner's site, so remaining paper supply was purchased elsewhere.

TO: Members of the Board of Education
FROM: Vince Gallo, Chief Financial Officer 
DATE: May 23, 2024
SUBJECT: Award of Bid - Food Service Management

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

Action Necessary: Board of Education is required.

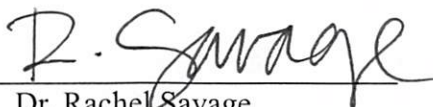
Facts: The Board of Education received bids for Food Service Management on May 7, 2024 as a result of a Request for Proposal process. Requests for Proposals were sent directly to the following companies: ARAMARK Educational Services, LLC, Arbor Management, Inc., Chartwells/Compass Group, Quest Food Management Services, Inc., Sodexo America, LLC, and K-12 by Elior. Formal qualified bids/responses were received from: ARAMARK Educational Services, LLC, Arbor Management, Inc., Organiclife Smart Foodservice, Inc., Chartwells/Compass Group, and K-12 by Elior. The bid summary sheet is attached.

After review of the responses, and approval by the ISBE, Chartwells/Compass Group had the highest evaluation score from the committee. Therefore, the administration recommends the food service contract be awarded to Chartwells/Compass Group for the 2024-2025 school year, with an annual option to extend for four additional years through June 30, 2030. The renewal will only be permitted with a satisfactory performance by Chartwells/Compass Group, and must be approved annually by the Board of Education.

Cost: The 2024-2025 school year projected cost is \$2,657,681, which is supported through food service operation revenues.

Recommended Action: That the Board of Education award the food service contract to Chartwells/Compass Group, Rye Brook, New York, for the 2024-2025 school year with rates as listed.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

**School Food Services Management Contract
2024 Bid Summary**


Vendor Name	Breakfast Price	Lunch Price	Ala Carte	Total Cost	Cost Score (30)	Presentation (70)	Total (100)	Final Rank
Aramark	2.25	3.4875	3.4875	\$ 3,014,819.99	6.64	52.8	59.44	3
Arbor	1.98	3.69	3.69	\$ 3,116,257.92	0.00	57.0	57.00	4
Chartwells	1.92	3.09	3.09	\$ 2,657,681.28	30.00	56.2	86.20	1
Organic Life	2.09	3.34	3.34	\$ 2,875,397.76	15.76	60.6	76.36	2
K-12 by Eloor	2.4	3.541	3.541	\$ 3,082,288.32	2.22	49.4	51.62	5

8. Approval of Updated Board Policies for Section 2 - Board of Education

38

Recommended Motion: that the Board of Education accepts for first reading the revised Board of Education Policy 2:40 - Board Member Qualifications, 2:60 - Board Member Removal from Office, 2:140 - Communications To and From the Board, and 2:265 - Title IX Grievance Procedure, as presented. **See Attachment No. 11.**

TO: Members of the Board of Education

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

DATE: May 23, 2024

SUBJECT: Approve Updated Board Policies for Section 2 – Board of Education

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 are a portion of Section 2 with suggested changes based on PRESS recommendations. The administration is requesting the Board accept updates for Section 2, as listed. These changes are minor and part of a five-year review. Policy 2:265 - Title IX Grievance Procedure has a new title but the policy language has not changed.

Attached are the suggested changes based on PRESS recommendations. The administration is requesting the Board accept updates for Sections 2:40 - Board Member Qualifications, 2:60 - Board Member Removal from Office, 2:140 - Communications To and From the Board, and 2:265 - Title IX Grievance Procedure. Recall the underlined text represents suggested new additions; whereas, the ~~strickthrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accepts for first reading the revised Board of Education Policy 2:40 - Board Member Qualifications, 2:60 - Board Member Removal from Office, 2:140 - Communications To and From the Board, and 2:265 - Title IX Grievance Procedure, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Ok
MI

4.2-24

School Board

Board Member Qualifications¹

A School Board member must be, on the date of election or appointment, a United States citizen, at least 18 years of age, a resident of Illinois and the District for at least one year immediately preceding the election, and a registered voter.

Reasons making an individual ineligible for Board membership include holding an incompatible office, and certain types of State or federal employment, and conviction of an infamous crime.^{2 3} A child sex offender, as defined in State law, is ineligible for School Board membership.⁴

LEGAL REF.: Ill. Constitution, Art. II, §1; Art. IV, §2(e); Art. VI, §13(b).
105 ILCS 5/10-3 and 5/10-10.

CROSS REF.: 2:30 (School Board ~~District Elections~~), 2:70 (Vacancies on the School Board - Filling Vacancies)

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. Election qualifications are found in 105 ILCS 5/10-3 and 5/10-10. Except for possible residency requirements, there are no general eligibility qualifications for appointment to a board; this sample policy, however, applies the election qualifications to appointments. This is possible because the board controls the appointment process. See sample board policy 2:70, Vacancies on the School Board - Filling Vacancies. Boards may describe additional residency requirements, if any, in the following optional sentence:

On the date of election or appointment, Board members must also meet the following residential requirement: *[insert]*.

105 ILCS 5/10-10 allows a board to appoint a student to the board to serve in an advisory capacity for a term the board determines. The student may not vote or attend any closed board meeting. A board that desires to appoint a student member may include this paragraph at the end of this policy, adding the manner in which the student member is selected as appropriate:

The Board will annually appoint a student member to serve in an advisory capacity. The student member will not have any voting privileges and may not attend executive sessions of the Board.

² Prohibitions on simultaneously holding more than one public office, known as the doctrine of incompatibility of offices, arise from the constitutional concept of separation of offices. Appellate decisions have held that incompatibility arises if the duties of one office would necessarily prevent the office holder from faithfully performing all the duties of the other office. Express statutory prohibitions involving a school board member and another office are rare but do exist. For example, a school trustee may not also be a board member. 105 ILCS 5/10-3 and 5/10-10. Dual office holding is discussed in the Ill. Council of School Attorneys' publications, Answers to FAQs, Conflict of Interest and Incompatible Offices, www.iasb.com/law/COI_FAQ.pdf, and Answers to FAQs, Vacancies on the Board of Education, www.iasb.com/law/vacancies.cfm.

³ Individuals who have been or are convicted of an infamous crime are ineligible for board membership. 105 ILCS 5/10-11. In People ex rel. Lyons, et al. v. Parker, 2012 WL 7005827 (3rd Dist. 2012), a potential school board candidate had two felony convictions: the trial court allowed the State's quo warranto action barring him from running for the school board and the appellate court affirmed the decision. Examples of an infamous crime include, not are not limited to, any felony, bribery, and perjury. Id.; 5 ILCS 280.1. Consult with the board attorney regarding other possible infamous crimes.

⁴ 105 ILCS 5/10-3 and 5/10-10. The definition of child sex offender is found in 720 ILCS 5/11-9.3 and is contained in sample administrative procedure 8:30-AP, Definition of Child Sex Offender. But see People v. Kochevar, 2018 WL 3968383 (3rd Dist. 2018) (finding that Ill. statutory sex-offender scheme, as applied to Kochevar, violated his rights under the [E]ighth [A]mendment to the United States Constitution and the proportionate penalties clause of the Ill. Constitution (he was convicted of criminal sexual abuse with a 16-year-old with whom he, at 18, had a relationship) when nothing in the record suggested that he had targeted children, targeted underage girls, or even targeted the victim).

School Board

Board Member Removal from Office ¹

If a majority of the School Board determines that a Board member has willfully failed to perform his or her official duties, it may request the Regional Superintendent to remove such member from office. ²

LEGAL REF.: 105 ILCS 5/3-15.5.

CROSS REF.: 2:70 (Vacancies on the School Board - Filling Vacancies)

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

¹ State or federal law controls this policy's content.

