

Document Status: Draft Update

GOVERNING BOARD

2:20 Powers and Duties of the Governing Board

The powers and duties of the Governing Board generally include:

1. The Governing Board establishes, at its sole discretion, the policies of the BHASED to ensure compliance with applicable state and federal laws, consistent with the Articles of Joint Agreement, after reviewing the recommendations of the Superintendents' Advisory Committee.
2. The Governing Board approves the annual program plan and the annual budget.
3. The Governing Board annually establishes a calendar for the District upon recommendations of the Director and the Superintendents' Advisory Committee.
4. The Governing Board approves all expenditures.
5. The Governing Board assesses each member district of the BHASED for their proportionate share of the costs of administration, programs and/or services in accordance with procedures established by the Governing Board.
6. The Governing Board establishes inter-district programs upon the recommendation of the Director and Superintendents' Advisory Committee and make appointments of operating districts. No district shall be appointed as an operating district without said district's approval.
7. The Governing Board employs the Director, coordinators, consultants, teachers and any other employees and professional consultants needed by the BHASED, upon the recommendation of the Superintendents' Advisory Committee, making employment decisions, dismissing personnel, including determining whether an employee has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by 325 ILCS 5/[PRESSPlus1](#) and establishing an equal employment opportunity policy that prohibits unlawful discrimination.
8. The Governing Board delegates to the Director the day-to-day operational duties of the BHASED, directing, through policy, the Director, in his or her charge of the District's administration.
9. The Governing Board delegates to the Director and Treasurer the authority for all expenditures with the provision that any such expenditures not exceed the amounts approved in the annual budget.
10. The Governing Board ratifies the actions of the Director and Treasurer taken under the delegated authority of the Board.
11. The Governing Board reviews recommendations made to it by the Superintendents' Advisory Committee.
12. The Governing Board complies with requirements in the Abused and Neglected Child Reporting Act ([ANCRA](#)). Specifically, each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in [ANCRA the Act](#), direct or cause the Board to direct the Director or other equivalent school administrator to comply with ~~the Act~~ [ANCRA](#)'s requirements concerning the reporting of child abuse.
13. The Governing Board, in its discretion, shall establish Citizens' Advisory committees when there is a definite function to be performed. All appointments of citizens to advisory committees shall be approved by the Board. All appointments of staff members to citizens' advisory committees shall be made by the Board on the recommendation of the Superintendent's Advisory Committee and Director.

LEGAL REF.:

105 ILCS 5/10, 5/17-1, and 5/27-1.

115 ILCS 5/, III. Educational Labor Relations Act.

325 ILCS 5/, Abused and Neglected Child Reporting Act.

CROSS REF.: 1:10 (Special Education District Legal Status), 2:10 (Special Education District Governance), 2:80 (Board Member Oath and Conduct), 2:240 (Board Policy Development), 5:90 (Abused and Neglected Child Reporting)

PRESSPlus Comments

PRESSPlus 1. Updated in response to 105 ILCS 5/10-23.12(c), added by P.A. 101-531 and 105 ILCS 5/21B-75(b), amended by P.A. 101-531. **Note:** While 105 ILCS 5/10-23.12(c) permits boards to *immediately* dismiss certain employees upon the determination that he or she has willfully or negligently failed to report, this does not negate a board's responsibility to provide employees with due process required by the law and district policies and procedures. Consult the board attorney for further

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GOVERNING BOARD

2:100 Board Member Conflict of Interest

No Governing Board member shall: (1) have a beneficial interest directly or indirectly in any contract, work, or business of the District unless permitted by State or federal law; or (2) solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts with the District. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Governing Board members must annually file a *Statement of Economic Interests* as required by the Illinois Governmental Ethics Act. Each Governing Board member is responsible for filing the statement with the Rock Island County Clerk by May 1.

Federal and State Grant Awards [PRESSPlus1](#)

No Board member shall participate in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) if he or she has a real or apparent conflict of interest. A conflict of interest arises when a Board member or any of the following individuals has a financial or other interest in the entity selected for the contract:

1. Any person that has a close personal relationship with a Board member that may compromise or impair the Board member's fairness and impartiality, including a member of the Board member's immediate family or household;
2. The Board member's business partner; or
3. An entity that employs or is about to employ the Board member or one of the individuals listed in one or two above.

LEGAL REF.:

5 ILCS 420/4A-101.5, 420/4A-105, 420/4A-106.5, and 420/4A-107.

30 ILCS 708/, Grant Accountability and Transparency Act.

50 ILCS 105/3.

105 ILCS 5/10-9.

2 C.F.R. §200.318(c)(1).

CROSS REF.: 2:105 (Ethics and Gift Ban), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; Conduct; and Conflict of Interest)

ADOPTED: January 16, 2018

PRESSPlus Comments

PRESSPlus 1. Updated in response to the Ill. State of Education's *Procurement and Purchasing Checklist* and the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/). See the PRESS Issue 102 Update Memo for more information.

The term *participate* is not specifically defined in the federal regulation; consult the board attorney regarding other actions the board can take to limit the influence of a conflicted board member, beyond abstention from the board's evaluation and vote on a contract. 2 C.F.R. §200.318(c)(1) prohibits employees, officers, or agents of a school district from participating in the selection, award, or administration of a contract supported by a federal award or eligible State grants through GATA if they have a *real or apparent conflict of interest*. Authoritative sources and guidance regarding conflict of interest and financial disclosure are provided through the GATA Resource Library at www.grants.illinois.gov. See also the Ill. State Board of Education's *Procurement and Purchasing Checklist* at: www.isbe.net/Pages/Audit-and-Monitoring-Review-Requirements-and-Tools.aspx.

The law does not specifically define an *apparent conflict of interest*. For a discussion of what an *apparent conflict of interest* may mean, see the discussion about avoiding the *appearance of impropriety* in the Ill. Council of School Attorneys' publication, **Answers to FAQs, Conflict of Interest and Incompatible Offices**, https://www.iasb.com/IASB/media/Documents/COI_FAQ.pdf.

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GOVERNING BOARD

2:105 Ethics and Gift Ban

Prohibited Political Activity

The following precepts govern political activities being conducted by District employees and Board members:

1. No employee shall intentionally perform any "political activity" during any "compensated time," as those terms are defined herein.
2. No Board member or employee shall intentionally use any District property or resources in connection with any political activity.
3. At no time shall any Board member or employee intentionally require any other Board member or employee to perform any political activity: (a) as part of that Board member's or employee's duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No Board member or employee shall be required at any time to participate in any political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

A Board member or employee may engage in any activity that: (1) is otherwise appropriate as part of his or her official duties, or (2) is undertaken by the individual on a voluntary basis that is not prohibited by this policy.

Limitations on Receiving Gifts

Except as permitted by this policy, no Board member or employee, and no spouse of or immediate family member living with a Board member or employee shall intentionally solicit or accept any "gift" from any "prohibited source," as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Board member or employee), if the benefits have not

been offered or enhanced because of the official position or employment of the Board member or employee, and are customarily provided to others in similar circumstances.

10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a Board member or employee from another Board member or employee, and "inter-governmental gift" means any gift given to a Board member or employee from an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Board member or employee, his or her spouse or an immediate family member living with the Board member or employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under [Section 26 U.S.C. §501\(c\)\(3\)](#) of the Internal Revenue Code.

Enforcement

The Board President and Director shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws. The Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Director or Board President. If attempts to correct any misunderstanding or problem do not resolve the matter, the Director or Board President shall, after consulting with the Board attorney, either place the alleged violation on a Board meeting agenda for the Board's disposition or refer the complainant to Board policy 2:260, *Uniform Grievance Procedure*. A Board member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall not participate in any decision-making capacity for the Board. If the Board finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or consider disciplinary action for the employee.

Definitions

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

"Political activity" means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

With respect to an employee whose hours are not fixed, "compensated time" includes any period of time when the employee is on premises under the control of the District and any other time when the employee is executing his or her official duties, regardless of location.

"Prohibited source" means any person or entity who:

1. Is seeking official action by: (a) a Board member, or (b) an employee, or by the Board member or another employee directing that employee;
2. Does business or seeks to do business with: (a) a Board member, or (b) an employee, or with the Board member or another employee directing that employee;
3. Conducts activities regulated by: (a) a Board member, or (b) an employee or by the Board member or another employee directing that employee;
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board member or employee;
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
6. Is an agent of, a spouse of, or an immediate family member living with a prohibited source.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of a Board member or employee.

Complaints of Sexual Harassment Made Against Board Members by Elected Officials [PRESSPlus1](#)

Pursuant to the State Officials and Employees Ethics Act (5 ILCS 430/70-5), members of the Board and other elected officials are encouraged to promptly report claims of sexual harassment by a Board member. Every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available. If the official feels comfortable doing so, he or she should directly inform the individual that the individual's conduct or communication is offensive and must stop.

Board members and elected officials should report claims of sexual harassment against a member of the Board to the Board President or Director. If the report is made to the Director, the Director shall promptly notify the President, or if the President is the subject of the complaint, the Vice President. Reports of sexual harassment will be confidential to the greatest extent practicable.

When a complaint of sexual harassment is made against a member of the Board by another Board member or other elected official, the Board President shall appoint a qualified outside investigator who is not a District employee or Board member to conduct an independent review of the allegations. If the allegations concern the President, or the President is a witness or otherwise conflicted, the Vice President shall make the appointment. If the allegations concern both the President and Vice President, and/or they are witnesses or otherwise conflicted, the Board Secretary shall make the appointment. The investigator shall prepare a written report and submit it to the Board. [Q1 PRESSPlus2](#)

If a Board member has engaged in sexual harassment, the matter will be addressed in accordance with the authority of the Board. [PRESSPlus3](#)

The Director will post this policy on the District website and/or make this policy available in the District's administrative office. [PRESSPlus4](#)

LEGAL REF.:

5 ILCS 430/, State Officials and Employees Ethics Act.

10 ILCS 5/9-25.1, Election Interference Prohibition Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:110 (Qualifications, Term, and Duties of Board Officers), 2:260 (Uniform Grievance Procedure), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; Conduct; and Conflict of Interest)

Adopted: November 20, 2018

Questions and Answers:

***Required Question 1. Would the Board like to authorize the Board President or the superintendent to appoint the outside

investigator when a complaint of sexual harassment is made against a member of the Board by another Board member or elected official?

- The Board President (default)
 - The Superintendent (this will also affect policy 2:110 - be sure the same answer is entered for both policies.)
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PRESSPlus Comments

PRESSPlus 1. Updated in response to the State Officials and Employees Ethics Act (SOEEA), 5 ILCS 430/70-5, amended by P.A. 101-221, requiring boards to amend their sexual harassment policies by resolution to include a mechanism for reporting and independent review of sexual harassment allegations made against board members by elected officials. The resolution must be adopted by February 9, 2020; see 5:20-E, *Resolution to Prohibit Sexual Harassment*, for more information.

This policy includes both elected and appointed board members to effectuate the intent of the law, to comprehensively address sexual harassment in the workplace, and for consistent treatment. The statute does not address whether the *independent review* must or may be limited to a board member's conduct in his or her official capacity, or if it can extend to a board member's behavior in his or her individual capacity. Consult the board attorney for advice.

This policy only addresses the requirements of the SOEEA; it does not address harassment complaints made by employees or other non-elected individuals against board members. Such complaints may be processed under policy 2:260, *Uniform Grievance Procedure*. See policy 5:20, *Workplace Harassment Prohibited* for information about what types of conduct may rise to the level of unlawful sexual harassment under federal and State laws.

Issue 102, October 2019

PRESSPlus 2. 5 ILCS 430/70-5(a), amended by P.A. 101-221, eff. 1-1-20. The law requires governmental units, including school districts, to conduct an *independent review* of allegations of sexual harassment made against an elected official by another elected official; however, that term is not defined. Consult the board attorney about how to investigate such complaints. **Issue 102, October 2019**

PRESSPlus 3. A board's ability to address the harassing behavior of a board member is relatively limited because it does not have the legal authority to remove one of its members. See policy 2:60, *Board Member Removal from Office*, for more information about board member removal. Consult the board attorney when dealing with a claim of sexual harassment by a board member to discuss enforcement options, as well as the accused board member's participation in any decisions regarding the complaint. **Issue 102, October 2019**

PRESSPlus 4. This paragraph is optional, but it aligns with the intent of P.A. 101-221. **Issue 102, October 2019**

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GOVERNING BOARD

2:110 Qualifications, Term, and Duties of Board Officers

The Governing Board officers are: President, Vice President, and Secretary. The President and Vice President are elected at the Board organizational meeting. The Board Secretary is appointed by the Board.

President

The Governing Board elects a President from its members for a one-year term. The President may succeed him/herself for one additional term, but may not serve more than two consecutive years. The duties of the President are:

1. ~~Focus the Board meeting agendas on appropriate content and p~~Preside at all meetings; [PRESSPlus1](#)
2. Focus the Board meeting agendas on appropriate content;
3. Make all Board committee appointments;
4. Be a non-voting ex-officio member of all Board committees;
5. Sign official District documents requiring the President's signature, including Board minutes;
6. Call special meetings of the Board;
7. Serve as the head of the public body for purposes of the Open Meetings Act and Freedom of Information Act;
8. Ensure that a quorum of the Board is physically present at all Board meetings; ~~and;~~
9. Serve as or appoint the Board's official spokesperson to the media; and
10. Except when the Board President is the subject of a complaint of sexual harassment, a witness, or otherwise conflicted, appoint a qualified outside investigator to conduct an independent review of allegations of sexual harassment made against a Board member by another Board member or elected official. [Q1 PRESSPlus2](#)

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

The Vice President fills a vacancy in the Presidency.

Vice President

The Governing Board elects a Vice President from its members for a one-year term. The Vice President may succeed him/herself for one additional term, but may not serve more than two consecutive years. The Vice President performs the duties of the President if:

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

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

Secretary

The Secretary to the Director shall serve as Board Secretary. The Secretary shall perform or delegate the following duties:

1. Keep meeting minutes for all Board meetings and keep the verbatim record for all closed Board meetings;
2. Mail meeting notification and agenda to news media who have officially requested copies;
3. Keep records of the Board's official acts, and sign them, along with the President.
4. Arrange public inspection of the budget before adoption;
5. Publish required notices;
6. Sign official District documents requiring the Secretary's signature; and
7. Maintain Board policy and such other official documents as directed by the Board.

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

Treasurer

The Treasurer of the Board shall be an appointed non-Board member who serves at the Board's pleasure. The Treasurer must:

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

The Treasurer shall:

1. Furnish a bond, which shall be approved by a majority of the full Board;
2. Maintain custody of District funds;
3. Maintain records of District funds and balances;
4. Prepare a monthly reconciliation report for the Director and Board; and
5. Receive, hold, and expend District funds only upon the order of the Board.

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

LEGAL REF.:

5 ILCS 120/7 and 420/4A-106.

105 ILCS 5/8-1, 5/8-2, 5/8-3, 5/8-6, 5/8-16, 5/8-17, 5/10-1, 5/10-5, 5/10-7, 5/10-8, 5/10-13, 5/10-13.1, 5/10-14, 5/10-16.5, and 5/17-1.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:105 (Ethics and Gift Ban), 2:150 (Committees), 2:220 (Governing Board Meeting Procedure)

ADOPTED: August 20, 2013

Questions and Answers:

***Required Question 1. Would the Board like to authorize the Board President or the superintendent to appoint the outside investigator when a complaint of sexual harassment is made against a member of the Board by another Board member or elected official?

- The Board President (default)
- The Superintendent (this will also affect policy 2:105 - be sure the same answer is entered for both policies.)

PRESSPlus Comments

PRESSPlus 1. The duties in #s 1 and 2 are separated into two items to distinguish between them. Of the listed duties, only the following are imposed by law: #1, preside at meetings; #6, sign minutes and sign certificate of tax levy; #7, call special meetings; and #8, serve as *head of the public body* for OMA and FOIA purposes. **Issue 101, June 2019**

PRESSPlus 2. Updated in response to the State Officials and Employees Ethics Act (SOEEA), 5 ILCS 430/70-5, amended by P.A. 101-221. **Issue 102, October 2019**

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GOVERNING BOARD

2:200 Types of Governing Board Meetings

General

For all meetings of the Governing Board and its committees, the Director or designee shall satisfy all notice and posting requirements contained herein, as well as the Open Meetings Act. This shall include mailing meeting notifications to news media that have officially requested them, to the Regional Offices of Education serving member districts, and to others as approved by the Governing Board.

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

Regular Meetings

The Governing Board approves the time and place for its regular meetings prior to each fiscal year. The Director shall prepare and make available the calendar of regular Governing Board meetings in accordance with the School Code. The regular meeting calendar may be changed with 10 days' notice in accordance with State law.

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

Closed Meetings

The Governing Board, Superintendents' Advisory Committee and other Governing Board committees may meet in a closed meeting to consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with [the Open Meetings Act]. 5 ILCS 120/2(c)(1), amended by P.A. 99-646 101-459. [PRESSPlus1](#)
2. If applicable, collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
3. The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
4. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4).
5. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
6. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).
7. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
8. Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8), amended by P.A. 99-235, eff. 1-1-16.
9. Student disciplinary cases. 5 ILCS 120/2(c)(9).
10. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
11. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the

basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11).

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

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

A single motion calling for a series of closed meetings may be adopted by a Governing Board quorum when such meetings will involve the same particular matters and are scheduled to be held within 3 months of the vote.

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

Reconvened or Rescheduled Meetings

A meeting may be rescheduled or reconvened. Public notice of a rescheduled or reconvened meeting shall be given in the same manner as that for a special meeting, except that no public notice is required when the original meeting is open to the public and: (1) is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

Special Meetings

Special meetings may be called by the President or by any 3 members of the Governing Board by giving notice thereof, in writing, stating the time, place, and purpose of the meeting to remaining Board members by mail at least 48 hours before the meeting, or by personal service at least 24 hours before the meeting.

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

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

Emergency Meetings

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

Posting on the District's Website

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

LEGAL REF.:

5 ILCS 120/, Open Meetings Act.

5 ILCS 140/, Freedom of Information Act.

105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:110 (Qualifications Term, and Duties of Board Officers), 2:120 (Board Member Development), 2:220 (Governing Board Meeting Procedure), 2:230 (Public Participation at Governing Board Meetings and Petitions to the Board), 6:235 (Access to Electronic Networks)

PRESSPlus Comments

PRESSPlus 1. The policy is updated in response to 5 ILCS 120/2(c)(1), amended by P.A. 101-459, expanding this exception. A disclosable payment also includes payment for accumulated sick leave. **Issue 102, October 2019**

Document Status: Draft Update

GOVERNING BOARD

2:220 Governing Board Meeting Procedure

Agenda

The Board President is responsible for focusing the Board meetings' agendas on appropriate content. The Director shall prepare agendas in consultation with the Board President. The President shall designate a portion of the agenda as a consent agenda for those items that usually do not require **extensive** discussion or explanation **PRESSPlus1** before Governing Board action. Upon the request of any Board member, an item will be withdrawn from the consent agenda and placed on the regular agenda for independent consideration.