² Neither the voters nor the board has the authority to recall or remove a board member from office. The Regional Superintendent has the power to remove any board member from office for willful failure to perform official duties. 105 ILCS 5/3-15.5. The "majority of the board" requirement in this policy has no legal significance other than being standard operating procedure. The Regional Superintendent may act on his or her initiative.

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

A *quo warranto* action is a rarely used method to remove a board member from office. This type of lawsuit is generally used to remove someone who holds office unlawfully, among other things. 735 ILCS 5/18-101. These actions are generally brought by the Ill. Atty. Gen. (AG) or the appropriate State's Attorney. If neither of them brings the suit, it may be brought by a plaintiff after (1) he or she requests the AG and State's Attorney to bring a *quo warranto* lawsuit, (2) they fail to do it, and (3) the circuit court with jurisdiction grants permission for the plaintiff to file the lawsuit (see the Nickamp case below). After receiving a court's permission to bring the suit, a plaintiff must post a bond when filing the proceeding. If the lawsuit is unsuccessful, the plaintiff must pay the defendant's attorney fees and costs. Depending upon the violation, the law allows the court to impose a \$25,000 fine or remove the board member from office. Notable cases involving *quo warranto* actions against school board members in Illinois include:

1. Ballard v. Nickamp, 961 N.E.2d 288 (Ill. App. Ct. 4, 2011) (affirming the ousting of a school board member for holding an incompatible office; the fellow school board members brought a *quo warranto* action asking the court to remove him from the school board).
2. People ex rel. Lyons Parker, et al. v. Parker Lyons, et al., 2012 WL 7005827 (Ill. App. Ct. 3, 2012) (potential school board candidate had two felony convictions; the trial court allowed the State's *quo warranto* action barring him from running for the school board and the appellate court affirmed the decision); Parkereople ex rel. Lyons v. Lyons et al. Parker, 940 F.Supp.2d 832 (C.D. Ill. 2013) (the court granted defendants' motion to dismiss in part and denied it in part related to certain federal claims) petition for leave to appeal denied; Parker v. Illinois, 569 U.S. 933 (2013) (petition for writ of certiorari to the U.S. Supreme Court, denied).

School Board

Communications To and From the Board¹

The School Board welcomes communications from staff members, parents/guardians, students, and community members. Individuals may submit questions or communications for the School Board's consideration to the Superintendent or may use the electronic link to the Board's email address(es) posted on the District's website.² The Superintendent or designee shall:³

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¹ State law controls portions of this policy but does not require a policy on any topic covered.

An alternative to the opening sentence follows: "The School Board welcomes communications from the school community."

² School districts that maintain an Internet website, other than a social media or social networking website, must post a "mechanism, such as a uniform single email address, for members of the public to electronically communicate with elected officials." 50 ILCS 205/20. The sample policy's default language may be used even when the district provides each board member with an individual email address. The language permits every board member to read all emails sent to the electronic link. This aligns with IASB's *Foundational Principles of Effective Governance* (www.iasb.com/conference-training-and-events/training/trainingresources/foundational-principles-of-effective-governance/) because all members receive the same information and communications as illustrated below:

- a. When the district provides individual email addresses to board members, it can post a hyperlink on the district home page to an email address that will forward the communication to all seven board members' email addresses simultaneously.
- b. When the district does **not** provide individual email addresses to board members, it can post a hyperlink on the district's home page to one email address that every board member may access.

Other ways to comply should ensure that all board members have equal access to communications. For example, posting a hyperlink on the district home page to a list of individual board member email addresses would **not** ensure that all board members have equal access to questions or communications for the board's consideration.

Whenever a district provides email addresses to individual board members, all emails sent to individual email addresses are subject to disclosure under the Freedom of Information Act (FOIA). *City of Champaign v. Madigan*, 992 N.E.2d 629 (Ill. App. Ct. 4th 2013). Public bodies must also conduct a reasonable search for public records responsive to a FOIA request, which includes searching public employees' communications on personal devices or accounts for records pertaining to the transaction of public business. See PAO 16-6. Consult the board attorney when searching board members' personal email addresses and/or devices may be necessary to respond to a FOIA request.

If the district does not maintain an Internet website, delete all text in the first paragraph after the word *Superintendent* and delete the entire second and third paragraphs, i.e.:

~~or may use the electronic link to the Board's email address(es) posted on the District's website.
The Superintendent or designee shall:~~

- ~~1. Ensure that the home page for the District's website contains an active electronic link to the email address(es) for the School Board, and~~
- ~~2. During the Board's regular meetings, report for the Board's consideration all questions or communications submitted through the active electronic link along with the status of the District's response in the Board meeting packet.~~

³ Directive #1 to the superintendent restates the statutory requirement to post a hyperlink to the email address on the district's home page. 50 ILCS 205/20. Directive #2 is optional and adds a step to increase efficient responses to communications concerning the operation or management of the district or a school. Adding this text allows a board to (1) monitor its compliance with 50 ILCS 205/20, (2) ensure that all board members stay informed of all questions and communications to the board, (3) align with IASB's *Foundational Principles of Effective Governance*, and (4) mirror a School Code requirement (105 ILCS 5/10-16) for the superintendent to report any FOIA requests during the board's regular meetings along with the status of the district's response.

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1. Ensure that the home page for the District's website contains an active electronic link to the email address(es) for the School Board, and
2. During the Board's regular meetings, report for the Board's consideration all questions or communications submitted through the active electronic link along with the status of the District's response in the Board meeting packet.

If contacted individually, Board members will refer the person to the appropriate level of authority, except in unusual situations. Board members' questions or communications to staff or about programs will be channeled through the Superintendent's office. Board members will not take individual action that might compromise the Board or District. There is no expectation of privacy for any communication sent to the Board or its members, whether sent by letter, email, or other means.

Board Member Use of Electronic Communications⁴

For purposes of this section, *electronic communications* includes, without limitation, electronic mail, electronic chat, instant messaging, texting, and any form of social networking.⁵ Electronic communications among a majority or more of a Board-quorum shall not be used for the purpose of discussing District business. Electronic communications among Board members shall be limited to:⁶ (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. The following list contains examples of permissible electronic communications:

- Agenda item suggestions
- Reminders regarding meeting times, dates, and places
- Board meeting agendas or information concerning agenda items
- Individual emails to community members, subject to the other limitations in this policy

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Before adoption of this text, each board may want to have a conversation with the superintendent about the difference between "staff work questions or communications" that do not need to be submitted to the board and "questions or communications submitted for the school board's consideration" that do need to be submitted to the board.

For districts that maintain an Internet website but do not wish to adopt Directive #2, delete Directive #2 and amend the policy as follows:

The Superintendent or designee shall ensure that the home page for the District's website contains an active electronic link to the email address(es) for the School Board.

A public body is not required to reply to communications. Likewise, the FOIA does not require questions to be answered. Chicago Tribune Co. v. Dept. of Financial & Professional Reg., 8 N.E.3d 11 (Ill. App. Ct.4th, 2014). For more information about districts governed by a board of school directors, see f/n 6 of sample policy 2:220, School Board Meeting Procedure.

⁴ With some exceptions, OMA requires that a board conduct its deliberations and business during meetings that the public may attend. A meeting means "any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a five-member public body, a quorum of the members of a public body held for the purpose of discussing public business." 5 ILCS 120/1.02. Thus, any *electronic communication* discussing district business that circulates among a majority of a quorum of the board (or majority of the Board, in case of a five-member board) may qualify as a meeting for purposes of the OMA and may be illegal. A violation of OMA is a Class C misdemeanor. 5 ILCS 120/4.

The Local Records Act (50 ILCS 205/) governs retention of district records; its definition of *public record* is more narrow than the definition in FOIA. These communications must be retained only when they contain: (1) evidence of the district's organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. While this is a slippery slope without definitive parameters, electronic communication among board members that are permissible under this policy may generally be deleted; consult the board attorney for a more thorough analysis and a legal opinion.

⁵ The examples of *electronic communications* are optional and may be amended.

⁶ Complying with these restrictions will help avoid an OMA violation.

In accordance with the Open Meetings Act and the Oath of Office taken by Board members, individual Board members will not (a) reply to an email on behalf of the entire Board, or (b) engage in the discussion of District business through electronic communications with a majority of a Board-quorum.⁷

LEGAL REF.: 5 ILCS 120/, Open Meetings Act.
50 ILCS 205/20, Local Records Act.

CROSS REF.: 2:220 (School Board Meeting Procedure), 3:30 (Chain of Command), 8:110 (Public Suggestions and Concerns)

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⁷ The oath of office in 105 ILCS 5/10-16.5, amended by P.A. 100-1055, requires board members to swear or affirm that they “shall recognize that a board member has no legal authority as an individual and that decisions can only be made by a majority vote at a public board meeting.” Deliberations of the board must be conducted openly; a meeting occurs whenever a majority of a quorum discusses public business; meetings must occur at a properly noticed board meeting that is open to the public. 5 ILCS 120/1, 1.02, and 2. For additional information, see f/ns above and [sample exhibit 2:140-E, Guidance for Board Member Communications, Including Email Use](#).

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School Board

Title IX Sexual Harassment Grievance Procedure¹

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

Title IX Sexual Harassment Prohibited

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

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¹ Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. §1681 *et seq.*) requires this subject matter be covered by policy and controls this policy’s content. This policy contains items on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative’s consent. This policy and its companion policy 2:260, *Uniform Grievance Procedure*, are in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

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

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

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

1. A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;³ or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's educational program or activity; or
3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(11), *domestic violence* as defined in 34 U.S.C. §12291(a)(12), or *stalking* as defined in 34 U.S.C. §12291(a)(36).⁴

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

Definitions from 34 C.F.R. §106.30

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

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

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

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

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent*

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

⁴ See sample exhibit 2:265-E, *Title IX Sexual Harassment-Glossary of Terms*, for these definitions and other definitions of italicized terms in this policy. Title IX regulations at 34 C.F.R. §106.30 contain pinpoint citations to the Violence Against Women Act (VAWA), 34 U.S.C. §12291 *et seq.*, for the definitions of *dating violence*, *domestic violence*, and *stalking*. VAWA was reauthorized in 2022 and the citations changed; however, 34 C.F.R. §106.30 has not been updated. This policy uses the updated VAWA citations.

⁵ 34 C.F.R. §106.30.

⁶ 34 C.F.R. §106.44(a).

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

⁸ 34 C.F.R. §106.30.

⁹ *Id.*

before or after the filing of a *Formal Title IX Sexual Harassment Complaint* or where no *Formal Title IX Sexual Harassment Complaint* has been filed. ¹⁰

Title IX Sexual Harassment Prevention and Response

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

1. Ensures that the District's comprehensive health education program in Board policy 6:60, *Curriculum Content*, incorporates (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12,¹¹ and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. ¹² This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
2. Incorporates education and training for school staff¹³ as recommended by the Superintendent, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager. ¹⁴
3. Notifies applicants for employment,¹⁵ students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District's website, if any, and in each handbook made available to such persons. ¹⁶

Making a Report

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is

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

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

¹² Required by id. at 110/3.

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

¹⁴ 105 ILCS 110/3. Detailed training requirements exist for Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. 34 C.F.R. §106.45(b)(1)(iii). Title IX rules "[leave districts] discretion to determine the kind of training to other employees that will best enable the [district], and its Title IX Coordinator, to meet Title IX obligations." 85 Fed. Reg. 30114. Many attorneys agree the best practice is to train all district staff about the definition of sexual harassment, the scope of the district's education program or activity, all relevant district policies and procedures, and the necessity to promptly forward all reports of sexual harassment to the Title IX coordinator. See sample procedure 2:265-AP1, *Title IX Sexual Harassment-Response*.

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

¹⁶ 34 C.F.R. §106.8. See paragraph 2 of f/n 21 in sample policy 2:260, *Uniform Grievance Procedure*. See also sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

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

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

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

Title IX Coordinator:

Name

Address

Email

Telephone

Processing and Reviewing a Report or Complaint

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

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it.²⁰ For any report received, the Title IX Coordinator shall review Board policies 2:260, *Uniform Grievance Procedure*;

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¹⁷ Using "or any employee with whom the Complainant is comfortable speaking" ensures Title IX compliance because Title IX deems "any employee" of an elementary or secondary school who has notice of sexual harassment or allegations of sexual harassment to have *actual knowledge*. Therefore, a report to any employee triggers a district's duty to respond. 34 C.F.R. §106.30. This policy contains an item upon which collective bargaining may be required. Any policy that impacts wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

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

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

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

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

5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*;²¹ 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; 7:185, *Teen Dating Violence Prohibited*; and 7:190, *Student Behavior*, to determine if the allegations in the report require further action.

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

Formal Title IX Sexual Harassment Complaint Grievance Process

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

The Superintendent or designee shall implement procedures to ensure that all *Formal Title IX Sexual Harassment Complaints* are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45.²³ The District's grievance process shall, at a minimum:²⁴

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

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

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

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

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

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

(including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.²⁵

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

Enforcement

Any District employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be

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

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

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

subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies.²⁸ Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

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

Retaliation Prohibited³⁰

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

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

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

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

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

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

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

³⁰ 34 C.F.R. §106.71.


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

9. Approval of Updated Board Policy 2:260 - Uniform Grievance Procedure

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Recommended Motion: that the Board of Education accepts for first reading the revised Board of Education Policy 2:260 - Uniform Grievance Procedure, 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: May 23, 2024

SUBJECT: Approve Updated Board Policy 2:260 - Uniform Grievance Procedure

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 2:260 - Uniform Grievance Procedure. The policy, Legal References, Cross References, and footnotes are updated in response to 105 ILCS 5/22-95 (final citation pending), added by P.A. 103-472, eff. 8-1-24, requiring a district to have an internal process for the filing of complaints regarding discrimination and harassment based on race, color, and national origin. The policy and footnotes are also updated to incorporate the title change to 2:265, Title IX Sexual Harassment Grievance Procedure, in anticipation of Title IX rulemaking, and for continuous improvement. Continuous improvement changes are also made to the Legal References and footnotes. The Cross References are updated to include new policy 2:270, Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited, and to incorporate the title change to 2:265, Title IX Sexual Harassment Grievance Procedure. Recall, that the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

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

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

OK
MD
4-15-23

School Board

Uniform Grievance Procedure¹

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or its agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy², or have a complaint regarding any one of the following:³

1. Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.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 requires this subject matter be covered by policy and controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy and its companion sample policy 2:265, *Title IX Sexual Harassment-Grievance Procedure*, are in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

A grievance procedure is required by many civil rights acts and implementing regulations, including those listed. For the sake of consistency and ease of administration, this policy consolidates all board grievance procedures, excluding Title IX sexual harassment complaints (see sample policy 2:265, *Title IX Sexual Harassment-Grievance Procedure*) into one policy, except those contained in collective bargaining agreements. See the cross references for the policies referring to this uniform grievance procedure policy.

² Including the phrase "guaranteed by the State or federal Constitution, State or federal statute, or Board policy" broadens the scope of this policy beyond the items listed. Consult the board attorney regarding whether to retain this phrase and/or to otherwise limit the scope of this policy.