Each Board meeting agenda shall contain the general subject matter of any item that will be the subject of final action at the meeting. Items submitted by Governing Board members to the Director or the President shall be placed on the agenda for an upcoming meeting. Persons wishing to propose items for consideration on the agenda of either the Directors' Advisory Committee or Governing Board must submit their request in writing, together with a written summary of the proposal, at least eight (8) days in advance of the meetings. All items proposed for inclusion on the agenda by the public must first be discussed/considered at a meeting of the BHASED Directors' Advisory Committee prior to presentation to the Governing Board. The Board will take final action only on items contained in the posted agenda; items not on the agenda may still be discussed.

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

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

Voting Method

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

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

Minutes

The Board Secretary shall keep written minutes of all Governing Board meetings (whether open or closed), which shall be signed by the President and the Secretary. The minutes include:

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

The minutes shall be submitted to the Governing Board for approval or modification at its next regularly scheduled open meeting.

Minutes for open meetings must be approved within 30 days after the meeting or at the second subsequent regular meeting, whichever is later.

At least semi-annually in an open meeting, the Board: (1) reviews minutes from closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require confidential treatment and are available for public inspection. The Governing Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release.

The official minutes are in the custody of the Board Secretary. Open meetings minutes are available for inspection during regular office hours within 10 days after the Board's approval, in the office of the Director or designee, in the presence of the Secretary, the Director or designee, or any Governing Board member.

Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection, except that Board members may access closed session minutes not yet released for public inspection (1) in the District's administrative offices or their official storage location, and (2) in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. The minutes, whether reviewed by members of the public or the Board, shall not be removed from the District's administrative offices or their official storage location except by vote of the Board or by court order.

The Board's open meeting minutes shall be posted on the District website within 10 days after the Board approves them; the minutes will remain posted for at least 60 days.

Verbatim Record of Closed Meetings

The Director or designee when the Director is absent, shall audio record all closed meetings. If neither is present, the Board President or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location. The Director shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board's regular meeting location.

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

Individual Board members may access verbatim recordings in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. Access to the verbatim recordings is available at the District's administrative offices or the verbatim recording's official storage location. Requests shall be made to the Director or Board President. While a Board member is listening to a verbatim recording, it shall not be re-recorded or removed from the District's main office or official storage location, except by vote of the Board or by court order.

Before making such requests, Board members should consider whether such requests are germane to their responsibilities, and/or service to the District. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

Quorum and Participation by Audio or Video Means

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

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

Rules of Order

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use Robert's Rules of Order, Newly Revised (14th Edition), as a guide when a question arises concerning procedure.

Broadcasting and Recording Board Meetings

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

Recording meetings shall not distract or disturb Board members, other meeting participants, or members of the public. The

Board President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

LEGAL REF.:

5 ILCS 120/2a, 120/2.02, 120/2.05, and 120/2.06.

105 ILCS 5/10-6, 5/10-7, 5/10-12, and 5/10-16.

CROSS REF.:2:150 (Committees), 2:200 (Types of Governing Board Meetings), 2:230 (Public Participation at Governing Board Meetings and Petitions to the Board)

ADOPTED: February 21, 2017

PRESSPlus Comments

PRESSPlus 1. Updated in response to **PRESS** Advisory Board member feedback to delete ~~or explanation~~ from the text so that the policy text reflects the court's decision in *Bd. of Ed. v. Springfield Sch. Dist. No. 186 v. Atty. Gen. of Ill.*, 77 N.E. 3d 625 (Ill 2017) (requiring public bodies to provide in a public recital "sufficient detail to identify the particular transaction or issue but [they] need not provide an explanation of its terms or its significance").

Note: PRESS Plus subscribers should periodically review the footnotes to sample policy 2:220, available at PRESS Online by logging in at www.iasb.com, for guidance regarding Ill. Attorney General PAC opinions. **Issue 102, October 2019**

Document Status: Draft Update

GOVERNING BOARD

2:230 Public Participation at Governing Board Meetings and Petitions to the Board

For an overall minimum of 30 minutes ^{Q1 PRESSPlus1} during ~~At~~ each regular and special open meeting, ~~any person~~ ~~members of the public and District employees~~ may comment to or ask questions of the Board (*public participation*), subject to ~~the~~ reasonable constraints established and recorded in this policy's guidelines below. ^{PRESSPlus2} During public participation, there will be a 20-minute ^{Q2 PRESSPlus3} minimum total length of time for any one subject. When public participation takes less time than these minimums, it shall end.

To preserve sufficient time for the Board to conduct its business, ~~any person~~ ~~The individuals~~ appearing before the Board ~~is~~ ~~are~~ expected to follow these guidelines: ^{PRESSPlus4}

1. ~~Notify the Director prior to the beginning of the meeting.~~ ^{PRESSPlus5}
2. Address the Board or Committee only at the appropriate time as indicated on the agenda and when recognized by the President or Chairman.
3. Identify oneself and be brief. Ordinarily, ~~the time for any one person to address the Board during public participation~~ ~~comments~~ shall be limited to ~~five~~ ~~5~~ minutes. In unusual circumstances, and when an individual has made a request ~~in advance~~ to speak for a longer period of time, the ~~person~~ ~~individual~~ may be allowed to speak for more than ~~5~~ ~~five~~ minutes.
4. Observe ~~the Board President's decision, when necessary and appropriate, to the:~~
 - a. ~~Shortening of the time for each person to address the Board during public participation~~ ~~comment~~ to conserve time and give the maximum number of ~~people~~ ~~individuals~~ an opportunity to speak;
 - b. ~~Expansion of the overall minimum of 30 minutes for public participation and/or the 20-minute minimum total length of time for any one subject; and/or~~
 - c. ~~4. Observe the Board President's decision to determine~~ ~~Determination~~ of procedural matters regarding public participation not otherwise covered in Board policy.
5. Conduct oneself with respect and civility toward others and otherwise abide by Board policy; 8:30, *Visitors to and Conduct on School Property*.

Petitions or written correspondence to the Board or Committee shall be presented to the Governing Board at the next regularly scheduled Board meeting. Such written communications shall be sent to the secretary of the respective body at least 48 hours in advance of the scheduled meeting.

LEGAL REF.:

5 ILCS 120/2.06, Open Meetings Act.

105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:220 (Governing Board Meeting Procedure), 8:30 (Visitors to and Conduct on School Property), 8:110 (Public Suggestions and Complaints)

~~ADOPTED: June 29, 2011~~

Questions and Answers:

***Required Question 1. See Comment PRESSPlus 1. What is the length of minimum overall public participation time adopted by the Board?

Response: 15

***Required Question 2. See Comment PRESSPlus 3. What is the minimum total length of time for any one subject that has been adopted by the Board?

PRESSPlus Comments

PRESSPlus 1. The length of the minimum overall public participation time is at the local board's discretion, and it should be customized to ensure it is responsive to the community's public participation needs. See **Questions** to indicate the length of minimum overall public participation time adopted by the Board. **Issue 101, June 2019**

PRESSPlus 2. While some courts have upheld public bodies limiting public comment to certain subjects, such as only subjects on the agenda or only related to the business of the public body, this policy does not provide default text for limiting public comment to certain subjects. This is because 105 ILCS 5/10-16 requires school boards to allow members of the public "to comment to or ask questions of the board." The cases in which courts upheld limiting public comment to certain subjects involved public bodies with no governing statutes that required the public body to allow the public "to comment to or ask questions of the board." **Issue 101, June 2019**

PRESSPlus 3. See 5 ILCS 120/2.06, 105 ILCS 5/10-16, and PAO 19-2. Like the length of time for overall public participation, the minimum total length of time **for any one subject** is also at the local board's discretion. See **Questions** to indicate the minimum total length of time for any one subject that has been adopted by the board. **Issue 101, June 2019**

PRESSPlus 4. OMA does not but PAO 19-2 does provide specific rules. These guidelines may be amended. The guidelines for public comment and the time minimums and limits should be reviewed with the board attorney. In PAO 19-2, the Ill. Public Access Counselor (PAC) ordered a board to refrain from applying unestablished and unrecorded rules to restrict public comment at future meetings stating, "Though a public body has inherent authority to conduct its meetings in an efficient manner and need not allow public comment to continue indefinitely, there was no evidence that capping public comment to 15 minutes was necessary to maintain decorum or that extending the comment period would have unduly interfered with the orderly transaction of public business."

Issue 101, June 2019

PRESSPlus 5. Note: The Public Access Counselor has issued past binding opinions finding that a public body may not require requests for public comment days in advance or that the speaker be a resident. Please consult with the board attorney for further guidance on these guidelines. **Issue 101, June 2019**

Document Status: Draft Update

GOVERNING BOARD

2:260 Uniform Grievance Procedure

Students, parents/guardians, employees, or community members should notify any District Complaint Manager if they believe that the Governing Board, its employees, or its agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment (State Officials and Employee Ethics Act, Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972) PRESSPlus1
7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7
9. The misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, programs
11. Victims' Economic Security and Safety Act, 820 ILCS 18
12. Illinois Equal Pay Act of 2003, 820 ILCS 112
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/
15. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.

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

Right to Pursue Other Remedies Not Impaired

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

Deadlines

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

Filing a Complaint

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

For any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition

to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy 2:260, *Uniform Grievance Procedure*.

Investigation

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

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

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

If a complaint contains allegations involving the Director 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 Director shall mail his or her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

Within 10 school business days after receiving the Director's decision, the Complainant or the accused may appeal the decision to the Governing 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 Governing Board.

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

For complaints containing allegations involving the Director or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, [PRESSPlus2](#) the Board shall mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager.

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

Appointing a Nondiscrimination Coordinator and Complaint Managers

The Director shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

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

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

Nondiscrimination Coordinator:

Christan Schrader

4670-11th St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

Complaint Managers:

Christan Schrader	Dawn Swanson
4670-11 th St., East Moline, IL 61244	4670-11 th St., East Moline, IL 61244
cschrader@bhased.org	dswanson@bhased.org
309-796-2500	309-796-2500

LEGAL REF.:

Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.

Americans With Disabilities Act, 42 U.S.C. §12101 et seq.

Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.

Equal Pay Act, 29 U.S.C. §206(d).

Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.

Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.

McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.

Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.

Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.

Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.

State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a).

105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-20.60, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.

Illinois Genetic Information Privacy Act, 410 ILCS 513/.

Illinois Whistleblower Act, 740 ILCS 174/.

Illinois Human Rights Act, 775 ILCS 5/.

Victims' Economic Security and Safety Act, 820 ILCS 180/, 56 Ill.Admin.Code Part 280.

Equal Pay Act of 2003, 820 ILCS 112/.

Employee Credit Privacy Act, 820 ILCS 70/.

23 Ill.Admin.Code §§1.240 and 200.40.

CROSS REF.: 2:105 (Ethics and Gift Ban), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Sexual Harassment), 5:30 (Hiring Process and Criteria), 6:120 (Education of Children with Disabilities), 6:140 (Education of Homeless Children), 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), 7:310 (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)

Adopted: November 20, 2018

PRESSPlus Comments

PRESSPlus 1. 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-418, eff. 1-1-20, requires school districts to create, maintain, and implement an age-appropriate sexual harassment policy. See policy 7:20, *Harassment of Students Prohibited*, and see its f/n 7 (available at PRESS Online by logging in at www.iasb.com) for further information. **Issue 102, October 2019**

PRESSPlus 2. Updated to align with changes made to policy 2:105, *Ethics and Gift Ban*, in response to the State Officials and 2:260

Employees Ethics Act, 5 ILCS 430/70-5, amended by P.A. 101-221, requiring boards to amend their sexual harassment policies to include a mechanism for reporting and independent review of sexual harassment allegations made against board members by elected officials. **Issue 102, October 2019**

Document Status: Draft Update

OPERATIONAL SERVICES

4:15 Identity Protection

The collection, storage, use, and disclosure of social security numbers by the District shall be consistent with State and federal laws. The goal for managing the District's collection, storage, use, and disclosure of social security numbers is to protect each social security number collected or maintained by the District from unauthorized disclosure.

The Director is responsible for ensuring that the District complies with the Identity Protection Act, 5 ILCS 179/. Compliance measures shall include each of the following:

1. All employees having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. Training should include instructions on the proper handling of information containing social security numbers from the time of collection through the destruction of the information.
2. Only employees who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
3. Social security numbers requested from an individual shall be provided in a manner that makes the social security number easily redacted if the record is required to be released as part of a public records request.
4. When collecting a social security number or upon request by an individual, a statement of the purpose(s) for which the District is collecting and using the social security number shall be provided. The stated reason for collection of the social security number must be relevant to the documented purpose.
5. All employees must be advised of this policy's existence and a copy of the policy must be made available to each employee. The policy must also be made available to any member of the public, upon request.
6. If this policy is amended, employees will be advised of the existence of the amended policy and a copy of the amended policy will be made available to each employee.

No District employee shall collect, store, use, or disclose an individual's social security number unless specifically authorized by the Director. An employee who has substantially breached the confidentiality of social security numbers may be subject to disciplinary action or sanctions up to and including dismissal in accordance with District policy and procedures. This policy shall not be interpreted as a guarantee of the confidentiality of social security numbers and/or other personal information. The District will use best efforts to comply with this policy, but this policy should not be construed to convey any rights to protection of information not otherwise afforded by law.

Treatment of Personally Identifiable Information Under Grant Awards [PRESSPlus1](#)

The Director ensures that the District takes reasonable measures to safeguard: (1) protected personally identifiable information, [PRESSPlus2](#) (2) other information that a federal awarding agency, pass-through agency or State awarding agency designates as sensitive, such as personally identifiable information (PII) [PRESSPlus3](#) and (3) information that the District considers to be sensitive consistent with applicable laws regarding privacy and confidentiality (collectively, sensitive information), when administering federal grant awards and State grant awards governed by the Grant Accountability and Transparency Act (30 ILCS 708/).

The Director shall establish procedures for the identification, handling, storage, access, disposal and overall confidentiality of sensitive information. The Director shall ensure that employees and contractors responsible for the administration of a federal or State award for the District receive regular training in the safeguarding of sensitive information. [PRESSPlus4](#) Employees mishandling sensitive information are subject to discipline, up to and including dismissal.

LEGAL REF.:

2 C.F.R. §200.303(e).

5 ILCS 179/, Identity Protection Act.

30 ILCS 708/, Grant Accountability and Transparency Act

50 ILCS 205/3, Local Records Act.

105 ILCS 10/, Illinois School Student Records Act.

CROSS REF: 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED: February 20, 2018

PRESSPlus Comments

PRESSPlus 1. Added in response to the Ill. State Board of Education's *Checklist for Protection of Personally Identifiable Information Review* (ISBE Checklist) and the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/).

See the ISBE Checklist at www.isbe.net/Pages/Audit-and-Monitoring-Review-Requirements-and-Tools.aspx.

While the federal regulations on procurement standards in 2 C.F.R. Part 200 do not specifically require a written policy on the treatment of *personally identifiable information* (PII) under grant-funded programs, the the ISBE Checklist requires an approved policy or policies related to the identification, handling, storage, access, disposal, and overall protection of PII as evidence of legal compliance with GATA and federal regulations. The ISBE Checklist is specific to PII handled by districts in connection with their administration of grants. The uniform federal rules on procurement standards in 2 C.F.R. Part 200 apply to eligible State grants through GATA. This policy and administrative procedure 4:15-AP2, *Personally Identifiable Information Under Grant Awards*, (available by logging into PRESS Online at iasb.com) are designed to help districts meet the standard set forth in 2 C.F.R. 200.303(e) and the documentation items on the ISBE Checklist.

The Ill. State Board of Education (ISBE) considers the Personal Information Protection Act (PIPA) (815 ILCS 530/, amended by P.A. 101-343, eff. 1-1-20) to apply to the handling of personally identifiable information under grant awards. Consult the board attorney for advice on the broader applicability of PIPA's mandates to your district.

Issue 102, October 2019

PRESSPlus 2. *Protected personally identifiable information* (Protected PII) means an individual's first name or first initial and last name in combination with any one or more types of information, including, but not limited to, social security number, passport number, credit card numbers, clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal records, medical records, financial records, or educational transcripts. 2 C.F.R. §200.82. **Issue 102, October 2019**

PRESSPlus 3. Protected PII is a subset of PII. PII means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books and public websites, and it is considered to be Public PII. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual. 2 C.F.R. §200.79.

In addition to 2 C.F.R. 200.303(e), depending upon the type of record being created or used in connection with a grant-funded program, multiple laws may govern the treatment of *personally identifiable information* (PII) under a grant, including the IPA (5 ILCS 179/), PIPA (815 ILCS 530/), Family Educational Rights and Privacy Act, (20 U.S.C. 1232g), Ill. School Student Records Act (105 ILCS 10/), Student Online Personal Protection Act, (105 ILCS 85/, amended by P.A. 101-516, eff. 7-1-21), Personnel Record Review Act (820 ILCS 40/), and Local Records Act (50 ILCS 205/3).

Issue 102, October 2019

PRESSPlus 4. The ISBE Checklist requires districts to maintain documentation of training of all employees/contractors on the handling of PII, including evidence of the date(s) of the training and attendance/completion of the training. Because many individuals in a district can be involved in day-to-day administration of activities supported by a federal or State grant, best practice is to regularly train all employees on the safeguarding of such sensitive information, e.g., upon hire and then annually or semi-annually. **Issue 102, October 2019**

Document Status: Draft Update

OPERATIONAL SERVICES

4:30 Revenue and Investments

Revenue

The Director or designee is responsible for making all claims for State Aid, special State funds for specific programs, federal funds, and categorical grants.

Investments

The Director shall either appoint a Chief Investment Officer or serve as one. The Chief Investment Officer shall invest money that is not required for current operations, in accordance with this policy and State law.

The Chief Investment Officer and Director shall use the standard of prudence when making investment decisions. They shall use the judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of their capital as well as its probable income.

Investment Objectives

The objectives for the Special Education District's investment activities are:

1. Safety of Principal - Every investment is made with safety as the primary and over-riding concern. Each investment transaction shall ensure that capital loss, whether from credit or market risk, is avoided.
2. Liquidity - The investment portfolio shall provide sufficient liquidity to pay District obligations as they become due. In this regard, the maturity and marketability of investments shall be considered.
3. Rate of Return - The highest return on investments is sought, consistent with the preservation of principal and prudent investment principles.
4. Diversification - The investment portfolio is diversified as to materials and investments, as appropriate to the nature, purpose, and amount of the funds.