³ The Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400 et seq.) is not included in the list of statutes that may serve as the basis of a grievance, and attorneys disagree whether it should be. Many believe that IDEA provides the exclusive remedy; others believe that including IDEA allows parents/guardians an opportunity to get their position before the board. Unique and specific complaint resolution mechanisms are expressly provided under IDEA, Article 14 of the School Code, and their respective implementing regulations. These mechanisms follow: (1) IDEA at 20 U.S.C. §1415 (procedural safeguards-mediation and due process); (2) IDEA regulations at 34 C.F.R. §§300.151-300.153 (state complaints), 300.506 (mediation), and 300.507 et seq. (due process); (3) School Code at §§14/8.02a (mediation and due process) and 14/8.02b (expedited due process); and (4) special education regulations at 23 Ill.Admin.Code §§226.560 (Mediation), 226.570 (State Complaint Procedures), and Subpart G (due process). A board that would like to include IDEA should consult the board attorney.

⁴ The Americans with Disabilities Act Amendments Act (ADAAA) (Pub. L. 110-325), made significant changes to the Americans with Disabilities Act's definition of disability by broadening the scope of coverage. The ADAAA also overturned a series of U.S. Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that impairments were a disability. The U.S. Equal Employment Opportunity Commission's (EEOC) regulations, 29 C.F.R. Part 1630, are at: www.eeoc.gov/laws/types/disability_regulations.cfm.

Boards should consult with their attorneys regarding how the ADAAA and its implementing regulations impact their districts.

Title II of the ADA of 1990 also includes website accessibility. Addressing website accessibility is complicated. Many entities addressing website accessibility use *Web Content Accessibility Guidelines* (WCAG) 2.0 or 2.1, a frequently cited accessibility standard that contains guidelines developed by a private group of accessibility experts. See www.w3.org/WAI/standards-guidelines/wcag/. While WCAG is not adopted as the formal federal legal standard for public accommodation websites, it has been used in many consent decrees and settlement agreements, and it is required by the School Code. 105 ILCS 5/10-20.75 (final citation pending), added by P.A. 102-238, eff. 8-1-22, requires school districts to ensure their *Internet websites or web services* comply with Level AA of the WCAG 2.1 or any revised version of those guidelines. *Internet website or web service* means "any third party online curriculum that is made available to enrolled students or the public by a school district through the Internet." Id.

2. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*, excluding Title IX sexual harassment complaints governed by Board policy 2:265, *Title IX Sexual Harassment Grievance Procedure*
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §791 *et seq.*⁵
4. Discrimination and/or harassment on the basis of race, color, or national origin prohibited by the Illinois Human Rights Act, 775 ILCS 5/; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*; and/or Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* (see Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*)⁶
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e *et seq.* (see also number 4, above, for discrimination and/or harassment on the basis of race, color, or national origin)
6. Sexual harassment prohibited by the State Officials and Employees Ethics Act⁷, 5 ILCS 430/70-5(a); Illinois Human Rights Act, 775 ILCS 5/; and Title VII of the Civil Rights Act of

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⁵ See f/n 4's discussion of website accessibility above. See also the discussion in f/n 2 of sample policy 8:70, *Accommodating Individuals with Disabilities*.

⁶ 105 ILCS 5/22-95(b)(1)(B) (final citation pending), added by P.A. 103-472, eff. 8-1-24, requires a district to have an internal process for filing a complaint regarding a violation of its policy (or policies) prohibiting discrimination and harassment on the basis of race, color, national origin, and retaliation. Sample policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, utilizes this policy as an internal complaint process. See also sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*, which includes additional procedures to be followed when responding to complaints of discrimination and harassment on the basis of race, color, and national origin.

⁷ 5 ILCS 430/70-5(a), amended by P.A. 101-221, requires governmental entities (including school districts) to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment that contains certain prescribed elements. See sample policy 5:20, *Workplace Harassment Prohibited*, at f/n 3 and subhead **Complaints of Sexual Harassment Made Against Board Members by Elected Officials** in sample policy 2:105, *Ethics and Gift Ban*, for further detail. Complaints of sexual harassment made against board members by fellow board members or other elected officials of governmental units must undergo an *independent review*, which is not a term defined in the statute. Unlike the powers granted by the Ill. General Assembly to municipalities to pass ordinances, school boards govern by rules referred to as *policies*. 105 ILCS 5/10-20.5. Further, school boards may only exercise powers given to them that are consistent with the School Code that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. 105 ILCS 5/10-20. School districts are also required to create, maintain, and implement an age-appropriate sexual harassment policy. 105 ILCS 5/10-20.69, added by P.A. 101-448. See sample policy 7:20, *Harassment of Students Prohibited*, and its f/n 9 for further information.

50 ILCS 205/3c requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was "found to have engaged in sexual harassment or sexual discrimination, as defined by the Ill. Human Rights Act or Title VII of the Civil Rights Act of 1964." Consult the board attorney about the word *found*. It raises many practical application questions, e.g., when does the word *found* trigger a board's compliance responsibility pursuant to this law. Such questions include, but are not limited to:

1. Must a school board make a *finding* to trigger this requirement? If the severance agreement is entered into post-termination, a record of board *findings* rarely exists.
2. Are charges for termination *findings*? Often superintendents submit charges for termination, but these are not technically *findings*.
3. Are charges based on a complaint manager's report and determination(s) *findings* under the law when a board still has the ability to review and reject the complaint manager's determination(s)?

Next, contrast the above publication law with the Government Severance Pay Act (GSPA), 5 ILCS 415/10(a)(2). GSPA prohibits an employee of a school district with contract provisions for severance pay from receiving any severance if he or she is fired for *misconduct* by the board. GSPA defines *misconduct* to include sexual harassment and/or discrimination. *Id.* at 415/5.

1964, 42 U.S.C. §2000e *et seq.* (Title IX sexual harassment complaints are addressed under Board policy 2:265, *Title IX Sexual Harassment-Grievance Procedure*)⁸

7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60⁹
8. Bullying, 105 ILCS 5/27-23.7¹⁰
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children¹¹
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, 820 ILCS 180/
12. Illinois Equal Pay Act of 2003, 820 ILCS 112/
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/¹²
15. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act, 410 ILCS 513/; and Titles I and II of the Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff *et seq.*¹³

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

Consult the board attorney about how to reconcile whether sexual harassment and/or sexual discrimination is misconduct for which a severance would be prohibited under the GSPA, and therefore, not available to be published under 50 ILCS 205/3c. And for further discussion and other applicable transparency laws that apply to this issue, see also f/n 16~~5~~ in sample policy 5:20, *Workplace Harassment Prohibited*.

⁸ Consult the board attorney regarding proper filing and storage of these investigation documents, including whether certain student-related investigation documents are *sole possession records*, a Family Policy Compliance Office (FPCO)-created an exemption to the Family Education Rights Privacy Act (FERPA) (20 U.S.C. §1232g). See *Letter to Ruscio*, 115 LRP 18601 (FPCO 12-17-14).

⁹ 105 ILCS 5/10-20.60 requires schools to implement the Ill. sex equity grievance procedures when processing student complaints about breastfeeding accommodations. Complainants must be informed that the board's decision may be appealed to the Regional Superintendent (or appropriate Intermediate Service Center Executive Director) and, thereafter, to the State Superintendent. 23 Ill.Admin.Code §200.40. **Note:** Certain claims brought under ~~See—~~105 ILCS 5/10-20.60 may also be covered by the anti-discrimination protections of Title IX; consult the board attorney for further advice. Guidance from U.S. Dept. of Education on Title IX requirements for pregnant and parenting students (June 2013) is available at: www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue03.html.

¹⁰ All districts must have a policy on bullying. 105 ILCS 5/27-23.7. See sample policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. The inclusion of *bullying* in the list of topics that may serve as the basis of a grievance furthers the obligation to communicate this policy to students and their parents/guardians.

¹¹ Parents/guardians of educationally disadvantaged children may sue a district for misuse of funds allocated by State law for the benefit of such children. *Noyola v. Bd. of Educ.*, 179 Ill.2d 121 (Ill. 1997) (affirming the appellate court's conclusion in *Noyola v. Bd. of Educ.*, 284 Ill.App.3d 128 (1st Dist. 1996) that parents/guardians may pursue a claim to enforce the requirements of the School Code but holding that the proper action for enforcement is by means of mandamus not an implied right of action).

¹² The Whistleblower Act (740 ILCS 174/) includes school districts in the definition of employer. It protects employees from employer retaliation for disclosing information to a government or law enforcement agency. Section 15 also contains language prohibiting employers from retaliating against employees who disclose information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation. The Ill. False Claims Act (740 ILCS 175/) includes school districts in its definition of *State*. A strict interpretation of this language appears to allow school boards to collect civil penalties and costs against someone making a false claim. Before disciplining any employee, boards should thoroughly investigate the ramifications of these acts in consultation with their attorney and liability insurance carriers.

¹³ The Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff *et seq.*) is a federal law. Title I addresses the use of genetic information pertaining to health insurance. Title II protects job applicants, current and former employees, labor union members, and apprentices and trainees from discrimination based on their genetic information. GINA covers employers with 15 or more employees.

16. Employee Credit Privacy Act, 820 ILCS 70/ 14

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable¹⁵ resolution of a complaint filed under this policy shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

Deadlines

All deadlines under this policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

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GINA broadly defines genetic information to include information about an individual's genetic tests, their family members, and, among other things, the manifestation of a disease or disorder in the individual or the individual's family members. Information about an individual's or family member's age or gender is excluded from genetic information. Its remedies mirror those available under a Title VII of the Civil Rights Act claim: back pay, reinstatement, attorneys' fees and compensatory and punitive damages. Retaliation against an individual who brings a claim under GINA is also prohibited. Federal regulations are available at 29 C.F.R. Part 1635, and background information on these regulations is available at: www.eeoc.gov/regulations-related-genetic-discrimination. An FAQ entitled *FAQs on the Genetic Information Nondiscrimination Act* is available at: www.dol.gov/agencies/ebsa/laws-and-regulations/laws/gina.

The Ill. Genetic Information Protection Act (GIPA) (410 ILCS 513/) also prohibits employers from making employment decisions on the basis of any employee's genetic testing information and from penalizing employees who do not want to disclose their genetic information as part of a workplace wellness program. GIPA includes the federal GINA's definition of genetic information and creates more stringent obligations on Ill. employers. While the federal GINA exempts small employers (those with less than 15 employees), Illinois' GIPA covers all employers, even those with one employee. GIPA also provides penalties for negligent and intentional mishandling of genetic information. Note that Title II of GINA does not preempt GIPA's greater protections to Illinois employees.

Before using any sort of genetic information, consult the board attorney for guidance regarding GINA's and GIPA's specific applications to the district and how these laws integrate with other related federal laws, such as the Family and Medical Leave Act (29 U.S.C. §2612 et seq.) and the ADA, and State laws governing time off for sickness and workers' compensation.

¹⁴ 820 ILCS 70/. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report; (2) inquire about an applicant's or employee's credit history; or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, when the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. 820 ILCS 70/10(b). A person who is injured by a violation of this Act may bring a civil action to obtain injunctive relief and/or damages. 820 ILCS 70/25. The court must award costs and reasonable attorneys' fees to a prevailing plaintiff. *Id.*

¹⁵ The phrase "prompt and equitable resolution" comes from Title IX implementing regulation 34 C.F.R. §106.8(c) which requires schools to "adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints" of sex discrimination.

Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender.¹⁶ The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy.

Investigation Process

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf.¹⁷ The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parents/guardians that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days after the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time.

The Superintendent will keep the Board informed of all complaints.

If a complaint contains allegations involving the Superintendent or Board member(s), the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by registered mail, return

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¹⁶ This is a best practice.

¹⁷ This policy gives complaint managers the flexibility to appoint another individual to conduct an investigation, which may be appropriate in cases where the neutrality or efficacy of the complaint manager is an issue, and/or where the district wishes to have the expertise and related attorney-client and work product privileges that an in-house or outside attorney may afford an investigation. Such alternative appointments are often made in consultation with the superintendent or other district-level administrator (except in cases involving complaints about those individuals).

receipt requested, and/or personal delivery¹⁸ as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.¹⁹

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board.

Within 30 school business days after an appeal of the Superintendent's decision, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within five school business days after the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Superintendent or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall mail its written decision to the Complainant and the accused by registered mail, return receipt requested, and/or personal delivery²⁰ as well as to the Complaint Manager.

This policy shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.²¹

Appointing a Nondiscrimination Coordinator and Complaint Managers²²

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of

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¹⁸ Optional; using a delivery method that allows the district to verify the date of receipt is a best practice.

¹⁹ *Preponderance of evidence* is a standard used in civil cases. It means "the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force." See *Black's Law Dictionary, 11th ed. 2019*.

²⁰ See f/n 187, above.

²¹ The Ill. sex equity regulations require districts to have "specific timelines for completion of each step and rendering of a written decision, and shall provide for final appeal of grievance decisions made at the system level to the system's governing board." 23 Ill.Admin.Code §200.40(c)(1). To avoid arguments over these timelines, this sample policy provides that the failure to strictly follow the timelines does not prejudice any party. The grievance procedure is worthless if complaints are not thoroughly and promptly investigated.

²² Title IX regulations require districts to designate and authorize at least one employee to coordinate efforts to comply with Title IX and to refer to that employee as the *Title IX Coordinator*. 34 C.F.R. §106.8(a). Districts must identify the Title IX coordinator by name, office address, email address, and telephone number. *Id.*

A district must prominently display its Title IX non-discrimination policies (this policy 2:260, *Uniform Grievance Procedure*, and sample policy 2:265, *Title IX Sexual-Harassment-Grievance Procedure*) and contact information for its Title IX coordinator(s) on its website, if any, and in each handbook made available to students, applicants for employment, parents/guardians, employees, and collective bargaining units. 34 C.F.R. §106.8(a) and (b). Notifications must state that nondiscrimination extends to employment, and that inquiries about the application of Title IX and its regulations may be referred to the district's Title IX coordinator, to the U.S. Dept. of Education's Assistant Secretary of Education, or both. 34 C.F.R. §106.8(b). See sample exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

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

employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.²³

The Superintendent shall appoint at least one Complaint Manager to administer this policy. If possible, the Superintendent will appoint two Complaint Managers, ~~one of each of a different gender~~. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.²⁴

Nondiscrimination Coordinator:

Name

Address

Email

Telephone

Complaint Managers:

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

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

²³ The Nondiscrimination and Title IX Coordinator(s) need not be the same person. If the district uses a separate Title IX Coordinator who does not also serve as the Nondiscrimination Coordinator, delete "~~The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.~~" insert a hard return to create a new paragraph, and insert "The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX." Then, list the Title IX and Nondiscrimination Coordinators' names and contact information separately in this policy.

Best practice is that throughout the board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs.

²⁴ The board may include the following option to address publication of such contact information:

"The Superintendent or designee shall ensure that students, parents/guardians, employees, and members of the community are informed of the contact information for the District's Nondiscrimination Coordinator and Complaint Managers on an annual basis."

Publicizing the contact information for the Nondiscrimination Coordinator and Complaint Managers through personnel handbooks, student handbooks, and/or on the district's website is a best practice. The Ill. Principals Association (IPA) maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh; www.ilprincipals.org/resources/model-student-handbook.