Authorized Investments

The Chief Investment Officer may invest District funds in one or more of the following:

1. Bonds, notes, certificates of indebtedness, treasury bills, or other securities now or hereafter issued, that are guaranteed by the full faith and credit of the United States of America as to principal and interest.
2. Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and its instrumentalities.

The term "agencies of the United States of America" includes: (a) the federal land banks, federal intermediate credit banks, banks for cooperative, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 and Acts amendatory thereto, (b) the federal home loan banks and the federal home loan mortgage corporation, and (c) any other agency created by Act of Congress.

3. Interest-bearing savings accounts, interest-bearing certificates of deposit or interest-bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.
4. Obligations of corporations organized in the United States with assets exceeding \$500,000,000 if: (a) such obligations are rated at the time of purchase at one of the three highest classifications established by at least two standard rating services and that mature not later than three years from the date of purchase, (b) such purchases do not exceed 10% of the corporation's outstanding obligations, and (c) no more than one-third of the District's funds may be invested in short term obligations of corporations.
5. Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of any such money market mutual fund is limited to obligations described in paragraph (1) or (2) and to agreements to repurchase such obligations.
6. Interest-bearing bonds of any county, township, city, village, incorporated town, municipal corporation, school district, the State of Illinois, any other state, or any political subdivision or agency of the State of Illinois or any other state, whether the interest earned is taxable or tax-exempt under federal law. The bonds shall be (a) registered in the name of the municipality, county, or other governmental unit, or held under a custodial agreement at a bank, and (b) rated at the time of

purchase within the four highest general classifications established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions.

7. Short term discount obligations of the Federal National Mortgage Association or in shares or other forms of securities legally issuable by savings banks or savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States. Investments may be made only in those savings banks or savings and loan associations, the shares, or investment certificates that are insured by the Federal Deposit Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. All such securities so purchased shall mature or be redeemable on a date or dates prior to the time when, in the judgment of the Chief Investment Officer, the public funds so invested will be required for expenditure by the District or its governing authority.
8. Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principle office of any such credit union must be located within the State of Illinois. Investments may be made only in those credit unions the accounts of which are insured by applicable law.
9. A Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act. The District may also invest any public funds in a fund managed, operated, and administered by a bank, subsidiary of a bank, or subsidiary of a bank holding company or use the services of such an entity to hold and invest or advise regarding the investment of any public funds.
10. The Illinois School District Liquid Asset Fund Plus.
11. Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986, as now or hereafter amended or succeeded, subject to the provisions of said Act and the regulations issued there under. The government securities, unless registered or inscribed in the name of the District, shall be purchased through banks or trust companies authorized to do business in the State of Illinois.

Except for repurchase agreements of government securities that are subject to the Government Securities Act of 1986, as now or hereafter amended or succeeded, the District may not purchase or invest in instruments that constitute repurchase agreements, and no financial institution may enter into such an agreement with or on behalf of the District unless the instrument and the transaction meet all of the following requirements:

- a. The securities, unless registered or inscribed in the name of the District, are purchased through banks or trust companies authorized to do business in the State of Illinois.
 - b. The Chief Investment Officer, after ascertaining which firm will give the most favorable rate of interest, directs the custodial bank to "purchase" specified securities from a designated institution. The "custodial bank" is the bank or trust company, or agency of government, that acts for the District in connection with repurchase agreements involving the investment of funds by the District. The State Treasurer may act as custodial bank for public agencies executing repurchase agreements.
 - c. A custodial bank must be a member bank of the Federal Reserve System or maintain accounts with member banks. All transfers of book-entry securities must be accomplished on a Reserve Bank's computer records through a member bank of the Federal Reserve System. These securities must be credited to the District on the records of the custodial bank and the transaction must be confirmed in writing to the District by the custodial bank.
 - d. Trading partners shall be limited to banks or trust companies authorized to do business in the State of Illinois or to registered primary reporting dealers.
 - e. The security interest must be perfected.
 - f. The District enters into a written master repurchase agreement that outlines the basic responsibilities and liabilities of both buyer and seller.
 - g. Agreements shall be for periods of 330 days or less.
 - h. The Chief Investment Officer informs the custodial bank in writing of the maturity details of the repurchase agreement.
 - i. The custodial bank must take delivery of and maintain the securities in its custody for the account of the District and confirm the transaction in writing to the District. The custodial undertaking shall provide that the custodian takes possession of the securities exclusively for the District; that the securities are free of any claims against the trading partner; and that any claims by the custodian are subordinate to the District's claims to rights to those securities.
 - j. The obligations purchased by the District may only be sold or presented for redemption or payment by the fiscal agent bank or trust company holding the obligations upon the written instruction of the Chief Investment Officer.
 - k. The custodial bank shall be liable to the District for any monetary loss suffered by the District due to the failure of the custodial bank to take and maintain possession of such securities.
12. Any investment as authorized by the Public Funds Investment Act, and Acts amendatory thereto. Paragraph 11 supersedes paragraphs 1-10 and controls in the event of conflict.

Except as provided herein, investments may be made only in banks, savings banks, savings and loan associations, or credit unions that are insured by the Federal Deposit Insurance Corporation or other approved share insurer.

The Chief Investment Officer and Director shall regularly consider material, relevant, and decision-useful sustainability factors in evaluating investment decisions, within the bounds of financial and fiduciary prudence. Such factors include, but are not limited

to: (1) corporate governance and leadership factors, (2) environmental factors, (3) social capital factors, (4) human capital factors, and (5) business model and innovation factors, as provided under the Ill. Sustainable Investing Act, 30 ILCS 238/. [PRESSPlus1](#)

Selection of Depositories, Investment Managers, Dealers, and Brokers

The Chief Investment Officer shall establish a list of authorized depositories, investment managers, dealers and brokers based upon the creditworthiness, reputation, minimum capital requirements, qualifications under State law, as well as a long history of dealing with public fund entities. The Board will review and approve the list at least annually.

In order to be an authorized depository, each institution must submit copies of the last two sworn statements of resources and liabilities or reports of examination, that the institution is required to furnish to the appropriate State or federal agency. Each institution designated as a depository shall, while acting as such depository, furnish the District with a copy of all statements of resources and liabilities or all reports of examination, that it is required to furnish to the appropriate State or federal agency.

The above eligibility requirements of a bank to receive or hold public deposits do not apply to investments in an interest-bearing savings account, interest-bearing certificate of deposit, or interest-bearing time deposit if: (1) the District initiates the investment at or through a bank located in Illinois, and (2) the invested public funds are at all times fully insured by an agency or instrumentality of the federal government.

The District may consider a financial institution's record and current level of financial commitment to its local community when deciding whether to deposit funds in that financial institution. The District may consider factors including:

1. For financial institutions subject to the federal Community Reinvestment Act of 1977, the current and historical ratings that the financial institution has received, to the extent that those ratings are publicly available, under the federal Community Reinvestment Act of 1977;
2. Any changes in ownership, management, policies, or practices of the financial institution that may affect the level of the financial institution's commitment to its community;
3. The financial impact that the withdrawal or denial of District deposits might have on the financial institution;
4. The financial impact to the District as a result of withdrawing public funds or refusing to deposit additional public funds in the financial institution; and
5. Any additional burden on the District's resources that might result from ceasing to maintain deposits of public funds at the financial institution under consideration.

Collateral Requirements

All amounts deposited or invested with financial institutions in excess of any insurance limit shall be collateralized in accordance with the Public Funds Investment Act, 30 ILCS 235/. The Director or designee shall keep the Board informed of collateral agreements.

Safekeeping and Custody Arrangements

The preferred method for safekeeping is to have securities registered in the District's name and held by a third-party custodian. Safekeeping practices should qualify for the Governmental Accounting Standards Board (GASB) Statement No. 3, Deposits with Financial Institutions, Investments (including Repurchase Agreements), and Reverse Repurchase Agreements, Category I, the highest recognized safekeeping procedures.

Controls and Report

The Chief Investment Officer shall establish a system of internal controls and written operational procedures to prevent losses arising from fraud, employee error, misrepresentation by third parties, or imprudent employee action.

The Chief Investment Officer shall provide a quarterly investment report to the Board. The report will: (1) assess whether the investment portfolio is meeting the District's investment objectives, (2) identify each security by class or type, book value, income earned, and market value, (3) identify those institutions providing investment services to the District, and (4) include any other relevant information. The investment portfolio's performance shall be measured by appropriate and creditable industry standards for the investment type.

The Governing Board will determine, after receiving the Director's recommendation, which fund is in most need of interest income and the Director shall execute a transfer. This provision does not apply when the use of interest earned on a particular fund is restricted.

Ethics and Conflicts of Interest

The Governing Board and District officials will avoid any investment transaction or practice that in appearance or fact might impair public confidence. Board members are bound by the Board policy 2:100, *Board Member Conflict of Interest*. No District employee having influence on the District's investment decisions shall:

1. Have any interest, directly or indirectly, in any investments in which the District is authorized to invest,
2. Have any interest, directly or indirectly, in the sellers, sponsors, or managers of those investments, or
3. Receive, in any manner, compensation of any kind from any investments in that the agency is authorized to invest.

LEGAL REF.:

30 ILCS 235/, [Public Funds Investment Act](#).

[30 ILCS 238/](#), [Ill. Sustainable Investing Act](#).

105 ILCS 5/8-7, 5/10-22.44, 5/17-1, and 5/17-11.

CROSS REF.:2:100 (Board Member Conflict of Interest), 4:10 (Fiscal and Business Management), 4:80 (Accounting and Audits)

Adopted: March 19, 2019

PRESSPlus Comments

PRESSPlus 1. Updated in response to the Public Funds Investment Act, 30 ILCS 235/, amended by P.A. 101-473, eff. 1-1-20. See the Ill. Sustainable Investing Act (SIA) (30 ILCS 238/, added by P.A. 101-473, eff. 1-1-20) for examples of these five *sustainability factors*. Under the SIA, school districts, must “prudently integrate sustainability factors into its investment decisions-making, investment analysis, portfolio construction, due diligence, and investment ownership in order to maximize anticipated financial returns, minimize projected risk, and more effectively execute its fiduciary duty.” **Issue 102, October 2019**

Document Status: Draft Update

OPERATIONAL SERVICES

4:60 Purchases and Contracts

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

Standards for Purchasing and Contracting

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

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

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

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

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.
2. Construction, lease, or purchase of school buildings must comply with State law.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21(b-5). The Director or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Director or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget.
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*.
8. Each contractor with the Cooperative is bound by each of the following:
 - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c) to have direct, daily contact at a District school or school-related activity with one or more student(s); (2) prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense; and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her.
 - b. In accordance with 105 ILCS 5/24-5: (1) concerning each new employee of a contractor that provides services to students or in schools who begins providing services in the District after June 16, 2014, [PRESSPlus1](#) provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease if the employee will have direct, daily contact with one or more student(s); and (2) require any new or existing employee who has and will have direct, daily contact with one or more student(s) to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Illinois Department of Public Health rules or order of a local health official.

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

LEGAL REF.:105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-21.9, 5/10-22.34c, 5/19b-1 et seq., and 5/24-5.

820 ILCS 130/.

CROSS REF.:2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:175 (Convicted Child Sex Offender; Screening; Notifications)

ADOPTED:February 21, 2017

PRESSPlus Comments

PRESSPlus 1. Updated in response to 105 ILCS 5/24-5, amended by P.A. 101-81, and to remove the 2014 date. **Issue 102, October 2019**

Document Status: Draft Update

OPERATIONAL SERVICES

4:80 Accounting and Audits

The District's accounting and audit services shall comply with the *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing*, as adopted by the Ill. State Board of Education (ISBE), State and federal laws and regulations, and generally accepted accounting principles. Determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with government accounting standards as directed by the auditor designated by the Board. The Director, in addition to other assigned financial responsibilities, shall report monthly on the District's financial performance, both income and expense, in relation to the financial plan represented in the budget.

Annual Audit

At the close of each fiscal year, the Director shall arrange an audit of the District funds, accounts, statements, and other financial matters. The audit shall be performed by an independent certified public accountant designated by the Board and be conducted in conformance with prescribed standards and legal requirements. A complete and detailed written audit report shall be provided to each Board member and to the Director.

The Director shall annually, on or before October 15, submit an original and one copy of the audit to the Regional Director of Schools.

Annual Financial Report

The Director or designee shall annually prepare and submit the Annual Financial Report on a timely basis using the form adopted by the ISBE. The Director shall review and discuss the Annual Financial Report with the Board before it is submitted.

Inventories

The Director or designee is responsible for establishing and maintaining accurate inventory records. The inventory record of supplies and equipment shall include a description of each item, quantity, location, purchase date, and cost or estimated replacement cost, unless the supplies and equipment are acquired by the District pursuant to a federal or State grant award, in which case the inventory record shall also include the information required by 2 C.F.R. 200.313, if applicable. [PRESSPlus1](#) The Director shall establish procedures for the management of property acquired by the District under grant awards that comply with federal and State law.

Capitalization Threshold [PRESSPlus2](#)

To be considered a capital asset for financial reporting purposes, a capital item must be at or above a capitalization threshold of \$5,000 and have an estimated useful life greater than one year.

Disposition of District Property

The Director or designee shall notify the Board, as necessary, of the following so that the Board may consider its disposition: (1) District personal property (property other than buildings and land) that is no longer needed for school purposes, and (2) school site, building, or other real estate that is unnecessary, unsuitable, or inconvenient. Notwithstanding the above, the Director or designee may unilaterally dispose of personal property of a diminutive value. The Director shall establish procedures for the disposition of property acquired by the District under grant awards that comply with federal and State law.

Taxable Fringe Benefits

The Director or designee shall: (1) require that all use of District property or equipment by employees is for the District's convenience and best interests unless it is a Board-approved fringe benefit, and (2) ensure compliance with the Internal Revenue Service regulations regarding when to report an employee's personal use of District property or equipment as taxable compensation.

Controls for Revolving Funds and Petty Cash

Revolving funds and the petty cash system are established in Board policy 4:50, *Payment Procedures*. The Director shall: (1) designate a custodian for each revolving fund and petty cash fund, (2) obtain a bond for each fund custodian, and (3) maintain the funds in compliance with this policy, State law, and ISBE rules. A check for the petty cash fund may be drawn payable to the

designated petty cash custodian. Each revolving fund shall be maintained in a bank that has been approved by the Board and established in an amount approved by the Superintendent consistent with the annual budget. All expenditures from these bank accounts must be directly related to the purpose for which the account was established and supported with documentation, including signed invoices or receipts. All deposits into these bank accounts must be accompanied with a clear description of their intended purpose. The Director or designee shall include checks written to reimburse revolving funds on the Board's monthly listing of bills indicating the recipient and including an explanation.

Control Requirements for Checks

The Board must approve all bank accounts opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number. Each revolving fund shall be maintained in a bank that has been approved by the Board and established in an amount approved by the Director consistent with the annual budget.

Internal Controls

The Director is primarily responsible for establishing and implementing a system of internal controls for safeguarding the District's financial condition; the Board, however, will oversee these safeguards. The control objectives are to ensure efficient business and financial practices, reliable financial reporting, and compliance with State law and Board policies, and to prevent losses from fraud, waste, and abuse, as well as employee error, misrepresentation by third parties, or other imprudent employee action.

The Director or designee shall annually audit the District's financial and business operations for compliance with established internal controls and provide the results to the Board. The Board may from time-to-time engage a third-party to audit internal controls in addition to the annual audit.

LEGAL REF.:

2 C.F.R. §200 et seq.

30 ILCS 708/, Grant Accountability and Transparency Act, implemented by 44 Ill.Admin.Code 7000 et seq.

105 ILCS 5/2-3.27, 5/2-3.28, 5/3-7, 5/3-15.1, 5/5-22, 5/10-21.4, 5/10-20.19, 5/10-22.8, and 5/17-1 et seq.

23 Ill.Admin.Code Part 100.

CROSS REF.: 4:10 (Fiscal and Business Management), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 4:90 (Activity Funds)

Adopted: November 20, 2018

PRESSPlus Comments

PRESSPlus 1. Updated in response to the Ill. State Board of Education's *Equipment and Inventory Checklist* (ISBE Checklist) and the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/). See www.isbe.net/Pages/Audit-and-Monitoring-Review-Requirements-and-Tools.aspx. The uniform federal rules that govern federal grant awards in 2 C.F.R. Part 200 apply to State grant awards through GATA, unless exempted in whole or in part by the Governor's Office of Management of Budget. See www.isbe.net/gata for further information about the scope of GATA's application to federal awards and State-funded grant programs administered by ISBE. See 4:80-AP3, *Inventory Management for Federal and State Awards* (available at PRESS Online by logging in at iasb.com).

Additional ISBE guidance is available at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf. **Issue 102, October 2019**

PRESSPlus 2. Optional. 23 Ill.Admin.Code §100.60 requires school boards to adopt a capitalization threshold, which can be done through policy. The capitalization threshold is a dollar figure above which the cost of an item will be included on financial statements and depreciated. A minimum threshold of \$5,000 and useful life greater than one year complies with the definition of *equipment* under federal grant rules, but may be adjusted, and/or multiple thresholds can be established, for different categories of capital assets. See Government Accounting Standards Board (GASB) Statement 34 and *Guide to Implementation of GASB Statement 34 on Basic Financial Statements* (p.28), both available at www.gasb.org. There are no specific requirements for such policies; however, district auditors may require or recommend a district have a more comprehensive capitalization policy and/or procedure. Such an accounting policy or procedure should be developed in consultation with the district's accounting professional(s) and tailored to reflect local conditions.

To delete or edit this section, strike text or type the edits and select "Adopted with Additional District Edits" as the Save Status. Edits will be automatically tracked in blue. **Issue 102, October 2019**

Document Status: Draft Update

General Personnel

5:10 Equal Employment Opportunity and Minority Recruitment

The Special Education District shall provide equal employment opportunities to all persons regardless of their race, color, creed, religion, national origin, sex, sexual orientation, age, ancestry, marital status, arrest record, military status, order of protection status, unfavorable military discharge, citizenship status provided the individual is authorized to work in the United States, use of lawful products while not at work, being a victim of domestic violence, ~~or~~ sexual violence, or gender violence, [PRESSPlus1](#) genetic information; physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation; pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; or other legally protected categories. No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act, 410 ILCS 130/.

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

Administrative Implementation

The Director shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Director or a Complaint Manager for the Uniform Grievance Procedure. The Director shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

Nondiscrimination Coordinator:

Christan Schrader

4670-11th St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

Complaint Managers:

Christan Schrader

Dawn Swanson

4670-11th St., East Moline, IL 61244

4670-11th St., East Moline, IL 61244

cschrader@bhased.org

dswanson@bhased.org

309-796-2500

309-796-2500

The Director shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks.

Minority Recruitment

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

LEGAL REF.:

8 U.S.C. §1324a et seq., Immigration Reform and Control Act.
20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972, implemented by 34 C.F.R. Part 106.
29 U.S.C. §206(d), Equal Pay Act.
29 U.S.C. §621 et seq., Age Discrimination in Employment Act.
29 U.S.C. §7091 et seq., Rehabilitation Act of 1973.
38 U.S.C. §4301 et seq., Uniformed Services Employment and Reemployment Rights Act (1994).
42 U.S.C. §1981 et seq., Civil Rights Act of 1991.
42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964, implemented by 29 C.F.R. Part 1601.
42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act of 2008.
42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964.
42 U.S.C. §2000e(k), Pregnancy Discrimination Act.
42 U.S.C. §12111 et seq., Americans with Disabilities Act, Title I.
Ill. Constitution, Art. I, §§17, 18, and 19.
105 ILCS 5/10-20.7, 5/20.7a, 5/21.1, 5/22.4, 5/23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
410 ILCS 130/40, Compassionate Use of Medical Cannabis Pilot Program Act.
410 ILCS 513/25, Genetic Information Privacy Protection Act.
740 ILCS 174/, Ill. Whistleblower Act.
775 ILCS 5/1-103, 5/2-102, 103, and 5/6-101, Ill. Human Rights Act.
775 ILCS 35/5, Religious Freedom Restoration Act.
820 ILCS 55/10, Right to Privacy in the Workplace Act.
820 ILCS 70/, Employee Credit Privacy Act.
820 ILCS 75/, Job Opportunities for Qualified Applicants Act.
820 ILCS 112/, Ill. Equal Pay Act of 2003.
820 ILCS 180/30, Victims' Economic Security and Safety Act.
820 ILCS 260/, Nursing Mothers in the Workplace Act.
CROSS REF.:2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300 (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

Adopted: February 21, 2017

PRESSPlus Comments

PRESSPlus 1. Updated in response to the Victims' Economic and Safety Act, 820 ILCS 180/ (VESSA), amended by P.A. 101-221, eff. 1-1-20, adding *gender violence* to the law's protections. **Issue 102, October 2019**

Document Status: Draft Update

General Personnel

5:20 Workplace Harassment Prohibited

The **School** District expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, sex, sexual orientation, age, citizenship status, disability, pregnancy, marital status, order of protection status, military status, or unfavorable discharge from military service, nor shall they engage in harassment or abusive conduct on the basis of an individual's other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy 7:20, *Harassment of Students Prohibited*. [PRESSPlus1](#)

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

Sexual Harassment Prohibited

The **School** District shall provide a workplace environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. The District provides annual sexual harassment prevention training in accordance with State law. [PRESSPlus2](#)

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes, but is not limited to, verbal, physical, or other conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Complaint

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

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

Whom to Contact with a Report or Complaint

An employee should report claims of harassment, including making a confidential report, to any of the following: his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager. Employees may also report claims using Board policy 2:260, *Uniform Grievance Procedure*. If a claim is reported using Board policy 2:260, then the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy ~~5:20, Workplace Harassment Prohibited~~.

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

Nondiscrimination Coordinator:

Christan Schrader

4670-11th St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

Complaint Managers:

5:20

Christan Schrader
4670-11th St., East Moline, IL 61244
cschrader@bhased.org
309-796-2500

Dawn Swanson
4670-11th St., East Moline, IL 61244
dswanson@bhased.org
309-796-2500

Investigation Process

Supervisors, Building Principals, or administrators who receive a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. A supervisor or administrator who fails to promptly forward a report or complaint may be disciplined, up to and including discharge.

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

Enforcement

A violation of this policy may result in discipline, up to and including discharge. A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, i.e., vendor, parent, invitee, etc. Any employee making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge.

Retaliation Prohibited

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

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

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

Recourse to State and Federal Fair Employment Practice Agencies

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

The Director shall also use reasonable measures to inform staff members, ~~and~~ applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and reprinting including this policy in the appropriate handbooks. [PRESSPlus3](#)

LEGAL REF.:

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq., implemented by 29 C.F.R. §1604.11.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., implemented by 34 C.F.R. Part 106.

State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a).

Ill. Human Rights Act, 775 ILCS 5/2-101(E) and (E-1), 5/2-102(A), (A-10), (D-5), 5/2-102(E-5), 5/2-109, 5/5-102, and 5/5-102.2.

56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.

Burlington Industries v. Ellerth, 524 U.S. 742 (1998).

Crawford v. Metro. Gov't of Nashville & Davidson County, 555 U.S. 271 (2009).

Faragher v. City of Boca Raton, 524 U.S. 775 (1998).

Franklin v. Gwinnett Co. Public Schools, 503 U.S. 60 (1992).

Harris v. Forklift Systems, 510 U.S. 17 (1993).

Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005).

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).

Oncala v. Sundowner Offshore Services, 523 U.S. 75 (1998).

Porter v. Erie Foods International, Inc., 576 F.3d 629 (7th Cir. 2009).

Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n, 233 Ill.2d 125 (Ill. 2009).

Vance v. Ball State University, 133 S. Ct. 2434 (2013).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 7:20 (Harassment of Students Prohibited)

Adopted: November 20, 2018

PRESSPlus Comments

PRESSPlus 1. Updated in response to the Ill. Human Rights Act (IHRA), 775 ILCS 5/, amended by P.A. 101-221, eff. 1-1-20, expanding the definition of unlawful harassment and employer liability for certain categories of employees and nonemployees (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors and consultants).

Working environment is not limited to a physical location to which an employee is assigned. Harassment is unlawful on the basis of the specifically-listed categories in this policy whether that status is *actual* or *perceived*. An employer is liable under the IHRA for harassment by its nonmanagerial and nonsupervisory employees or if it becomes aware of the conduct and fails to take reasonable corrective measures. **Issue 102, October 2019**

PRESSPlus 2. Updated in response to the Ill. Human Rights Act (IHRA), 775 ILCS 5/2-109, added by P.A. 101-221, eff. 1-1-20. Districts may use a free, online model program to be offered by the Ill. Dept. of Human Rights (IDHR), develop their own program, or utilize a combination of the two, as long as it includes the following, at a minimum: (1) an explanation of sexual harassment consistent with the IHRA, (2) examples of conduct that constitutes unlawful harassment, (3) a summary of relevant federal and State law concerning sexual harassment and remedies available to victims of sexual harassment, and (4) a summary of responsibilities of employers in the prevention, investigation, and corrective measures of sexual harassment.

Employers that fail to comply with this training requirement may face financial penalties. Training on other types of workplace harassment is not required by law, however it is best practice. **Issue 102, October 2019**

PRESSPlus 3. Informing nonemployees is not required by law. However, given the potential for employer liability under the IHRA for harassment of nonemployees, best practice is to publicize this policy to those individuals as well. **Issue 102, October 2019**

Document Status: Draft Update

General Personnel

5:30 Hiring Process and Criteria

The Director or designee(s) is responsible for recruiting personnel, in compliance with Governing Board policy, and making hiring recommendations to the Superintendents' Advisory Committee and the Governing Board. Educational support personnel applicants are initially screened by the Director or supervisor. The District shall hire the best qualified personnel consistent with budget and staffing requirements, and shall comply with Governing Board policy on equal employment opportunities and minority recruitment. No individual will be employed who has been convicted of a criminal offense listed in Section 105 ILCS 5/21B-80(c) of the School Code.

All applicants must complete a District application form in order to be considered for employment.

Job Descriptions

The Board maintains the Director's job description and directs, through policy, the Director, in his or her charge of the District's administration.

The Director shall develop and maintain a current, comprehensive job description for each position, however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

Investigations

The Director or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is performed on each applicant as required by State law. When the applicant is a successful director candidate who has been offered employment by the Board, the Board President shall ensure that these checks are completed. The Director or designee, or if the applicant is a successful director candidate, then the Board President shall notify an applicant if the applicant is identified in either database.

The School Code requires the Board President to keep a conviction record confidential and share it only with the Director, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, the Ill. Dept. of State Police and/or Statewide Sex Offender Database. The Board reserves its right to authorize additional background inquiries beyond a fingerprint-based criminal history records check when it deems it appropriate to do so, in accordance with applicable laws.

Each newly hired employee must complete a U.S. Citizenship and Immigration and Naturalization Services Form as required by federal law.

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 105 ILCS 5/21B-80 of the School Code or who falsifies, or omits facts from, his or her employment application or other employment documents. If an indicated finding of abuse or neglect of a child has been issued by the Ill. Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any District employee, then the Board must consider that person's status as a condition of employment. [PRESSPlus1](#)

The Director shall ensure that the District does not engage in any investigation or inquiry prohibited by law, including without limitation, investigation into or inquiry concerning: (1) credit history or report unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; (2) The District does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria. [PRESSPlus2](#) (3) The District does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation. (4) The District does not request or require an applicant to disclose wage or salary history as a condition of employment. (5) The District does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation. [Q1](#) (6) claim(s) made or benefit(s) received under Workers' Compensation Act; and (7) access to an employee's or applicant's personal online account, such as social networking website, including a request for passwords to such accounts.

Physical Examinations

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice

medicine and surgery in any of its branches, a licensed advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination performed no more than 90 days before submitting evidence of it to the District.

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

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

Employment Contracts

Upon initial employment and annually thereafter during continuous employment, each Administrative, Certified, and Licensed employee shall be issued and required to sign a Contract of Employment stating the title of the position for which they are hired, the compensation for the position, the length of time the position will be filled, and the date on which the benefits will begin to accrue.

Upon initial employment and annually thereafter during continuous full time employment, each support employee shall be issued an administrative letter stating the title of the position for which they are hired, the compensation for the position, and the date on which the benefits will begin to accrue.

Multiple year contracts may be issued to Administrative Personnel employed by the District according to conditions established by the Superintendents' Advisory Committee and Governing Board and in accordance with the School Code.

Letters of Intent to employ may be issued by the Director prior to the beginning of the school year but are subject to approval by the Governing Board at its September meeting. If approval is given, a contract will be issued.

If the employment is not approved by the Governing Board the employee shall be notified in writing of the reasons for the disapproval. Compensation earned up to the time of the disapproval shall be afforded the employee.

Certified and licensed employees shall be expected to fulfill all provisions of their contract unless otherwise determined by Superintendents' Advisory Committee and Governing Board action.

LEGAL REF.:

105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-10, 5/21B-80, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-5.

20 ILCS 2630/3.3, Criminal Identification Act.

820 ILCS 55/, Right to Privacy in the Workplace Act.

820 ILCS 70/, Employee Credit Privacy Act.

Americans with Disabilities Act, 42 U.S.C. §12112, and 29 C.F.R. Part 1630.

Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.

Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.

Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1st Dist. 1985), *aff'd in part and remanded* 115 Ill.2d 482(III. 1987).

Kaiser v. Dixon, 127 Ill. App. 3d 251 (2nd Dist. 1984).

Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1st Dist. 1945).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 3:50 (Administrative Personnel Other Than the Director), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Education Support Personnel - Duties and Qualifications)

Questions and Answers:

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

Has the Board adopted the exceptions into this policy, adding to #5 the following: "unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer."?

No. (default)

Yes. The Board has consulted its board attorney and has adopted the exceptions into the policy. Add to #5 the following: "unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer."

PRESSPlus Comments

PRESSPlus 1. Updated to incorporate changes made to 105 ILCS 5/10-21.9(c) and (g), amended by P.A. 101-531. **Issue 102, October 2019**

PRESSPlus 2. Numbers 2-5 are updated to incorporate changes made to the Equal Pay Act of 2003, 820 ILCS 112/10, amended by P.A. 101-177. If an employer violates this subsection, the employee may recover in a civil action any damages incurred, special damages up to \$10,000, injunctive relief, and costs and reasonable attorney's fees. **Issue 102, October 2019**

Document Status: Draft Update

General Personnel

5:50 Drug-and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition

Title has been updated. Original Title: Drug- and Alcohol-Free Workplace; Tobacco Prohibition

All District workplaces are drug- and alcohol-free workplaces.^{PRESSPlus1}

All employees are prohibited from engaging in any of the following activities while on District premises or while performing work or being *on call*^{Q1} for the District:^{PRESSPlus2}

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being *impaired by or* under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectable, regardless of when and/or where the use occurred.
3. *Distribution, consumption, possession, or use, or being impaired by or under the influence of medical cannabis; being present on District premises or while performing work for the District when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to Ashley's Law, 105 ILCS 5/22-33.*^{PRESSPlus3} The District considers employees impaired by or under the influence of cannabis when there is a good faith belief that an employee manifests the specific articulable symptoms^{PRESSPlus4} listed in the Cannabis Regulation and Tax Act (CRTA).^{PRESSPlus5}

For purposes of this policy a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

For purposes of this policy, District premises^{PRESSPlus6} means workplace as defined in the CRTA in addition to District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. *School grounds* means the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. "Vehicles used for school purposes" means school buses or other school vehicles.

As a condition of employment, each employee shall:

1. Abide by the terms of the Board policy respecting a drug-and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than *five*⁵ calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired.

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,

- b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. The penalties that the District may impose upon employees for violations of this policy.
6. Remind employees that policy 6:60, Curriculum Content, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence. [PRESSPlus7](#)

E-Cigarette, Tobacco, and Cannabis Prohibition

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of e-cigarettes, [PRESSPlus8](#) tobacco, and cannabis products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location.

Tobacco shall have the meaning provided in 105 ILCS 5/section 10-20.5b of the School Code.

Cannabis shall have the meaning provided in the CRTA, 410 ILCS 705/1-10.

E-Cigarette is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device. [Q2](#)

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. In addition or ~~Alternatively,~~ ~~School~~ Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Director shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

Disclaimer [PRESSPlus9](#)

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies** subhead in policy 2:240, *Board Policy Development*.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.:

Americans With Disabilities Act, 42 U.S.C. §12114.

~~Compassionate Use of Medical Cannabis Pilot Program, 410 ILCS 130/.~~

Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.

Drug-Free Workplace Act of 1988, 41 U.S.C. §8101 et seq.

Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.

30 ILCS 580/. Drug-Free Workplace Act, ~~30 ILCS 580/.~~

105 ILCS 5/10-20.5b.

410 ILCS 82/. Smoke Free Illinois Act.

410 ILCS 130/. Compassionate Use of Medical Cannabis Program Act.

410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.

720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.

820 ILCS 55/. Right to Privacy in the Workplace Act.

21 C.F.R. Parts 1100, 1140, and 1143.

23 Ill.Admin.Code §22.20.

CROSS REF.:CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:120 (Employee Ethics: Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 8:30 (Visitors to and Conduct on School Property)

ADOPTED:January 19, 2016

Questions and Answers:

***Required Question 1. An employee is *on call* when the employer schedules him or her with at least 24 hours' notice to be on standby or otherwise responsible for performing employment-related tasks either at the employer's location or another previously-designated location. Consult the board attorney regarding how the board wants to treat employees who may be considered on call, e.g., superintendents, principals, coaches, and/or maintenance workers, etc.

Has the board adopted the phrase "or being on call" into this policy?

- Yes (default)
- No. (IASB will remove "or being on call")

***Required Question 2. Optional. Including the statutory example that includes the term *vape pen* provides notice that vaping products are also prohibited through the term e-cigarette. Choose from the following options:

- Include the default sentence. (default)
 - Replace "includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device" with "shall have the meaning provided in the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675/1(a-9)."
-

PRESSPlus Comments

PRESSPlus 1. This policy is renamed. The new text in the title includes E-Cigarettes (**PRESS** Advisory Board feedback) and Cannabis (Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/, added by P.A. 101-27 legalizing recreational cannabis use for persons over the age of 21).

Cannabis remains a *Schedule I* (c)(17) controlled substance under federal law, meaning that it has no currently accepted medical use in addition to a high potential for abuse. This policy continues to prohibit employees from using cannabis as allowed by the CRTA.

With the passage of the CRTA, each board and superintendent may wish to engage in a risk management conversation about the district's drug- and alcohol- free policy enforcement and discipline goals. Enforcement and discipline goals depend upon a board's risk-level tolerance and community expectations. For more information, see f/n 2 of sample policy 5:50, available at PRESS Online by logging in at www.iasb.com.

Consult the board attorney before implementing a drug testing program to enforce this policy.

Issue 102, October 2019

PRESSPlus 2. To align with best practices for identifying and subsequently initiating discipline of employees for violating this policy (especially with the passage of the CRTA) and any possible collective bargaining agreement provisions, the superintendent may want to convene the **Employee Substance Abuse Prevention Committee**. See sample administrative procedure 2:150-AP, *Superintendent Committees*, available at PRESS Online by logging in at www.iasb.com. **Issue 102, October 2019**

PRESSPlus 3. 410 ILCS 130/25(b) prohibits discipline or arrest of school nurses and/or administrators for acting in accordance with *Ashley's Law*, 105 ILCS 5/22-33, amended by P.A. 101-370, eff. 1-1-20. Employers may enforce drug-free workplace policies when they are applied in a nondiscriminatory manner. 410 ILCS 705/10-50(a), added by P.A. 101-27, includes disciplining employees – even those who are a *registered qualifying patient* – for violating a drug-free workplace policies (410 ILCS 130/50 and 705/10-35(a)(1), added by P.A. 101-27). Contact the board attorney for advice concerning the

Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)). **Issue 102, October 2019**

PRESSPlus 4. Specific articulable symptoms listed in 410 ILCS 705/10-50(d), added by P.A. 101-27, include: the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. In contrast to the CRTA, the MCPA, while listing the same specific, articulable, symptoms, does not require an employer to have a *good faith belief* that a *registered qualifying patient* is under the influence of cannabis. 410 ILCS 130/50(f), and scheduled to be repealed on 7-1-20. **Issue 102, October 2019**

PRESSPlus 5. 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27 allows reasonable, nondiscriminatory, zero-tolerance policies. If the district seeks to discipline an employee on the basis that he or she is under the influence of or impaired by cannabis, it must afford the employee a reasonable opportunity to contest the basis of the determination. **Contact the board attorney for advice concerning this provision and whenever the district seeks disciplinary action or dismissal of an employee on the basis of the cannabis prohibitions in the policy.** See f/n 9 of sample policy 5:50, available at PRESS Online by logging in at www.iasb.com, for more information about civil, criminal, and other penalties available under the CRTA. **Issue 102, October 2019**

PRESSPlus 6. 410 ILCS 705/10-35 and 10-50(a), added by P.A. 101-27, allows employers to prohibit cannabis in the *workplace*. Many attorneys agree it is a best practice for employers to define workplace in policies that prohibit cannabis. 410 ILCS 705/10-50(h), added by P.A. 101-27, defines *workplace* as the employer's premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in performance of the employee's job duties, and vehicles, whether leased, rented, or owned – and may be further defined by the employer's written policy when it is consistent with this definition.