LEGAL REF.: 8 U.S.C. §1324a et seq., Immigration Reform and Control Act.
 20 U.S.C. §1232g, Family Education Rights Privacy Act.
 20 U.S.C. §1400, The Individuals with Disabilities Education Act.
 20 U.S.C. §1681 et seq., Title IX of the Education Amendments; 34 C.F.R. Part 106.
 29 U.S.C. §206(d), Equal Pay Act.
 29 U.S.C. §621 et seq., Age Discrimination in Employment Act.
 29 U.S.C. §791 et seq., Rehabilitation Act of 1973.
 29 U.S.C. §2612, Family and Medical Leave Act.
 42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964.
 42 U.S.C. §2000e et seq., ~~Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964).~~
 42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act.
 42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.
 42 U.S.C. §12101 et seq., Americans With Disabilities Act.
 105 ILCS 5/2-3.8, 5/3-10, 5/10-20, 5/10-20.5, 5/10-20.7a, 5/10-20.60, 5/10-20.69
 5/10-20.75 (final citation pending), 5/10-22.5, 5/22-19, 5/22-95 (final citation
 pending), 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.
 5 ILCS 415/10(a)(2), Government Severance Pay Act.
 5 ILCS 430/70-5(a), State Officials and Employees Ethics Act.
 410 ILCS 513/, Ill. Genetic Information Privacy Act.
 740 ILCS 174/, Whistleblower Act.
 740 ILCS 175/, Ill. False Claims Act.
 775 ILCS 5/, Ill. Human Rights Act.
 820 ILCS 180/, Victims' Economic Security and Safety Act; 56 Ill.Admin.Code Part
 280.
 820 ILCS 112/, Equal Pay Act of 2003.
 820 ILCS 70/, ~~Employee Credit Privacy Act, 70/10(b), and 70/25~~
 23 Ill.Admin.Code §§1.240, 200.40, 226.50, and 226.570.


CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment-Grievance
 Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color,
 and National Origin Prohibited), 5:10 (Equal Employment Opportunity and
 Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring
 Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 6:120
 (Education of Children with Disabilities), 6:140 (Education of Homeless
 Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum,
 Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities),
 7:15 (Student and Family Privacy Rights), 7:20 (Harassment of Students
 Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and
 Harassment), 7:185 (Teen Dating Violence Prohibited), 7:310 (Restrictions on
 Publications; Elementary Schools), 7:315 (Restrictions on Publications; High
 Schools), 8:70 (Accommodating Individuals with Disabilities), 8:95 (Parental
 Involvement), 8:110 (Public Suggestions and Concerns)

10. Approval of Updated Board Policy 2:270 - Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited

62

Recommended Motion: that the Board of Education accepts for first reading the revised Board of Education Policy 2:270 - Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited, as presented. **See Attachment No. 13.**

TO: Members of the Board of Education

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

DATE: May 23, 2024

SUBJECT: Approve Updated Board Policy 2:270 - Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited

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 2:270 - Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited. The new policy is created in response to 105 ILCS 5/22-95 (final citation pending), added by P.A. 103-472, eff. 8-1-24, requiring a board to adopt a policy (or policies) that prohibits discrimination and harassment based on race, color, and national origin, as well as retaliation. Recall, that the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accepts for first reading the revised Board of Education Policy 2:270 - Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

Students

Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited¹

Discrimination and harassment on the basis of race, color, or national origin negatively affect a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from such discrimination and harassment is an important District goal. The District does not discriminate on the basis of actual or perceived race, color, or national origin in any of its education programs or activities, and it complies with federal and State non-discrimination laws.

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

¹ 105 ILCS 5/22-95 (final citation pending), added by P.A. 103-472, eff. 8-1-24, requires districts to have a written policy (or policies) that prohibit discrimination and harassment based on race, color, and national origin, as well as retaliation. The policy must contain the following: (1) descriptions of various forms of discrimination and harassment based on race, color, and national origin, including examples; (2) the district's internal process for filing a complaint regarding a violation of the policy; (3) an overview of the district's prevention and response program that includes procedures for responding to complaints of discrimination and harassment based on race, color, and national origin and retaliation; (4) potential remedies for a violation of the policy; (5) a prohibition on retaliation for making a complaint or participating in the complaint process; (6) the legal recourse available to the Ill. Dept. of Human Rights (IDHR) and federal agencies if a district fails to take corrective action; and (7) directions on how to contact IDHR. *Id.* at (b)(1). Discrimination and harassment based on race, color, and national origin are also covered more generally as protected categories in sample policies 5:10, *Equal Employment Opportunity and Minority Recruitment*, 5:20, *Workplace Harassment Prohibited*, 7:10, *Equal Educational Opportunities*, and 7:20, *Harassment of Students Prohibited*.

Two laws apply to discrimination of students based on race, color, and national origin. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any educational program or activity receiving federal financial assistance. 42 U.S.C. §2000d. The IHRA prohibits any district employee from harassing a student based on certain actual or perceived protected categories, including race, color, and national origin, and it requires schools to take appropriate corrective action to stop harassment if the school knows an employee or agent is engaged (or has engaged) in harassment. 775 ILCS 5/5A-101(F) and 5/5A-102(C)-(D), added by P.A. 103-472, eff. 8-1-24. The IHRA defines "harassment in elementary secondary, or higher education," in relevant part, as any unwelcome conduct by a school employee toward a student on the basis of a student's actual or perceived race, color, or national origin "that has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile, or offensive educational environment." 775 ILCS 5/5A-101(F), added by P.A. 103-472, eff. 8-1-24. The *educational environment* "includes conduct that occurs at school, school-related activities, or events, and may include conduct that occurs off school grounds, subject to applicable State and federal law. *Id.* at (G). See sample policy 7:190, *Student Behavior*, at E'n 3, for a discussion about the ability of schools to discipline for off-campus conduct and consult the board attorney for advice in specific cases.

For a discussion of laws that prohibit discrimination in the employment context, including harassment based on race, color, and national origin, see sample policies 5:10, *Equal Employment Opportunity and Minority Recruitment*, and 5:20, *Workplace Harassment Prohibited*, at i/n 1.

Districts are also required to train all employees on discrimination and harassment based on race, color, and national origin using a free model training program developed by the Ill. Dept. of Human Rights. See sample policy 5:100, *Staff Development Program*, and sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*, for more detail on the training requirements.

Examples of Prohibited Conduct ²

Examples of conduct that may constitute discrimination on the basis of race, color, or national origin include: disciplining students more harshly and frequently because of their race, color, or national origin; denying students access to high-rigor academic courses, extracurricular activities, or other educational opportunities based on their race, color, or national origin; denying language services or other educational opportunities to English learners; and assigning students special education services based on a student's race, color, or national origin.

Harassment is a form of prohibited discrimination. Examples of conduct that may constitute harassment on the basis of race, color, or national origin include: the use of racial, ethnic or ancestral slurs or stereotypes; taunts; name-calling; offensive or derogatory remarks about a person's actual or perceived race, color, or national origin; the display of racially-offensive symbols; racially-motivated physical threats and attacks; or other hateful conduct.

Making a Report or Complaint; Investigation Process ³

Individuals are encouraged to promptly report claims or incidences of discrimination or harassment based on race, color, or national origin to the Nondiscrimination Coordinator, a Complaint Manager, or any employee with whom the student is comfortable speaking. Reports under this policy will be processed under Board policy 2:260, *Uniform Grievance Procedure*.

Any District employee who receives a report or complaint of discrimination or harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. Any employee who fails to promptly comply may be disciplined, up to and including discharge.