This policy's definition of workplace expands the above CRTA definition to areas that board policy and/or the School Code impose duties upon districts to keep students safe, including:

1. The *school property* definition from policy 8:30, *Visitors to and Conduct on School Property*;
2. The *school grounds* definition at 105 ILCS 5/10-27.1A(d); and
3. Places that school districts must prevent and respond to bullying, including vehicles used for school purposes. 105 ILCS 5/27-23.7(a)

Issue 102, October 2019

PRESSPlus 7. Optional. This statement serves as a display of good judgement and a reminder to employees that 105 ILCS 5/27-13.2 and 23.4 (provided it can be funded by private grants or the federal government) require districts to educate students about the dangers of substance abuse. To remove this statement, strike it and choose "Adopted with Additional District Edits" as the Save Status. **Issue 102, October 2019**

PRESSPlus 8. While 720 ILCS 675, amended by P.A. 101-2, excludes e-cigarettes from its definition of tobacco, it does not address vaporization. Prohibiting *e-cigarettes* aligns with the district's obligation to maintain a safe, smoke-free environment and is logical extension of 105 ILCS 5/10-20.5b, The Smoke Free Illinois Act (410 ILCS 82/), and The Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675, amended by P.A. 101-2 (raising the legal age to buy tobacco and e-cigarette products to 21 years of age). In addition, the U.S. Food and Drug Administration now regulates e-cigarettes. For more information about e-cigarettes, see f/n 18 of sample policy 5:50, available at PRESS Online by logging in at www.iasb.com. **Issue 102, October 2019**

PRESSPlus 9. Optional best practice text. **Issue 102, October 2019**

Document Status: Not Adopted

General Personnel

5:90 Abused and Neglected Child Reporting

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, shall: (1) immediately report or cause a report to be made to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873) (within Illinois); 1-217-524-2606 (outside of Illinois); or 1-800-358-5117 (TTY), and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. Any District employee who believes a student is in immediate danger of harm, shall first call 911.

The report shall include, if known:

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

The employee shall also promptly notify the Director Superintendent or Building Principal that a report has been made. Negligent failure to report occurs when a District employee personally observes an instance of suspected child abuse or neglect and reasonably believes, in his or her professional or official capacity, that the instance constitutes an act of child abuse or neglect under the Abused and Neglected Child Reporting Act (ANCRA) and he or she, without willful intent, fails to immediately report or cause a report to be made of the suspected abuse or neglect to DCFS. [PRESSPlus1](#)

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

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

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

The Director or designee shall provide staff development opportunities for District employees in the detection, reporting, and prevention of child abuse and neglect.

All District employees shall:

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Superintendent or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within three months one year of initial employment and at least every three five years after that date. [PRESSPlus2](#)

The Director will encourage all District educators to complete continuing professional development that addresses the traits and identifiers that may be evident in students who are victims of child sexual abuse, including recognizing and reporting child abuse and providing appropriate follow-up and care for abused students as they return to the classroom setting.

Alleged Incidents of Sexual Abuse; Investigations [PRESSPlus3](#)

An alleged incident of sexual abuse is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity. [PRESSPlus4](#)

If a District employee reports an alleged incident of sexual abuse to DCFS and DCFS accepts the report for investigation,

DCFS will refer the matter to the local Children's Advocacy Center (CAC). The Director or designee will implement procedures to coordinate with the CAC.

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

Special Director Responsibilities

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

The Director shall notify the State Superintendent and the Regional Superintendent in writing when he or she has reasonable cause to believe that a license holder was dismissed or resigned from the District as a result of an act that made a child an abused or neglected child. The Director must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder.

Special School Board Member Responsibilities

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

If the Board determines that any District employee, other than an employee licensed under 105 ILCS 5/21B, has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by **ANCRA**, the Board may dismiss that employee immediately. [PRESSPlus5](#)

LEGAL REF.:

105 ILCS 5/10-21.9.

20 ILCS 1305/1-1 et seq., Department of Human Services Act.

325 ILCS 5/, Abused and Neglected Child Reporting Act.

720 ILCS 5/12C-50.1, Criminal Code of 2012.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 5:20 (Workplace Harassment Prohibited), **5:30 (Hiring Process and Criteria)**, 5:100 (Staff Development Program), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 5:150 (Personnel Records), **5:200 (Terms and Conditions of Employment and Dismissal)**, **5:290 (Employment Terminations and Suspensions)**, 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

ADOPTED: February 20, 2018

PRESSPlus Comments

PRESSPlus 1. Updated in response to 105 ILCS 5/10-23.12(c) (all district employees), added by P.A. 101-531; 105 ILCS 5/21B-75(b) (teachers), amended by P.A. 101-531. **Issue 102, October 2019**

PRESSPlus 2. Updated in response to the Abused and Neglected Child Reporting Act (ANCRA), 325 ILCS 5/4(j), amended by P.A. 101-564, eff. 1-1-20. The initial ANCRA three-month training requirement applies to the first time staff engage in their professional or official capacity. While the law allows an extension to six months, it is unclear when such an extension is permissible. Consult the board attorney for guidance. As a best practice, to ensure compliance with the requirement in 105 ILCS 5/22-85(c) (final citation pending), added by P.A. 101-531, that mandated reporters annually review ISBE materials regarding notification of DCFS, and to ease the administrative burden to track employee training schedules, a district may consider requiring annual training for all employees. See f/n 10 of sample policy 5:90, available at PRESS Online by logging in at www.iasb.com for more information. **Issue 102, October 2019**

PRESSPlus 3. 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-531, requires that every two years, each district within an Illinois county served by an accredited Children's Advocacy Center review all its existing sexual abuse investigation policies and procedures to ensure consistency with 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531.

105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531, governs the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC. For a map of accredited CACs, and to identify a CAC that may serve your district, see www.childrensadvocacycentersofillinois.org/about/map.

If your school district is not within a county served by an accredited CAC, strike this subsection and select "Adopted with Additional District Edits" as the Save Status. The law is silent about investigations in counties without CACs. **Issue 102, October 2019 Issue 102, October 2019**

PRESSPlus 4. Though 105 ILCS 5/22-85(b) (final citation pending), added by P.A. 101-531, defines *alleged incident of sexual abuse*, its definition is circular, using the term *sexual abuse* without defining what that means. To provide boards with clarity, the definition of *sexual abuse* used in the Ill. Criminal Code of 2012 is used. **Issue 102, October 2019**

PRESSPlus 5. 105 ILCS 5/10-23.12(c), added by P.A. 101-531. See policy 2:20, *Powers and Duties of the School Board; Indemnification*. **Issue 102, October 2019**

Document Status: Draft Update

General Personnel

5:100 Staff Development Program

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

For those not covered by this agreement:

The Director or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for licensed staff members shall be designed to effectuate the District and School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

The staff development program shall provide, at a minimum, at least once every two years, the in-service training of licensed school personnel and administrators on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

The staff development program shall provide, at a minimum, once every two years, the in-service training of all District staff on educator ethics, teacher-student conduct, and school employee-student conduct.

In addition, the staff development program shall include each of the following:

1. At least, once every two years, training of all District staff by a person with expertise on anaphylactic reactions and management.
2. At least every two years, an in-service to train school personnel, at a minimum, to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.
3. Training that, at a minimum, provides District staff with a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS) and the availability of appropriate sources of counseling and referral.
4. Training for licensed school personnel and administrators who work with students in grades kindergarten through 12 to identify the warning signs of mental illness and suicidal behavior in youth along with appropriate intervention and referral techniques.
5. Abused and Neglected Child Reporting Act (ANCRA), School Code, and *Erin's Law* Training as follows:
 - a. Staff development for local school site personnel who work with students in grades kindergarten through 8, in the detection, reporting and prevention of child abuse and neglect (see policy 5:90, *Abused and Neglected Child Reporting*).
 - b. Within ~~one year~~ **three months** of employment, each staff member must complete mandated reporter training from a provider or agency with expertise in recognizing and reporting child abuse. Mandated reporter training must be completed again at least every ~~five~~ **three** years (see policy 5:90, *Abused and Neglected Child Reporting*). [PRESSPlus1](#)
 - c. Informing educators about the recommendation in the *Erin's Law* Taskforce Report requesting them to attend continuing professional development programs that address the prevention and identification of child sexual abuse (see policy 5:90, *Abused and Neglected Child Reporting*).
6. Education for staff instructing students in grades 7 through 12, concerning teen dating violence as recommended by the District's Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students or Complaint Manager.
7. Ongoing professional development for teachers, administrators, school resource officers, and staff regarding the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.
8. Annual continuing education and/or training opportunities (*professional standards*) for school nutrition program directors, managers, and staff. Each school food authority's director shall document compliance with this requirement by the end of each school year and maintain documentation for a three year period.
9. Every two years, school personnel who work with students must complete an in-person or online training program on the

management of asthma, the prevention of asthma symptoms, and emergency response in the school setting.

10. Training for school personnel to develop cultural competency, including understanding and reducing implicit racial bias.
11. For school personnel who work with hazardous or toxic materials on a regular basis, training on the safe handling and use of such materials.
12. For nurses, administrators, guidance counselors, teachers, persons employed by a local health department and assigned to a school, and persons who contract with the District to perform services in connection with a student's seizure action plan, training in the basics of seizure recognition, first aid, and appropriate emergency protocols. [PRESSPlus2](#)
13. For all District staff, annual sexual harassment prevention training. [PRESSPlus3](#)

The Director shall develop protocols for administering youth suicide awareness and prevention education to staff consistent with Board policy 7:290, *Suicide and Depression Awareness and Prevention*.

An opportunity shall be provided for all staff members to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automated external defibrillator, in accordance with a nationally recognized certifying organization. Physical fitness facilities' staff must be trained in cardiopulmonary resuscitation and use of an automated external defibrillator.

LEGAL REF.:

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §1758b, Pub. L. 111-296.

7 C.F.R. Parts 210 and 235.

105 ILCS 5/2-3.62, 5/10-20.17a, 5/10-20.61, 5/10-22.6(c-5), 5/10-22.39, 5/10-23.12, 5/22-80(h), and 5/24-5.

105 ILCS 25/1.15, Interscholastic Athletic Organization Act.

105 ILCS 150/25, Seizure Smart School Act.

105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.

325 ILCS 5/4, Abused and Neglected Child Reporting Act.

745 ILCS 49/, Good Samaritan Act.

775 ILCS 5/2-109, Ill. Human Rights Act.

23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.

77 Ill.Admin.Code §527.800.

CROSS REF.: 3:40 (Director), 3:50 (Administrative Personnel Other Than the Director), 4:160 (Environmental Quality of Buildings and Grounds), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:285 (Food Allergy Management Program), 7:290 (Suicide and Depression Awareness and Prevention)

Adopted: March 19, 2019

PRESSPlus Comments

PRESSPlus 1. Updated in response to the Abused and Neglected Child Reporting Act (ANCRA), 325 ILCS 5/4(j), amended by P.A. 101-564, eff. 1-1-20. The initial ANCRA three-month training requirement applies to the first time staff engage in their professional or official capacity. While the law allows an extension to six months, it is unclear when such an extension is permissible. Consult the board attorney for guidance. As a best practice, to ensure compliance with the requirement in 105 ILCS 5/22-85(c) (final citation pending), added by P.A. 101-531, that mandated reporters annually review ISBE materials regarding notification of DCFS, and to ease the administrative burden to track employee training schedules, a district may consider requiring annual training for all employees. See also policy 5:90, *Abused and Neglected Child Reporting*. **Issue 102, October 2019**

PRESSPlus 2. Updated in response to 105 ILCS 150/25, added by P.A. 101-50, eff. 7-1-20. **Issue 102, October 2019**

Document Status: Draft Update

General Personnel

5:120 Employee Ethics; Conduct; and Conflict of Interest

Professional and Appropriate Conduct

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy. Any employee who sexually harasses a student, willfully or negligently fails to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (325 ILCS 5/), PRESSPlus1 or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.

Statement of Economic Interests

The following employees must file a "Statement of Economic Interests" as required by the Illinois Governmental Ethics Act:

1. Director;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts, including collective bargaining agreement(s), in the amount of \$1,000 or greater;
5. Any employee having supervisory authority for 20 or more employees; and
6. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. Students shall not be used in any manner for promoting a political candidate or issue.

Prohibited Interests; Conflict of Interest; and Limitation of Authority

In accordance with Section 22-5 of the School Code, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with the Illinois State Board of Education and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) when the employee has a real or apparent conflict of interest. PRESSPlus2 A conflict of interest arises when an employee or any of the following individuals has a financial or other interest in the entity selected for the contract:

1. Any person that has a close personal relationship with an employee that may compromise or impair the employee's fairness and impartiality, including a member of the employee's immediate family or household;
2. An employee's business partner; or
3. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above. as defined by 2 C.F.R. §200.318(e)(1);

Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Outside Employment

Employees shall not engage in any other employment or in any private business during regular working hours or at such other

times as are necessary to fulfill appropriate assigned duties.

Incorporated

by reference:5:120-E (Exhibit - Code of Ethics for Illinois Educators)

LEGAL REF.:

U.S. Constitution, First Amendment.

2 C.F.R. §200.318(c)(1).

5 ILCS 420/4A-101, Ill. Governmental Ethics Act and 430/.

5 ILCS 430/, State Officials and Employee Ethics Act.

30 ILCS 708/, Grant Accountability and Transparency Act.

50 ILCS 135/, Local Governmental Employees Political Rights Act.

105 ILCS 5/10-22.39 and 5/22-5.

325 ILCS 5/, Abused and Neglected Child Reporting Act.

775 ILCS 5/5A-102, Ill. Human Rights Act.

23 Ill.Admin.Code Part 22, Code of Ethics for Illinois Educators.

Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).

Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), 4:60 (Purchases and Contracts), 5:100 (Staff Development Program), 5:125 (Personal Technology and Social Media; Usage and Conduct)

~~ADOPTED: January 16, 2018~~

PRESSPlus Comments

PRESSPlus 1. 325 ILCS 5/4(a)(4), amended by P.A. 101-564, eff. 1-1-20; 105 ILCS 5/10-23.12(c) (all district employees), added by P.A. 101-531; 105 ILCS 5/21B-75(b) (teachers), amended by P.A. 101-531. **Issue 102, October 2019**

PRESSPlus 2. 2 C.F.R. §200.318(c)(1) prohibits employees, officers, or agents of a school district from participating in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent *conflict of interest*. The uniform federal rules on procurement standards in 2 C.F.R. Part 200 also apply to eligible State grants through the Grant Accountability and Transparency Act (GATA)(30 ILCS 708/.) Authoritative sources and guidance regarding conflict of interest and financial disclosure are provided through the GATA Resource Library at www.grants.illinois.gov. See also the Ill. State Board of Education's *Procurement and Purchasing Checklist* (ISBE Checklist) at: www.isbe.net/Pages/Audit-and-Monitoring-Review-Requirements-and-Tools.aspx. **Issue 102, October 2019**

Document Status: Draft Update

Professional Personnel

5:200 Terms and Conditions of Employment and Dismissal

The Governing Board delegates authority and responsibility to the Director to manage the terms and conditions for the employment of professional personnel. The Director shall act reasonably and comply with State and federal law. The Director is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff.

Duty-Free Lunch, School Year and Day, Salary, Assignments and Transfers, Dismissal, Evaluation

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

Employment Contracts

Upon initial employment and annually thereafter during continuous employment, each Administrative, Certified, and Licensed employee shall be issued and required to sign a Contract of Employment stating the title of the position for which they are hired, the compensation for the position, the length of time the position will be filled, and the date on which the benefits will begin to accrue.

Multiple year contracts may be issued to Administrative Personnel employed by the District according to conditions established by the Superintendents' Advisory Committee and Governing Board and in accordance with the School Code.

School Social Worker Services Outside of District Employment

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

Liability of Staff for Student Welfare

Professional staff members are responsible for the safety of students on the grounds and within District facilities. Administrative regulations and procedures are provided to minimize the occurrence of situations in which staff members may incur liability for actions related to students.

LEGAL REF.:

LEGAL REF.: [PRESSPlus1](#)

105 ILCS 5/10-19, [5/10-19.05](#), 5/10-20.650 (P.A. 100-356, final citation pending), 5/14-1.09a, [5/18-8](#), 5/22.4, 5/24-16.5, 5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.

820 ILCS 260/1 et seq.

23 Ill.Admin.Code Parts 50 (Evaluation of [Certified Employees](#) [Educator](#) [Licensed Employees](#)) and 51 (Dismissal of Tenured Teachers).

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532(1985).

CROSS REF.: 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

PRESSPlus Comments

PRESSPlus 1. The Legal References have been updated. **Issue 102, October 2019**

Document Status: Draft Update

Professional Personnel

5:220 Substitute Teachers

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

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

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

The Illinois Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year, but not more than 100 paid days in the same classroom. Beginning July 1, 2020, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.

Short-Term Substitute Teachers

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

Emergency Situations

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

LEGAL REF.:

105 ILCS 5/10-20.687 (P.A. 100-596, final citation pending), [PRESSPlus1](#) 5/21B-20(2), 5/21B-20(3), and 5/21B-20(4).

23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teaching License).

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

Adopted: March 19, 2019

PRESSPlus Comments

PRESSPlus 1. The Legal References have been updated. **Issue 102, October 2019**

Document Status: Draft Update

Professional Personnel

5:250 Leaves of Absence

Sick Leave, Bereavement Leave, Personal Leave, School Visitation Leave, Leaves to Serve as an Officer or Trustee of a Specific Organization, Association Leave

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

Internship Program Leave

(1) All full-time employees with two or more years of successful experience with the District shall be eligible to apply for a leave of absence with partial pay to participate in a special internship program. (2) Partial payment for participation in special internship programs shall be negotiated on an individual basis. (3) The decision to grant such a leave will be at the discretion of the Governing Board. (4) Internship programs must be related to the employee's present job with BHASED or a future position with BHASED or a member district. There must be some obvious benefit to member district students, parents, staff or BHASED.

Military Leave

Any employee who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, and who is mobilized to active military duty shall be entitled to paid leave and shall continue to receive the same regular compensation that he or she receives or was receiving as an employee at the time of mobilization to active military duty, plus any health insurance and other benefits the employee was receiving or accruing at that time, minus the amount of the employee's base pay for military service, for the duration of his/her active military service. Such active duty shall not result in the loss or diminishment of any employment benefit, service credit or status accrued at the time the duty commenced. Reference: 105 ILCS 5/10-20.7b.

Child Bereavement Leave

State law allows a maximum of 10 unpaid work days for eligible employees (Family and Medical Leave Act of 1993, 20 U.S.C. §2601 et seq.) to take child bereavement leave. The purpose, requirements, scheduling, and all other terms of the leave are governed by the Child Bereavement Leave Act. Child bereavement leave allows for: (1) attendance by the bereaved staff member at the funeral or alternative to a funeral of his or her child, (2) making arrangements necessitated by the death of the staff member's child, or (3) grieving the death of the staff member's child, without any adverse employment action.

The leave must be completed within 60 days after the date on which the employee received notice of the death of his or her child. However, in the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of six weeks of bereavement leave during the 12-month period, subject to certain restrictions under State and federal law. Other existing forms of leave may be substituted for the leave provided in the Child Bereavement Leave Act. This policy does not create any right for an employee to take child bereavement leave that is inconsistent with the Child Bereavement Leave Act.

Sabbatical Leave

Sabbatical leaves may be granted at the discretion of the Governing Board upon recommendation of the Director and the Superintendents' Advisory Committee.

All sabbatical leaves shall be governed by the provisions of the School Code and by any regulations established by the Superintendents' Advisory Committee or Governing Board.

Unpaid Leaves Other Than FMLA Leave

Eligible employee: Employees who have two or more years of successful experience with BHASED shall be eligible to apply for all leaves of absence without pay under this Section. Employees who have less than two years of experience with the District shall be eligible for leaves for illness, including illness related to pregnancy and child birth and parenthood leaves.

Within such parameters, the Governing Board, upon the recommendation of the Director and SAC, may in its discretion grant an unpaid leave of absence to the following employees:

1. Employees who are not otherwise eligible for a paid leave under BHASED policies or a leave of absence without pay under the Family Medical Leave Act or,

2. Employees who have exhausted their unpaid leave under FMLA and paid leave if any, under BHASED policies.

Purpose of the Leave: Such leaves may be for the purposes of voluntarily serving in the military and excludes when an employee in the reserves is "activated", extended illness, including illness related to pregnancy and child birth, temporary disability, caring for a seriously ill or temporarily disabled member of the immediate family, parenthood, participation in a teacher exchange program, serving in the Teacher Corps, advanced study, serving as an officer of a national professional education organization, or other approved professional development activity.

Immediate family is defined as: parents, spouse, brothers, sisters, children, step-children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law and legal guardians.

Duration of Leave: Unpaid leaves under this section shall not exceed twelve weeks per year in duration, or as otherwise stated herein, except by approval of the Governing Board.

Return to Employment: Employees returning from approved leaves may be required to submit a report verifying that such leave was used for the purpose for which it was granted or that they are physically capable of returning to work. Employees returning from approved leaves shall be assured of employment in the District in a capacity for which they are qualified but not necessarily the same position held prior to the leave. Employees returning from a leave of at least twelve weeks shall not be granted a salary increment for that year's leave.

Requests for leave(s) for participation in teacher exchange program, serving in the Teacher Corps, advanced study, serving as an officer of a national professional education organization, or other approved professional development activity must be made no later than four (4) months prior to the effective date of the leave.

Requests for serving in the military, extended illness, temporary disability, or for caring for a seriously ill, temporarily disabled member of the immediate family shall be made as soon as the employee foresees the necessity for the leave. Sick leave shall not accumulate while the employee is on such leave.

Requests for leave for extended illness related to pregnancy or birth of a child must be filed with the Director not later than sixty (60) days prior to the anticipated date of delivery, except in the case of a health care provider substantiated emergency, and shall state the expected date of return. In the event that the employee does not return on the agreed date, the Director may require that the employee provide a written statement from her health care provider stating that the employee is not physically capable to perform her duties.

For leaves requested for the purpose of participation in a teacher exchange program, serving in the Teacher Corps, advanced study, serving as an officer of a national professional education organization or other approved professional development activity or unpaid leaves for any other purpose as defined and approved in this policy which exceed twelve weeks or serving in the military, notice of the desire to return from the leave shall be given and, failure to return within the specified time limits shall be treated as a violation of the leave agreement and the employee shall be considered as having abandoned their employment and waived all rights to continued employment and reinstatement. Sick leave shall not accumulate while the employee is on such leave.

Subject to the approval of the Board and the insurer issuing the policy, the employee may, during this leave time, remain in the group health and life insurance programs by paying the full cost of his or her premium to the District Business Office at a date to be specified by the Director of the District.

Parenthood Leave - Male and female employees may, upon request and approval by the Board, be granted up to a one year leave of absence without pay for child rearing purposes as a result of the birth of a child, adoption or foster care of a child. No fringe benefits shall accrue during this leave.

Subject to the approval of the Board and the insurer issuing the policy, the employee may, during this leave time remain in the group health and life insurance programs by paying the full cost of his or her premium to the District Business Office at a date to be specified by the Director of the District.

Illness/temporary disability caused or contributed to by pregnancy, childbirth or related conditions shall be treated the same as disabilities caused or contributed to by other medical conditions in the granting of leave of absence without pay.

BHASED will require that any leave taken under this policy shall be credited against the employee's FMLA Leave, if the employee is eligible for FMLA Leave for the same purposes.

General Assembly

Leaves for service in the General Assembly, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in the General Assembly does not acquire tenure.

Leaves for Victims of Domestic Violence, ~~or~~ Sexual Violence, or Gender Violence [PRESSPlus1](#)

An unpaid leave from work is available to any staff member who: (1) is a victim of domestic violence, ~~or~~ sexual violence, or

gender violence, or (2) has a family or household member who is a victim of ~~domestic or sexual~~ such violence whose interests are not adverse to the employee as it relates to the domestic violence, ~~or sexual violence, or gender violence~~. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance without suffering adverse employment action.

The Victims' Economic Security and Safety Act governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, if the District employs at least 50 employees, an employee is entitled to a total of 12 work weeks of unpaid leave during any 12-month period. Neither the law nor this policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.).

Leave to Serve as an Election Judge

Any staff member who was appointed to serve as an election judge under State law may, after giving at least 20-days' written notice to the District, be absent without pay for the purpose of serving as an election judge. The staff member is not required to use any form of paid leave to serve as an election judge. No more than 10% of the District's employees may be absent to serve as election judges on the same Election Day.

LEGAL REF.:

10 ILCS 5/13-2.5

~~20 ILCS 1805/30.1 et seq.~~

105 ILCS 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.

330 ILCS 61/, Service Member Employment and Reemployment Rights Act.

820 ILCS 147/, School Visitation Rights Act.

820 ILCS 154/, Child Bereavement Leave Act.

820 ILCS 180/, Victims' Economic Security and Safety Act.

CROSS REF.:5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

~~ADOPTED:February 21, 2017~~

PRESSPlus Comments

PRESSPlus 1. Required by the Victims' Economic Security and Safety Act, (VESSA) (820 ILCS 180/, amended by P.A. 101-221, eff. 1-1-20, and 56 Ill.Admin.Code §280). *Gender violence* means: (1) one or more acts of violence or aggression that is a criminal offense under State law committed, at least in part, on the basis of a person's actual or perceived sex or gender, (2) a physical intrusion or invasion of a sexual nature under coercive conditions that is a criminal offense under State law, or (3) a threat to commit one of these acts. *Sexual violence* is not specifically defined in VESSA. **Issue 102, October 2019**

Document Status: Draft Update

Educational Support Personnel

5:290 Employment Termination and Suspensions

Resignation and Retirement

An employee is required to provide two weeks' notice of a resignation. A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least two months before the retirement date.

Non-RIF Dismissal

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

For those not covered by this agreement:

The District may terminate an at-will employee at any time for any reason, subject to State and federal law.

Employees who are employed annually or have a contract, or who otherwise have a legitimate expectation of continued employment, may be dismissed: (1) at the end of the school year or at the end of their respective contract after being provided appropriate notice and after compliance with any applicable contractual provisions, or (2) mid-year or mid-contract provided appropriate due process procedures are provided.

The Director is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff. This includes recommending a non-licensed employee for immediate dismissal for willful or negligent failure to report an instance of suspected child abuse or neglect as required by 325 ILCS 5/ [PRESSplus1](#)

Reduction in Force and Recall

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

For those not covered by this agreement:

The Board may, as necessary or prudent, decide to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, dismiss or reduce the hours of one or more educational support employees. When making decisions concerning reduction in force and recall, the Board will follow Sections 10-22.34c (outsourcing non-instructional services) and 10-23.5 (procedures) of the School Code, to the extent they are applicable and not superseded by legislation or an applicable collective bargaining agreement.

Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination. An employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the next regular pay date following the last day of employment.

Suspension

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

For those not covered by this agreement:

Except as provided below, the Director is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Director's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay: (1) when the employee is exempt from the overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees. Upon receipt of a recommendation from the Ill. Dept. Children and Family Services (DCFS) that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the District, the Board or Director or designee, in

consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended, proceeding with:
 - a. A suspension with pay; or
 - b. A suspension without pay.

Any criminal conviction resulting from the investigation or allegations shall require the employee to repay to the District all compensation and the value of all benefits received by the employee during the suspension. The Director will notify the employee of this requirement when the employee is suspended.

LEGAL REF.:

5 ILCS 430 et seq.

105 ILCS 5/10-22.34c and 5/10-23.5.

325 ILCS 5/7.4(c-10).

820 ILCS 105/4a.

CROSS REF.: 5:90 (Abused and Neglected Child Reporting), 5:240 (Suspension), 5:270 (Employment At-Will, Compensation, and Assignment)

ADOPTED: February 20, 2018

PRESSPlus Comments

PRESSPlus 1. Updated in response to 105 ILCS 5/10-23.12(c), added by P.A. 101-531; and 105 ILCS 5/21B-75(b), amended by P.A. 101-531. See also policy 2:20, *Powers and Duties of the School Board; Indemnification*. **Issue 102, October 2019**

Document Status: Draft Update

Educational Support Personnel

5:330 Leaves of Absence

Sick Leave and IMRF Service Credit Plan

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

For those not covered by this agreement:

The following persons shall be provided not less than ten (10) paid days of sick leave each school year.

All educational support employees who are eligible to participate in the Illinois Municipal Retirement Fund under the "600 Hour Standard" as provided in the regulations and/or guidelines of the Illinois Municipal Retirement Fund shall be provided not less than ten (10) paid days of sick leave each school year. Reference 105 ILCS 5/24-6.

Full time employees employed nine (9) to eleven (11) months per year and who work five (5) days per week shall receive twelve (12) days of paid sick leave per year. Full time employees who are employed nine (9) to eleven (11) months per year, working less than five days per week, shall receive ten (10) days of paid sick leave per year. Full time employees employed for twelve (12) months per year shall receive fifteen (15) days of paid sick leave per year. The aggregate sick leave available to each employee is calculated as described below. No sick leave is provided until the employee reports to work on their first day.

Sick days per se shall be consistent in length with the employee's regular workday on the "day" they take off sick. For example, employees with 4.0, 7.5 or 8.0 hour/day contracts have "sick days" equal to 4.0, 7.5 or 8.0 hours respectively. A staff member taking off "sick" all day on a day they are contracted to work 4.0 is docked 4.0 hours from the aggregate sick leave to which they are entitled.

Sick leave may be used in minimum of one (1) hour units. The aggregate available sick leave per employee will be determined by multiplying the number of "days" of sick leave to which they are entitled by the average hourly length of their work-day rounded to the nearest quarter hour. For example: A ten month employee is entitled to 12 "days" of sick leave per year and is contracted to work for four days/week @ 7.5 hours/day and one day/week @ 3.5 hours. The total contract hours in the week = 33.5 and the average work day length = 6.7 or 6 hours and 45 minutes. The aggregate sick leave to which they are entitled per year is 12 x 6 hours and 45 minutes = 81 hours.

Paid sick days under this Policy will be available for the reasons specified in the School Code, i.e. personal illness (including illness related to pregnancy and child birth), quarantine at home, serious illness or death in the immediate family or household, or birth, adoption or placement for adoption. Immediate family is defined as: parents, spouse, brothers, sisters, children, stepchildren, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law and legal guardians. (Reference 105 ILCS 5/24-6).

Requests for sick leave related to the birth of a child must be filed with the Director as soon as possible but not later than sixty (60) days prior to the anticipated date of delivery, except in the case of a health care provider substantiated emergency, and shall state the expected date of return.

In the event that the employee does not return on the agreed date or within eight weeks, the Director may require that the employee provide a written statement from his/her health care provider stating that the employee is not physically capable to perform his/her duties.

Return to Employment: Employees returning from approved leaves may be required to submit a report verifying that such leave was used for the purpose for which it was granted or that they are physically capable of returning to work. Employees returning from approved leaves shall be assured of employment in the District in a capacity for which they are qualified but not necessarily the same position held prior to the leave.

Illness/temporary disability caused or contributed to by pregnancy, childbirth or related conditions shall be treated the same as disabilities caused or contributed to by other medical conditions in the granting of paid sick leave days under this policy.

Sick leave days may be accumulated from year to year up to the maximum allowed for credit by the Illinois Municipal Retirement Fund for certificated staff plus an additional (5) days of sick leave. Please refer to the applicable collective bargaining agreement(s) for the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon an employee's retirement under the Illinois Municipal Retirement Fund.

Employees may elect to substitute paid sick leave days for unpaid days taken under the FMLA, to the extent the circumstances meet the requirements for the use of sick leave days under BHASED policies, regulations and procedures and as specified in the regulations promulgated under the FMLA.

Sick Leave Bank

1. Administration - A Sick Leave Bank Committee composed of the Director or designee and four (4) employees selected by employees participating in the sick leave bank will be charged with maintaining fair and equitable use of the Bank. Recommendations for guidelines to be used in the administration of the Sick Leave Bank will be submitted to the SAC for approval.
2. Participation - In order to participate in the Sick Leave Bank, an employee must have contributed to the Bank at the beginning of the school year or at the time of employment if hired after the beginning of the school year.
3. Contributions - All employees may voluntarily participate in the sick leave bank by contributing one (1) of their days. All newly hired employees will be given the opportunity to contribute to the sick leave bank. Additional contributions of days to the sick leave bank from Sick Leave Bank participant members may be requested in an emergency if approved by the Sick Leave Bank Committee and SAC. However, no employee will be required to contribute sick days to the Bank.

Any employee who has contributed to the Sick Leave Bank may not withdraw the donated day(s) when leaving employment.

4. Granting Sick Days From Bank
 - a. Sick Leave Bank days may be granted by the Sick Leave Bank Committee for a catastrophic illness of the employee or immediate family members.
 - b. In anticipation of need, requests may be made before the employee has exhausted his/her accumulated sick leave. However, an employee must have exhausted his/her accumulated paid sick leave before using days donated by the Sick Leave Bank..
 - c. An employee requesting days from the Sick Leave Bank must present to the Sick Leave Bank Committee a health care provider's statement of catastrophic illness and a written request citing the estimated number of days requested.
 - d. The maximum number of days allowed to be withdrawn from the Sick Leave Bank per request shall not exceed ten (10) of their days. Any additional days per illness may be requested in writing. The first ten (10) days, per catastrophic illness, may be granted by the Sick Leave Bank Committee alone. Any additional days, up to a total maximum of twenty-five (25), which includes the first ten, of their days per catastrophic illness will be granted by approval of the sick leave bank committee and the Superintendents' Advisory Committee (SAC).
 - e. "Their" days will be calculated as above.

Bereavement Leave

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

For those not covered by this agreement:

Employees shall be entitled to five (5) days of bereavement leave per year upon the death of a member of the immediate family.

Vacation Leave

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

Holidays

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

Internship Program Leave

(1) All full-time employees with two or more years of successful experience with the District shall be eligible to apply for a leave of absence with partial pay to participate in a special internship program. (2) Partial payment for participation in special internship programs shall be negotiated on an individual basis. (3) The decision to grant such a leave will be at the discretion of the Governing Board. (4) Internship programs must be related to the employee's present job with BHASED or a future position with BHASED or a member district. There must be some obvious benefit to member district students, parents, staff or BHASED.

Personal Leave

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

For those not covered by this agreement:

Two (3) days of personal leave at full pay shall be granted for transacting personal or legal business which cannot be handled other than on a school day. Personal leave time may be taken in minimum one (1) hour units. Personal leave time may be accumulated to (4) days. Unused personal leave time may be converted to sick leave at the end of the contract period. The aggregate personal leave available to each employee is calculated in the same fashion as accrued sick leave.

Military Leave

Any employee who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, and who is mobilized to active military duty shall be entitled to paid leave and shall continue to receive the same regular compensation that he or she receives or was receiving as an employee at the time of mobilization to active military duty, plus any health insurance and other benefits the employee was receiving or accruing at that time, minus the amount of the employee's base pay for military service, for the duration of his/her active military service. Such active duty shall not result in the loss or diminishment of any employment benefit, service credit or status accrued at the time the duty commenced. Reference: 105 ILCS 5/10-20.7b.

Sabbatical Leave

Sabbatical leaves may be granted at the discretion of the Governing Board upon recommendation of the Director and the Superintendents' Advisory Committee.

All sabbatical leaves shall be governed by the provisions of the School Code and by any regulations established by the Superintendents' Advisory Committee or Governing Board.

Unpaid Leaves Other Than FMLA

Eligible employee: Employees who have two or more years of successful experience with BHASED shall be eligible to apply for all leaves of absence without pay under this Section. Employees who have less than two years of experience with the District shall be eligible for leaves for illness, including illness related to pregnancy and child birth and parenthood leaves.

Within such parameters, the Governing Board, upon the recommendation of the Director and SAC, may in its discretion grant an unpaid leave of absence to the following employees:

1. Employees who are not otherwise eligible for a paid leave under BHASED policies or a leave of absence without pay under the Family Medical Leave Act or,
2. Employees who have exhausted their unpaid leave under FMLA and paid leave if any, under BHASED policies.

Purpose of the Leave: Such leaves may be for the purposes of voluntarily serving in the military and

includes when an employee in the reserves is "activated", extended illness, including illness related to pregnancy and child birth, temporary disability, caring for a seriously ill or temporarily disabled member of the immediate family, parenthood, participation in a teacher exchange program, serving in the Teacher Corps, advanced study, serving as an officer of a national professional education organization, or other approved professional development activity.

Immediate family is defined as: parents, spouse, brothers, sisters, children, step-children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law and legal guardians.

Duration of Leave: Unpaid leaves under this section shall not exceed twelve weeks per year in duration, or as otherwise stated herein, except by approval of the Governing Board.