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

This policy does not impair or otherwise diminish the existing rights of unionized employees to request an exclusive bargaining representative to be present during any investigatory interviews, nor does this policy diminish any rights available under an applicable collective bargaining agreement, including, but not limited to, a grievance procedure. ⁴

Federal and State Agencies

If the District fails to take necessary corrective action to stop harassment based on race, color, or national origin, further relief may be available through the Ill. Dept. of Human Rights (IDHR) or the U.S. Dept. of Education's Office for Civil Rights.⁵ To contact IDHR, go to:

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

² Required by 105 ILCS 5/22-95(b)(1)(A) (final citation pending), added by P.A. 103-472, eff. 8-1-24. The examples of discrimination and harassment under this subhead are based on definitions provided by the U.S. Dept. of Education's Office for Civil Rights, see www2.ed.gov/about/offices/list/ocr/frontpage/faq/race-origin.html#racchar1 and www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf, and the U.S. Equal Opportunity Employment Commission, see www.eeoc.gov/racecolor-discrimination.

³ Required by 105 ILCS 5/22-95(b)(1)(B) (final citation pending), added by P.A. 103-472, eff. 8-1-24.

⁴ Required by Id. at (b). The U.S. Supreme Court case of *National Labor Relations Board v. Weingarten*, 420 U.S. 251 (1975), established the right of unionized employees to request and have union representation at investigatory interviews if the employee reasonably believes discipline may result.

⁵ Required by 105 ILCS 5/22-95(b)(1)(F).

<https://dhr.illinois.gov/about-us/contact-idhr.html> or call (312) 814-6200 (Chicago) or (217) 785-5100 (Springfield).⁶

Prevention and Response Program⁷

The Superintendent or designee shall establish a prevention and response program to respond to complaints of discrimination based on race, color, and national origin, including harassment, and retaliation. The program shall include procedures for responding to complaints which:

1. Reduce or remove, to the extent practicable, barriers to reporting discrimination, harassment, and retaliation;
2. Permit any person who reports or is the victim of an incident of alleged discrimination, harassment, or retaliation to be accompanied when making a report by a support individual of the person's choice who complies with the District's policies and rules;
3. Permit anonymous reporting, except that an anonymous report may not be the sole basis of any disciplinary action;
4. Offer remedial interventions or take such disciplinary action as may be appropriate on a case-by-case basis;
5. Offer, but do not require or unduly influence, a person who reports or is the victim of an incident of harassment or retaliation the option to resolve allegations directly with the accused; and
6. Protects a person who reports or is the victim of an incident of harassment or retaliation from suffering adverse consequences as a result of a report of, investigation of, or a response to the incident.

Policy Posting and Distribution

This policy shall be posted on the District's website.⁸ The Superintendent shall annually inform staff members of this policy by posting it in a prominent and accessible location such as the District website, employee handbook, staff intranet site, and/or in other areas where policies and rules of conduct are made available to staff.⁹ The Superintendent shall annually inform students and their parents/guardians

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

⁶ Required by *Id.* at (b)(1)(G).

⁷ Required by *Id.* at (b)(1)(C). Items 1-6 must be addressed in a district's procedures for responding to complaints of discrimination and harassment based on race, color, and national origin. *Id.* at (c). See sample administrative procedure 2:270-AP, *Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin*.

⁸ 105 ILCS 5/22-95(b)(3) (final citation pending), added by P.A. 103-472, eff. 8-1-24, requires districts to post this policy in their website if one exists. If a district does not maintain a website, delete this sentence.

⁹ *Id.* at (b)(2) requires this policy to be "posted in a prominent and accessible location and distributed in such a manner as to ensure notice of the policy to all employees." A district website or staff intranet site qualifies as a prominent and accessible location under 105 ILCS 5/22-95(b)(2) (final citation pending), added by P.A. 103-472, eff. 8-1-24. If a district does not maintain a website and/or staff intranet, delete ~~District website and/or staff intranet site~~ from this sentence, as applicable.

of this policy by posting it on the District's website and including an age-appropriate summary of the policy in the student handbook(s). ¹⁰

Enforcement ¹¹

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to remedial action and/or disciplinary action, up to and including discharge.

Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to remedial action and/or disciplinary action, including but not limited to, suspension and expulsion consistent with Board policy 7:190, *Student Behavior*.

Any third party who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to remedial and/or disciplinary action.

Retaliation Prohibited ¹²

Retaliation against any person for bringing complaints, participating in the complaint process, or otherwise providing information about discrimination or harassment based on race, color, or national origin is prohibited (see Board policy 2:260, *Uniform Grievance Procedure*).

Individuals should report allegations of retaliation to the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

DRAFT

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

¹⁰ Id. at (b)(3) requires a district to publish the policy on its website, if one exists, and in a student handbook. If the district does not maintain a website, delete ~~posting it on the District's website and~~ from the sentence. The law also requires a district to annually distribute a "summary of the policy in accessible, age-appropriate language" to students and parents/guardians. The summary may, but does not have to be, included in a student handbook to satisfy the annual distribution requirement. For ease of administration, this sample policy refers to inclusion in the student handbook(s). Districts may find it cumbersome to include both the policy and an age-appropriate summary of the same policy in a handbook. Consult the board attorney for guidance if the district would like to include a hyperlink to the policy, rather than the full text of the policy in the handbook. The Ill. Principals Association maintains a handbook service that coordinates with **PRESS** material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/msh.

¹¹ Required by Id. at (b)(1)(D).

¹² Required by Id. at (b)(1)(E).

LEGAL REF.: 42 U.S.C. §2000d, Title VI of the Civil Rights Act of 1964; 34 C.F.R. Part 100.
42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. Part 1601.
105 ILCS 5/22-95 (final citation pending).
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:240 (Conduct Code for Participants in Extracurricular Activities)


DRAFT

11. Approval of Updated Board Policy 6:60 - Curriculum Content

69

Recommended Motion: that the Board of Education accepts for first reading the revised Board of Education Policy 6:60 - Curriculum Content, as presented. **See Attachment No. 14.**

TO: Members of the Board of Education

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

DATE: May 23, 2024

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

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

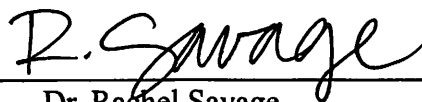
Action Necessary: Board of Education approval is requested to accept Board Policy updates.

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 6:60, Curriculum Content. The footnotes are updated in response to 105 ILCS 5/27-21 and 105 ILCS 5/27-20.3. Recall, the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accepts for first reading the 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

Brian
Approved
5-16-24

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 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*. ISBE adopted 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.

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. 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 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. 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 26, below.

¹¹ 105 ILCS 5/2-3.156. See f/n 2.

105 ILCS 5/27-22(e)(3) 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. 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.

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; 23 Ill.Admin.Code §252.20(c)(2).

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 lessening tensions in schools; these prevention methods are most effective when they are

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¹⁵ 105 ILCS 5/27-24.1, amended by P.A. 102-455, and 5/27-24.2; 23 Ill.Admin.Code §252.250(e)(2).

¹⁶ 105 ILCS 5/27-24.1, amended by P.A. 102-455, and 5/27-24.2~~id.~~

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

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

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 appropriate Intermediate Service Center Executive Director); 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.

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

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²⁴ Optional. 105 ILCS 5/27-23.6, amended by P.A. 103-542, eff. 7-1-24 (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 f/n 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, 5/10-20.74, and 5/27-22(e)(3.5), 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 requires that districts submit an annual report to ISBE regarding educational technology capacities and policies. See the subhead **Educational Technology Committee** and f/n 20 in sample administrative procedure 2:150-AP, *Superintendent Committees*.

²⁷ 105 ILCS 5/27-12.