Return to Employment: Employees returning from approved leaves may be required to submit a report verifying that such leave was used for the purpose for which it was granted or that they are physically capable of returning to work. Employees returning from approved leaves shall be assured of employment in the District in a capacity for which they are qualified but not necessarily the same position held prior to the leave. Employees returning from a leave of at least twelve weeks shall not be granted a salary increment for that year's leave.

Requests for serving in the military, extended illness, temporary disability, or for caring for a seriously ill, temporarily disabled member of the immediate family shall be made as soon as the employee foresees the necessity for the leave. Sick leave shall not accumulate while the employee is on such leave.

Requests for leave for extended illness related to pregnancy or birth of a child must be filed with the Director not later than sixty (60) days prior to the anticipated date of delivery, except in the case of a health care provider substantiated emergency, and shall state the expected date of return. In the event that the employee does not return on the agreed date, the Director may require that the employee provide a written statement from her health care provider stating that the employee is not physically

capable to perform her duties.

For leaves requested for the purpose of any purpose as defined and approved above which exceed twelve weeks or serving in the military, notice of the desire to return from the leave shall be given and, failure to return within the specified time limits shall be treated as a violation of the leave agreement and the employee shall be considered as having abandoned their employment and waived all rights to continued employment and reinstatement. Sick leave shall not accumulate while the employee is on such leave.

Subject to the approval of the Board and the insurer issuing the policy, the employee may, during this leave time, remain in the group health and life insurance programs by paying the full cost of his or her premium to the District Business Office at a date to be specified by the Director of the District.

Parenthood Leave - Male and female employees may, upon request and approval by the Board, be granted up to a one year leave of absence without pay for child rearing purposes as a result of the birth of a child, adoption or foster care of a child. No fringe benefits shall accrue during this leave.

Subject to the approval of the Board and the insurer issuing the policy, the employee may, during this leave time remain in the group health and life insurance programs by paying the full cost of his or her premium to the District Business Office at a date to be specified by the Director of the District.

Illness/temporary disability caused or contributed to by pregnancy, childbirth or related conditions shall be treated the same as disabilities caused or contributed to by other medical conditions in the granting of leave of absence without pay.

BHASED may require that any leave taken under this policy shall be credited against the employee's FMLA Leave, if the employee is eligible for FMLA Leave for the same purposes.

Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Please refer to the current Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association IEA-NEA.

General Assembly

Leaves for service in the General Assembly, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in the General Assembly does not acquire tenure.

School Visitation Leave

Please refer to the Collective Bargaining Agreement Between Blackhawk Area Special Education District and Blackhawk Area Special Education Association-IEA-NEA.

For those not covered by this agreement:

Educational support personnel receive school visitation leave on the same terms and conditions granted professional staff.

Leaves for Victims of Domestic ~~or Sexual~~ Violence, Sexual Violence, or Gender Violence [PRESSPlus1](#)

Educational support personnel receive a leave for victims of domestic ~~or sexual~~ violence, sexual violence, or gender violence on the same terms and conditions granted professional staff.

Child Bereavement Leave

Educational support personnel receive child bereavement leave on the same terms and conditions granted professional staff.

Leave to serve as an Election Judge

Educational support personnel receive a leave to serve as an Election Judge on the same terms and conditions granted professional staff.

LEGAL REF.:

~~20 ILCS 1805/30.1 et seq.~~

105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.

330 ILCS 61, Service Member Employment and Reemployment Rights Act.

820 ILCS 147, School Visitation Rights Act.

820 ILCS 154/, Child Bereavement Leave Act.

820 ILCS 180/, Victims' Economic Security and Safety Act.

School Dist. 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987); Elder v. Sch. Dist. No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

CROSS REF.:5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence)

Adopted: March 19, 2019

PRESSPlus Comments

PRESSPlus 1. Required by the Victims' Economic Security and Safety Act, (VESSA) (820 ILCS 180/, amended by P.A. 101-221, eff. 1-1-20, and 56 Ill.Admin.Code §280). *Gender violence* means: (1) one or more acts of violence or aggression that is a criminal offense under State law committed, at least in part, on the basis of a person's actual or perceived sex or gender, (2) a physical intrusion or invasion of a sexual nature under coercive conditions that is a criminal offense under State law, or (3) a threat to commit one of these acts. *Sexual violence* is not specifically defined in VESSA. **Issue 102, October 2019**

Document Status: Draft Update

INSTRUCTION

6:20 School Year Calendar and Day

District Calendar

The Governing Board shall annually establish a calendar for the Black Hawk Area Special Education District upon recommendation of the Director and approval of the Superintendents' Advisory Committee.

Commemorative Holidays

The teachers and students shall devote a portion of the school day on each commemorative holiday designated in the School Code to study and honor the commemorated person or occasion. The Governing Board may, from time to time, designate a regular school day as a commemorative holiday.

School Day

The Governing Board establishes the length of the school day with the recommendation of the Director and subject to State law requirements. The Director or designee shall ensure observances required by State law are followed during each day of school attendance.

LEGAL REF.:

105 ILCS 5/10-19, [5/10-19.05](#), [PRESSPlus1](#) 5/10-24.46, 5/18-12, 5/18-12.5, 5/24-2, 5/27-3, 5/27-18, 5/27-19, 5/27-20, 5/27-20.1, 5/27-20.2, and 20/1.

10 ILCS 5/11-4.1.

23 Ill.Admin.Code §1.420(f).

Metzl v. Leininger, 850 F.Supp. 740 (N.D. Ill. 1994), *aff'd* by 57 F.3d 618 (7th Cir. 1995).

CROSS REF.:2:20 (Powers and Duties of the Governing Board), 5:200 (Terms and Conditions of Employment and Dismissal), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 6:70 (Teaching About Religions), 7:90 (Release During School Hours)

Adopted: March 19, 2019

PRESSPlus Comments

PRESSPlus 1. The Legal References are updated to include 105 ILCS 5/10-19.05, added by P.A. 101-12, which (1) addresses the minimum of five clock hours to qualify as a full day of attendance, and (2) opens the use of e-learning days subject to certain requirements. See f/n 3 of sample policy 6:20, available at PRESS Online by logging in at www.iasb.com, for more information. See www.isbe.net/Documents/SB28Instructional-Day.pdf for ISBE's notice regarding this law. **Issue 102, October 2019**

Document Status: Draft Update

INSTRUCTION

6:150 Home and Hospital Instruction

A student absent from school, or whose physician, physician assistant, or advanced practice registered nurse anticipates that the student will be absent from school, because of health or physical impairment will be provided the services of a certified teacher in the home or hospital. Along with input from Inter-District program staff as appropriate, participating BHASED districts will be responsible to determine the need for and the provision of Home and Hospital Instruction for students placed in inter-district programs. The development of appropriate educational services will begin no later than five school days after receiving a written statement from a licensed medical examiner and a written parental or guardian request filed with the administration of the resident district.

Instructional time will be provided for a minimum of five clock hours per week on days when school is normally in session. Periodic conferences will be held between appropriate school personnel, parent(s)/guardian(s) and hospital staff to coordinate course work and facilitate the student's return to school.

A student who is unable to attend school because of pregnancy will be provided home instruction, correspondence courses, or other courses of instruction (1) before the birth of the child when the student's physician, physician assistant, or advanced practice registered nurse indicates, in writing, that she is medically unable to attend regular classroom instruction and (2) for up to three months after the child's birth or a miscarriage.

LEGAL REF.:

105 ILCS [5/10-19.05\(e\)](#), 5/10-22.6a, 5/14-13.01, and 5/18-4.5. [PRESSPlus1](#)

23 Ill.Admin.Code §§1.520, 1.610, and 226.300.

CROSS REF.: 6:120 (Education of Children with Disabilities), 7:10 (Equal Educational Opportunity), 7:280 (Communicable and Chronic Infectious Disease)

ADOPTED: February 20, 2018

PRESSPlus Comments

PRESSPlus 1.

The legal references have been updated. **Issue 102, October 2019.**

Document Status: Draft Update

STUDENTS

7:20 Harassment of Students Prohibited

Bullying, Intimidation, and Harassment Prohibited

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

Sexual Harassment Prohibited

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

1. Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
 - a. Substantially interfering with a student's educational environment;
 - b. Creating an intimidating, hostile, or offensive educational environment;
 - c. Depriving a student of educational aid, benefits, services, or treatment; or
 - d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

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

Making a Complaint: Enforcement [PRESSPlus1](#)

Students are encouraged to report claims or incidences of bullying, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking. A student may choose to report to a person of the student's same sex. ~~Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.~~

An allegation that a student was a victim of any prohibited conduct perpetrated by school personnel, including a school vendor or volunteer, shall be processed and reviewed according to policy 5:90, Abused and Neglected Child Reporting, in addition to any response required by this policy. ~~another student shall be referred to the Building Principal, Assistant Building Principal, or Dean of Students for appropriate action.~~ [PRESSPlus2](#)

The Director shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. At least one of these individuals will be female, and at least one will be male.

Nondiscrimination Coordinator:

Christan Schrader

Name

4670-11th St., East Moline, IL 61244

Address

cschrader@bhased.org

Email

309-796-2500

Telephone

Complaint Managers:

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Dawn Swanson

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The Director shall use reasonable measures to inform staff members and students of this policy, ~~such as,~~ by including ~~it in the appropriate handbooks.~~ [PRESSPlus3](#)

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

Investigation Process

Supervisors, Building Principals, or administrators who receive a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. A supervisor or administrator who fails to promptly comply may be disciplined, up to and including discharge.

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

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

Alleged Incidents of Sexual Abuse [PRESSPlus4](#)

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

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to policy 5:90, *Abused and Neglected Child Reporting*, in addition to any response required by this policy.

Enforcement

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the behavior policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.:

20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972.

34 C.F.R. Part 106.

105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.

775 ILCS 5/1-101 et seq., Illinois Human Rights Act.

23 Ill.Admin.Code §1.240 and Part 200.

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Franklin v. Gwinnett Co. Public Schs., 503 U.S. 60 (1992).

Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).

West v. Derby Unified Sch. Dist. No. 260, 206 F.3d 1358 (10th Cir. 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior)

~~ADOPTED: February 20, 2018~~

PRESSPlus Comments

PRESSPlus 1. The Enforcement subsection title is moved to be with its content, below. **Issue 102, October 2019**

PRESSPlus 2. Updated to align with policy 5:90, *Abused and Neglected Child Reporting*. **Issue 102, October 2019**

PRESSPlus 3. Updated in response to 105 ILCS 5.10-20.69 (final citation pending), added by P.A. 101-418, eff. 1-1-20. requires districts to maintain and implement an *age-appropriate* policy on sexual harassment that is included in the school district's student handbook, as well as on a district's website and, if applicable, other areas where such information is posted in each school. The law does not expressly state that the age-appropriate policy is for students; however, that is the most logical interpretation. In practice, most districts maintain a student handbook for each building. Because the law only requires one policy, this policy manages the age-appropriate requirement by directing age-appropriate explanations of the policy be included in the building-level student handbook(s). **Issue 102, October 2019**

PRESSPlus 4. 105 ILCS 5/10-20.69 (final citation pending), added by P.A. 101-531, requires that every two years, each district within an Illinois county served by an accredited Children's Advocacy Center (CAC) review all its existing sexual abuse investigation policies and procedures to ensure consistency with 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531.

105 ILCS 5/22-85 (final citation pending), added by P.A. 101-531, governs the investigation of an *alleged incident of sexual abuse* of any child within any Illinois counties served by a CAC. For a map of accredited CACs, and to identify a CAC that may serve your district, see www.childrensadvocacycentersofillinois.org/about/map.

If your school district is not within a county served by an accredited CAC, strike this subsection and select "Adopted with Additional District Edits" as the Save Status. The law is silent about investigations in counties not served by CACs. **Issue 102, October 2019**

Document Status: Not Adopted

STUDENTS

7:150 Agency and Police Interviews

The Director shall develop procedures to manage requests by agency officials or police officers to interview students at school. Procedures will: ~~(1)~~ [PRESSPlus1](#)

1. ~~r~~ Recognize individual student rights and privacy,
2. Recognize the potential impact an interview may have on an individual student. ~~(2)~~
3. ~~m~~ Minimize potential disruption. ~~(3)~~
4. ~~f~~ Foster a cooperative relationship with public agencies and law enforcement, and ~~(4)~~
5. ~~e~~ Comply with State law, including, but not limited to, ensuring that before a law enforcement officer, school resource officer, or other school security person detains and questions on school grounds a student under 18 years of age who is suspected of committing a criminal act, the Director Superintendent or designee will: [PRESSPlus2](#)
 - a. Notify or attempt to notify the student's parent/guardian and document the time and manner in writing;
 - b. Make reasonable efforts to ensure the student's parent/guardian is present during questioning or, if they are not present, ensure that school employees (including, but not limited to, a school social worker, psychologist, nurse, guidance counselor, or any other mental health professional) are present during the questioning; and
 - c. If practicable, make reasonable efforts to ensure a trained law enforcement officer to promote safe interactions and communications with the student is present during questioning. [PRESSPlus3](#)

LEGAL REF.:

[105 ILCS 5/10-20.64, 5/22-85 \(final citation pending\)](#)

55 ILCS 80/, Children's Advocacy Center Act.

325 ILCS 5/, Abused and Neglected Child Reporting Act.

720 ILCS 5/31-1 et seq., Interference with Public Officers Act.

725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

CROSS REF.: [5:90 \(Abused and Neglected Child Reporting\)](#), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:190 (Student Behavior)

~~ADOPTED: May 17, 2016~~

PRESSPlus Comments

PRESSPlus 1. Updated in response to 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-478, eff. 1-1-20.

Additional resources include:

- The *Guidelines for Interviews of Students*, published by the Ill. Council of School Attorneys (ICSA) at: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf.
- The publication, *Policing in Schools, Developing a Governance Document for School Resource Officers in K-12 Schools*, was developed by the American Civil Liberties Union, and is available at: www.aclu.org/racial-justice/policing-schools-developing-governance-document-school-resource-officers-k-12-schools.
- *School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)*, published by PTAC (2019), at: www.studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa.

Issue 102, October 2019

PRESSPlus 2. The statute does not specifically assign these duties to a school official, but instead states that "a law 7:150

enforcement officer, school resource officer, or other school security personnel” must ensure these conditions are met before detaining and questioning a student on school grounds. For ease of implementation, this policy assigns these duties to a school official as they routinely contact parents/guardians and can arrange for the presence of school personnel during an interview. See the ICSA *Guidelines* at www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf for further discussion of school officials’ responsibilities when law enforcement authorities interview students at school. **Issue 102, October 2019**

PRESSPlus 3. A trained law enforcement officer is someone who: (1) received training in youth investigations approved or is certified by his/her law enforcement agency as a school resource officer per 50 ILCS 705/10.22, or (2) is a juvenile police officer per 705 ILCS 405/1-3(17). **Issue 102, October 2019**

Document Status: Draft Update

STUDENTS

7:180 Prevention of and Response to Bullying, Intimidation, and Harassment

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations:

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and it does not require a District or school to staff or monitor any nonschool-related activity, function, or program.

Definitions from Section 27-23.7 of the School Code (105 ILCS 5/27-23.7)

Bullying includes *cyberbullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Cyberbullying means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

School personnel means persons employed by, on contract with, or who volunteer in a school District, including without limitation school and school District administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

Bullying Prevention and Response Plan

The Director or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the following requirements:

1. Using the definition of *bullying* as provided in this policy, the Superintendent or designee shall emphasize to the school community that: (1) the District prohibits bullying, and (2) all students should conduct themselves with a proper regard for the rights and welfare of other students. This may include a process for commending or acknowledging students for demonstrating appropriate behavior.
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking. Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying. Anonymous reports are also accepted.

Nondiscrimination Coordinator:

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4670-11th St., East Moline, IL 61244

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Anonymous Reporting call: 309-796-2500

4. Consistent with federal and State laws and rules governing student privacy rights, the Director or designee shall promptly inform parent(s)/guardian(s) of all students involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
5. The Director or designee shall promptly investigate and address reports of bullying, by, among other things:
 - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.
 - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on

bullying prevention, as deemed appropriate, in the investigation process.

- c. Notifying the Building Principal or school administrator or designee of the report of the incident of bullying as soon as possible after the report is received.
- d. Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The Director or designee shall investigate whether a reported act of bullying is within the permissible scope of the District's jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs.

6. The Director or designee shall use interventions to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.
7. A reprisal or retaliation against any person who reports an act of bullying **is prohibited**. A student's act of reprisal or retaliation will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
9. The District's bullying prevention and response plan must be based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Director or designee shall post this policy on the District's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.
11. The Director or designee shall assist the Board with its evaluation and assessment of this policy's outcomes and effectiveness. This process shall include, without limitation:
 - a. The frequency of victimization;
 - b. Student, staff, and family observations of safety at a school;
 - c. Identification of areas of a school where bullying occurs;
 - d. The types of bullying utilized; and
 - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. The Director or designee must post the information developed as a result of the policy evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students.

12. The Director or designee shall fully implement the Board policies, including without limitation, the following:
 - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
 - b. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the Cooperative's educational program as required by State law.
 - c. 6:235, *Access to Electronic Networks*. This policy states that the use of the Cooperative's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
 - d. 7:20, *Harassment of Students Prohibited*. This policy prohibits *any* person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
 - e. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
 - f. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
 - g. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. [PRESSPlus1](#) These policies prohibits students from and provides consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

LEGAL REF.:

405 ILCS 49/, Children's Mental Health Act.

105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.

23 Ill.Admin.Code §§1.240 and §1.280.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Food Allergy Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

~~ADOPTED:~~ February 20, 2018

PRESSPlus Comments

PRESSPlus 1. Added for continuous improvement. **Issue 102, October 2019**

Document Status: Draft Update

STUDENTS

7:270 Administering Medicines to Students

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parent(s)/guardian(s) believe that it is necessary for the student to take a medication during school hours or school-related activities, the parent/guardian must request that the school dispense the medication to the child and otherwise follow the District's procedures on dispensing medication.

No Governing Board employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until a completed and signed School Medication Authorization Form (*SMA Form*) is submitted by the student's parent(s)/guardian(s). No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

Self-Administration of Medication

A student may possess and self-administer an epinephrine injector, e.g., EpiPen®, and/or asthma medication prescribed for use at the student's discretion, provided the student's parent/guardian has completed and signed an *School Medication Authorization SMA Form*. The Superintendent or designee will ensure an Emergency Action Plan is developed for each self-administering student. [PRESSPlus1](#)

A student may self-administer medication required under a *qualifying plan*, provided the student's parent/guardian has completed and signed an *SMA Form*. A *qualifying plan* means: (1) an asthma action plan, (2) an Individual Health Care Action Plan, (3) an Ill. Food Allergy Emergency Action Plan and Treatment Authorization Form, (4) a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or (5) a plan pursuant to the federal Individuals with Disabilities Education Act. [PRESSPlus2](#)

The ~~School~~ District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication, including asthma medication or epinephrine injectors, or medication required under a *qualifying plan*, or the storage of any medication by school personnel. [PRESSPlus3](#) A student's parent/guardian must indemnify and hold harmless the ~~School~~ District and its employees and agents, against any claims, except a claim based on willful and wanton conduct, arising out of a student's self-administration of an epinephrine injector, and/or asthma medication, and/or a medication required under a *qualifying plan*, or the storage of any medication by school personnel.