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*.

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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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 fn 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.

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.

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.

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, (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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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 102-464, and 102-1034, 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 102-464, 102-1034, 103-212, ~~eff. 1-1-24~~, 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 102-464, 102-1034, 103-212, ~~eff. 1-1-24~~, 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. 102-412 and repealed by P.A. 102-522.

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 102-464, and 102-1034). 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))*).

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

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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-API, *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-API, *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.

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.

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 532 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.

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. 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. 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 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. 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

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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). 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.

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.

⁴¹ 105 ILCS 5/27-23.15(b). 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.

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, 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, (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 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

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

⁴³ 105 ILCS 5/27-21, amended by P.A.s 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.s 103-422 and 103-564, does not specify a delayed implementation date is not required until instructional materials are made available on ISBE's website, which ISBE is required to post by 7-1-24. 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 may be required to make instructional materials and professional development opportunities available related to support instruction on Native Americans under 105 ILCS 5/27-20.05, added by P.A. 103-422 available on its website, but not until 1-1-25. For additional resources, see <https://americanindian.si.edu/nk360> and www.iste.org/explore/classroom/15-resources-teaching-native-american-history-and-culture. 105 ILCS 5/27-21 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.phime.org/wp-content/uploads/2020/05/Inclusive-Curriculum-FAQs.pdf:

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
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

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

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 I of Public Act 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.

⁴⁶ 105 ILCS 5/27-20.3, amended by P.A.s 103-422 and 103-564. 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 fn 43, above. Note that instruction on Native American genocide under 105 ILCS 5/27-20.3, amended by P.A.s 103-422 and 103-564, is not required until instructional materials are made available on ISBE’s website, which ISBE is required to post by 7-1-24. ~~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. 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.*

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. 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 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}

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

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.

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-AP1, 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. 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.

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)


DRAFT

12. Approval of Updated Board Policy 6:185 - Remote Educational Program

83

Recommended Motion: that the Board of Education accepts for first reading the revised Board of Education Policy 6:185 - Remote Education Program, as presented. **See Attachment No. 15.**

TO: Members of the Board of Education

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

DATE: May 23, 2024

SUBJECT: Approve Updated Board Policy 6:185 - Remote Educational Program

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


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

Facts: In the continuing quest to update the District's Board Policies, attached is Board Policy 6:185, Remote Education Program. The policy and footnotes are updated in response to a five-year review and also align the policy and practice in regards to the district remote education. Recall, that the underlined text represents suggested new additions; whereas, the ~~strikethrough~~ text represents suggested deletions.

Cost: None.

Recommended Action: That the Board of Education accepts for first reading the revised Board of Education Policy 6:185 - Remote Education Program, as presented.

Approved for Submission to the Board of Education



Dr. Rachel Savage
Superintendent of Schools

DRAFT 6:185 Remote Educational Program¹

The Superintendent shall develop, maintain, and supervise a remote educational program consistent with [105 ILCS 5/10-29](#). The remote educational program shall provide an opportunity for qualifying students to participate in an educational program delivered by the District in a location outside of a school.

The remote educational program shall: ²

1. Align its curriculum with the Ill. Learning Standards and Board policies [6:10](#), *Educational Philosophy and Objectives* and [6:15](#), *School Accountability*.
2. Offer instruction and educational experiences consistent with those given to students at the same grade level in the District through compliance with Board policies [6:30](#), *Organization of Instruction* and [6:300](#), *Graduation Requirements*.
3. Provide instructors that meet the teacher qualifications in Board policy [5:190](#), *Teacher Qualifications*. Instructors are responsible for the following elements of the program: ³
 - a. Planning instruction,
 - b. Diagnosing learning needs,
 - c. Prescribing content delivery through class activities,
 - d. Assessing learning,
 - e. Reporting outcomes to administrators and parents/guardians, and
 - f. Evaluating the effects of instruction.
4. Provide a remote educational program anytime during the period of time from and including the opening date to the closing date of the District's regular school term. It may operate on any calendar day, notwithstanding whether it is a student attendance day or institute day on the District's calendar or any other provision of law restricting instruction on that day. The District's regular school term is established by Board policies [2:20](#), *Powers and Duties of the School Board; Indemnification*, and [6:20](#), *School Year Calendar and Day*. The remote educational program may be offered outside of the regular school term as part of any authorized summer school program. ⁴
5. Establish a system to determine student participation in instruction in alignment with Board policy [6:20](#), *School Year Calendar and Day*. ⁵
6. Limit participation to students who are juniors or seniors or *other secondary students who demonstrate individual educational need(s)*. Approval of students in the program will be on a space-available basis. ⁶
7. Authorize the Superintendent or designee to approve students for participation in the program when the student shows evidence of: ⁷

- a. Enrollment in the District pursuant to Board policies [7:60](#), *Residence* and [7:30](#), *Student Assignment and Intra-District Transfer*.
 - b. Prior approval from their individualized educational program (IEP) team, if applicable.
 - c. How the remote educational program best serves the student's individual learning needs.
 - d. **Prior in-person attendance, no disciplinary record or a documented disciplinary record with appropriate guardian notification, and history of at least average credit acquisition or grades, or in cases of failing grades and delayed credit acquisition, academic interventions have been offered.**
8. Include a process for developing and approving a written remote educational plan (**AEP Remote Plan**) for each student participating in the program. [8](#)
 9. Require students to complete their participation in the program within 12 months, unless the student's participation is extended by the District. [9](#)
 10. Require students to participate in all assessments administered by the District pursuant to State and federal law and Board policy [6:340](#), *Student Testing and Assessment Program*. [10](#)
 11. Align with the requirements of Board policy [7:340](#), *Student Records*. [11](#)
 12. Comply with other State and federal laws and align with all applicable Board policies. This includes the Superintendent submitting a copy of this policy to the Ill. State Board of Education along with any amendments to it and any data on student participation. [12](#)
 13. Be monitored by the Board pursuant to Board policy [2:240](#), *Board Policy Development*, and included as a topic for discussion in the annual report required by Board policy [6:10](#), *Educational Philosophy and Objectives*. It shall include a discussion of the process for renewal of the program when applicable. [13](#)

LEGAL REF.:

[105 ILCS 5/10-29](#).

[23 Ill.Admin.Code §226.360](#).

CROSS REF.: [2:20](#) (Powers and Duties of the School Board; Indemnification), [2:240](#) (Board Policy Development), [5:190](#) (Teacher Qualifications), [6:10](#) (Educational Philosophy and Objectives), [6:15](#) (School Accountability), [6:20](#) (School Year Calendar and Day), [6:30](#) (Organization of Instruction), [6:300](#) (Graduation Requirements), [6:340](#)

(Student Testing and Assessment Program), 7:30 (Student Assignment and Intra-District Transfer), 7:60 (Residence), 7:340 (Student Records)

Policy last updated - ~~March 2024~~ May 2024

13. Approval of Addendum to Employment Contract - Dean of Students

Recommended Motion: that the Board of Education approve an addendum to the employment contract for the incoming Dean of Students at John Deere Middle School, Nicole Whitehair, to include the attendance and all costs associated with three days of Courageous Principals training from June 7, 2024 to June 9, 2024.

14. Approval of Addendum to Employment Contract - Assistant Superintendent for Student Services and Special Education

Recommended Motion: that the Board of Education approve an addendum to the employment contract for the incoming Assistant Superintendent for Student Services and Special Education, Erin Terstriep, to include the attendance and all costs associated with three days of Courageous Principals training from June 7, 2024 to June 9, 2024.

15. Reports, Requests and Open Discussion

A. Superintendent's Report

- 1) Special Board Recognition

B. Financial Report - April 2024

C. Student BOE member Report

16. 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.