School District Supply of Undesignated Glucagon^{Q1}

The Director or designee shall implement 105 ILCS 145/27 and maintain a supply of undesignated glucagon in the name of the District in accordance with manufacturer's instructions.

When a student's prescribed glucagon is not available or has expired, a school nurse or delegated care aide may administer undesignated glucagon only if he or she is authorized to do so by a student's diabetes care plan.

Administration of Medical Cannabis [PRESSPlus4](#)

The Compassionate Use of Medical Cannabis Program Act allows a *medical cannabis infused product* to be administered to a student by one or more of the following individuals:

1. A parent/guardian of a student who is a minor who registers with the Ill. Dept. of Public Health (IDPH) as a *designated caregiver* to administer medical cannabis to their child. A *designated caregiver* may also be another individual other than the student's parent/guardian. Any *designated caregiver* must be at least 21 years old [PRESSPlus5](#) and is allowed to administer a *medical cannabis infused product* to a child who is a student on the premises of his or her school or on his or her school bus if:
 - a. Both the student and the designated caregiver possess valid registry identification cards issued by IDPH;
 - b. Copies of the registry identification cards are provided to the District;
 - c. That student's parent/guardian completed, signed, and submitted a *School Medication Authorization Form - Medical Cannabis*; and

- d. After administering the product to the student, the designated caregiver immediately removes it from school premises or the school bus.
2. A properly trained school nurse or administrator, who shall be allowed to administer the *medical cannabis infused product* to the student on the premises of the child's school, at a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. [PRESSPlus6](#)
3. The student him or herself when the self-administration takes place under the direct supervision of a school nurse or administrator. [PRESSPlus7](#)

Medical cannabis infused product (product) includes oils, ointments, foods, and other products that contain usable cannabis but are not smoked or vaped. Smoking and/or vaping medical cannabis is prohibited.

The product may not be administered in a manner that, in the opinion of the District or school, would create a disruption to the educational environment or cause exposure of the product to other students. A school employee shall not be required to administer the product.

Discipline of a student for being administered a product by a designated caregiver, or by a school nurse or administrator, or who self-administers a product under the direct supervision of a school nurse or administrator pursuant to this policy is prohibited. The District may not deny a student attendance at a school solely because he or she requires administration of the product during school hours.

Void Policy

The **School District Supply of Undesignated Glucagon** section of the policy is void whenever the Director or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for glucagon from a qualifying prescriber, [PRESSPlus8](#) or (2) fill the District's prescription for undesignated school glucagon.

The **Administration of Medical Cannabis** section of the policy is void and the District reserves the right not to implement it if the District or school is in danger of losing federal funding.

Administration of Undesignated Medication

Upon any administration of an undesignated medication permitted by State law, the Director or designee(s) must ensure all notifications required by State law and administrative procedures occur.

Undesignated Medication Disclaimers

Upon implementation of this policy, the protections from liability and hold harmless provisions applicable under State law apply. [PRESSPlus9](#)

No one, including without limitation, parents/guardians of students, should rely on the District for the availability of undesignated medication. This policy does not guarantee the availability of undesignated medications. Students and their parents/guardians should consult their own physician regarding these medication(s).

LEGAL REF.:

105 ILCS 5/10-20.14b, 5/10-22.21b, ~~and 5/22-30~~, and 5/22-33.

105 ILCS 145/, Care of Students with Diabetes Act.

410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act, and scheduled to be repealed on July 1, 2020.

720 ILCS 550/, Cannabis Control Act.

23 Ill.Admin.Code §1.540.

CROSS REF.:7:285 (Food Allergy Management Program)

Adopted: March 19, 2019

Questions and Answers:

***Required Question 1. Optional. 105 ILCS 145/27, added by P.A. 101-428, permits a district to maintain a supply of undesignated glucagon in any secure location that is immediately accessible to a school nurse or delegated care aide. **A**

school board must ensure that it does not adopt this section into the policy unless it is prepared to implement it. Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated glucagon, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities.

The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated glucagon in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs.

Has the Board adopted the School District Supply of Undesignated Glucagon subsection?

- Yes (default)
 No (IASB will delete the School District Supply of Undesignated Glucagon subsection and its Void Policy language)

PRESSPlus Comments

PRESSPlus 1. Updated in response to 105 ILCS 5/10-22.21b(d), added by P.A. 101-205, eff. 1-1-20. The plan must address actions to be taken if the student is unable to self-administer medication and the situations in which the school must call 911. For plan guidance, see 7:270-AP1, *Dispensing Medication*, available at PRESS Online by logging in at www.iasb.com. **Issue 102, October 2019**

PRESSPlus 2. Updated in response to 105 ILCS 5/10-22.21b, amended by P.A. 101-205, eff. 1-1-20. A student with a qualifying plan may self-administer medication if the student's parent/guardian provides the school with: (1) written permission for the student's self-administration of medication, (2) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication, and (3) the prescription label containing the name of the medication, the prescribed dosage, and the time(s) or circumstances under which the medication is to be administered. This does not allow a student to self-carry unless otherwise permitted. Contact the board attorney for further guidance. **Issue 102, October 2019**

PRESSPlus 3. 105 ILCS 5/10-22.21b, amended by P.A. 101-205, eff. 1-1-20, does not specifically require this information to be in a notification to parents/guardians. However, 105 ILCS 5/10-22.21b requires parents/guardians to sign a statement that includes the district's protections from liability under 105 ILCS 5/10-22.21b; the signed acknowledgment is the notice. This policy includes the liability protection information under 105 ILCS 5/10-22.21b to also inform the community.

The storage of medication is not addressed in the applicable statutes and may not be covered as part of the district's protections from liability and hold harmless provisions. Contact the board attorney and the board's liability insurance carrier for further discussion about the district's liability and coverage in this area. **Issue 102, October 2019**

PRESSPlus 4. 105 ILCS 5/22-33(g), added by P.A. 100-660 (*Ashley's Law*) requires school boards to adopt a policy regarding the administration of medical cannabis infused product to students who are qualifying registered patients under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/, amended by P.A. 101-363, and in addition to allowing a student's delegated care aide(s) to administer it, allow a school nurse or administrator to administer it, and/or the student him or herself. The policy must be implemented by:

1. Authorizing a parent/guardian and/or a *designated caregiver* of a student who is a *registered qualifying patient* to administer a medical cannabis infused product to that student at school or on the school bus (105 ILCS 5/22-33(b)).
2. Allowing a school nurse or administrator to administer a medical cannabis infused product to a student who is a *registered qualifying patient* while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care, on school-operated property or while being transported on a school bus (105 ILCS 5/22-33(b-5), added by 101-370, eff. 1-1-20)).
3. Authorizing a student who is a *registered qualifying patient* to self-administer a medical cannabis infused product if the self-administration takes place under the direct supervision of a school nurse or school administrator (ld.).

Important: If a district would lose federal funding as a result of the board adopting this policy, the board may not authorize the use of a medical cannabis infused product under Ashley's Law and not adopt this subsection. 105 ILCS 5/22-33(f). Consult the board attorney about the issue of federal funding.

Issue 102, October 2019

PRESSPlus 5. A student under the age of 18 may have up to three designated caregivers as long as at least one is a biological parent or a legal guardian. A student 18 years of age or older may appoint up to three designated caregivers who meet the requirements of the Compassionate Use of Medical Cannabis Program Act. **Issue 102, October 2019**

PRESSPlus 6. 105 ILCS 5/22-33(b-5), added by P.A. 101-370, eff. 1-1-20. A school nurse or administrator must annually complete a training curriculum to be developed by ISBE in consultation with the Ill. Dept. of Public Health prior to administering a medical cannabis infused product to a student in accordance with this section. 105 ILCS 5/22-33(f-5), added by P.A. 101-370, eff. 1-1-20. **Issue 102, October 2019**

PRESSPlus 7. Any medical cannabis infused product administered by a school nurse or administrator, or self-administered under the supervision of a school nurse or administrator, must be stored with the school nurse at all times in a manner consistent with storage of other student medication at the school and may be accessible only by the school nurse or a school administrator. 105 ILCS 5/22-33(b-10), added by P.A. 101-370, eff. 1-1-20. **Issue 102, October 2019**

PRESSPlus 8. 105 ILCS 145/27, added by P.A. 101-428, provides that a physician, a physician assistant who has prescriptive authority under the Physician Assistant Practice Act of 1987 (225 ILCS 95/7.5), or an advanced practice registered nurse who has prescriptive authority under the Nurse Practice Act (225 ILCS 65-40) may prescribe undesignated glucagon in the name of the district to be maintained for use when necessary. **Issue 102, October 2019**

PRESSPlus 9. 105 ILCS 5/22-30(c). The school, and its employees and agents, incur no liability, except for willful and wanton conduct, as a result of an injury to a student arising from the administration of asthma medication, epinephrine injectors, or an opioid antagonists, a student's self-administration of medication, or administration of undesignated glucagon (insofar as it would be considered part of the care of a student with diabetes).

105 ILCS 5/22-30(c) requires the district to inform parents/guardians in writing of the protections from liability and hold harmless provisions that apply to the administration of asthma medication, epinephrine injectors, and opioid antagonists. In addition, a statement must be signed by a student's parent/guardian acknowledging the district's protections from liability and hold harmless provisions for these undesignated medications. A similar acknowledgment must be signed by a student's parent/guardian for the self-administration of medication. 105 ILCS 5/10-22.21(c), added by P.A. 101-205, eff. 1-1-20. See 7:270-E1, *School Medication Authorization Form*, available at PRESS Online by logging in at www.iasb.com, for a sample acknowledgement. **Issue 102, October 2019**

Document Status: Draft Update

COMMUNITY RELATIONS

8:30 Visitors to and Conduct on School Property

For purposes of this policy, "school property" means school buildings, District buildings not being used as a school, parking areas, vehicles used for school purposes, any location during a school athletic and other school-sponsored or school-sanctioned events or activities [PRESSPlus1](#), and school grounds.

Visitors are welcome on school property, provided their presence will not be disruptive. All visitors must initially report to the Building Principal's office. Except as provided in the next paragraph, any person wishing to confer with a staff member must contact that staff member by telephone to make an appointment. Conferences with teachers are held outside school hours or during the teacher's conference/preparation period.

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's special education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee.

The Governing Board expects mutual respect, civility, and orderly conduct among all individuals on school property or at a school event. No person on school property or at a school event shall perform any of the following acts:

1. Injure, threaten, harass, or intimidate a staff member, a Governing Board member, sports official or coach, or any other person;
2. Damage or threaten to damage another's property;
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device.
4. Damage or deface Governing Board property;
5. Violate any Illinois law, or town or county ordinance;
6. Smoke or otherwise use tobacco products;
7. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug. [PRESSPlus2](#)
8. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectable, regardless of when and/or where the use occurred. [PRESSPlus3](#)
9. Use or possess medical cannabis, unless he or she has complied with policy 7:270, Administering Medicines to Students, implementing Ashley's Law. [PRESSPlus4](#)
10. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner);
11. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Governing Board;
12. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive;
13. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding; or
14. Violate other District policies or regulations, or an authorized District employee's directive.

Convicted Child Sex Offender

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender meets either of the following two exceptions:

3. The offender is a parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
4. The offender received permission to be present from the Board, Director, or Director's designee. If permission is granted, the Director or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Director, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.

Enforcement

Any staff member may request identification from any person on school grounds or in any school building; refusal to provide such information is a criminal act. The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

As circumstances warrant, the Director or designee shall take appropriate action to enforce this policy including requesting the person to immediately leave school property, contacting law enforcement, and seeking to deny future admission to school events or meetings according to provisions in Board policy.

Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Director may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least ten days before the Board hearing date. The hearing notice must contain:

Q1

1. The date, time, and place of the Board hearing;
2. A description of the prohibited conduct;
3. The proposed time period that admission to school events will be denied; and
4. Instructions on how to waive a hearing.

LEGAL REF.:

Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 730 N.E.2d 96 (Ill.App.4, 2000).

Pro-Children Act of 1994, 20 U.S.C. §7181 et seq., Pro-Children Act of 1994.

105 ILCS 5/10-20.5b, 5/22-33, 5/24-24, and 5/24-25, and 5/27-23.7(a).

410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program Act.

430 ILCS 66/, Firearm Concealed Carry Act.

410 ILCS 705/, Cannabis Tax and Regulation Act.

720 ILCS 5/11-9.3.

CROSS REF.:4:170 (Safety), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270 (Administering Medicines to Students), 8:20 (Community Use of School Facilities)

ADOPTED: March 15, 2016

Questions and Answers:

***Required Question 1. For ease of administration, this text is broader than 105 ILCS 5/24-24, requiring a hearing for both *school events* and *meetings*. See Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000) (board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting). The court in Nuding did not specifically answer whether a board meeting qualified as a *school event* under 105 ILCS 5/24-24, but upheld the board's right to enforce conduct rules at its meetings under 105 ILCS 5/10-20.5.

Consult the board attorney before narrowing the text, especially if the board has put the current text into practice and now plans to narrow it. This issue involves a balancing of a board's interest in the orderly transaction of its public business and the efficiency of its meetings against an individual's: (a) statutory rights attend meetings and/or comment to and ask questions of the board (105 ILCS 5/10-16 and 5 ILCS 120/2.06(g)) and (b) constitutional freedoms and rights of speech, the press, assembly, and to petition the government (U.S. Constitution, First Amendment and Ill. Constitution, Art. I, §§ 1, 2, 4, and 5).

Does the board want to narrow the policy text to mirror 105 ILCS 5/24-24?

- No (default)
 - Yes ("or meetings" will be removed from the subheading and the first sentence of the subsection)
-

PRESSPlus Comments

PRESSPlus 1. Updated to align with the text of 105 ILCS 5/27-23.7(a). **Issue 102, October 2019**

PRESSPlus 2. Updated in response to the Cannabis Regulation and Tax Act (CRTA), 410 ILCS 705/, added by P.A. 101-27. This statement must be consistent with employee working conditions and employee conduct standards (see 5:120-AP, *Employee Conduct Standards*, available at PRESS Online by logging in at www.iasb.com) **Issue 102, October 2019**

PRESSPlus 3. Each board and superintendent may want to engage in a conversation regarding how the district might partner with local law enforcement to enforce this policy and the penalties available under the Cannabis Regulation Tax Act, e.g., posting signs barring community members from bringing in weapons, alcohol, cannabis, tobacco, etc. Signage reminding visitors of the policy may make it easier for staff and/or local law enforcement to enforce. **Issue 102, October 2019**

PRESSPlus 4. Managing cannabis on district property and the school setting presents many unsettled and complex legal issues. To legally use medical cannabis in Illinois, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Program Act (Medical Cannabis Program Act (MCPA)) 410 ILCS 130/, amended by P.A. 101-363, eff. 1-1-20 and scheduled to be repealed on 7-1-20. There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis, including (a) in a school bus, (b) on the grounds of any preschool or primary or secondary school, or (c) in close physical proximity to anyone under the age of 18 years of age. However, *Ashley's Law*, 105 ILCS 5/22-33(b) and (g), added by P.A. 100-660, allows *designated caregivers* to administer medical cannabis infused products to students who are *registered qualifying patients* at school or on the school bus, and requires school boards to adopt a policy to implement the law unless the district would lose federal funding. See policy 7:270, *Administering Medicines to Students*.

Remember that *Ashley's Law* requires the designated caregiver to remove the product from the school premises or the school bus after administering it to the student, so as a result, policy 7:270, *Administering Medicines to Students*, requires immediate removal of medical cannabis infused products after administering them to the student. **Issue 102, October 2019**

Document Status: Draft Update

Communications To and From the Board

2:140-E Exhibit - Guidance for Board Member Communications, Including Email Use

The Open Meetings Act (OMA) requires the Governing Board is authorized PRESSPlus1 to discuss Cooperative business only at a properly noticed Board meeting. (Open Meetings Act, 5 ILCS 120/). Other than during a Board meeting, a majority or more of a Board-quorum may not engage in contemporaneous interactive communication, whether in person or electronically, to discuss Cooperative business. This *Guidance* assumes a Board has seven members and covers issues arising from Board policy 2:140, *Communications To and From the Board*.

Communications Between or Among Board Members and/or the Director Outside of a Properly Noticed Board Meeting

1. The Director or designee is permitted to email information to Board members. For example, the Director may email Board meeting agendas and supporting information to Board members. When responding to a single Board member's request, the Director should copy all other Board members and include a *do not reply/forward* alert to the group, such as: "**BOARD MEMBER ALERT: This email is in response to a request. Do not reply or forward to the group but only to the sender.**"
2. Board members are permitted to discuss any matter except Cooperative business with each other, whether in person or by telephone or email, regardless of the number of members participating in the discussion. For example, they may discuss league sports, work, or current events.
3. Board members are permitted to provide information to each other, whether in person or by telephone or email, that is non-deliberative and non-substantive. Examples of this type of communication include scheduling meetings and confirming receipt of information.
4. A Board member is not permitted to discuss Cooperative business with more than one other Board member at a time, whether in person or by telephone or email. Stated another way, a Board member may discuss Cooperative business in person or by telephone or email with only one other Board member at a time. However, a Board member should not facilitate interactive communication by discussing Cooperative business in a series of visits with, or telephone calls or emails to, Board members individually.
5. A Board member should include a *do not reply/forward* alert when emailing a message concerning Cooperative business to more than one other Board member. The following is an example of such an alert: "**BOARD MEMBER ALERT: This email is not for interactive discussion purposes. The recipient should not reply to it or forward it to any other individual.**"
6. Board members should not forward email received from another Board member.

When Must the Electronic Communications Sent or Received by Individual Board Members Be Disclosed Pursuant to a Freedom of Information Act (FOIA) Request?

An electronic communication must be disclosed if it is a *public record* as defined by FOIA, unless a specific exemption applies. A public record is any recorded information "pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." 5 ILCS 140/2. Email sent or received by an individual Board member may be, depending on the content and circumstances, subject to disclosure as a *public record* (unless a FOIA exemption is applicable).

If a Board member uses a Cooperative-provided device or email address to discuss public business, the email is subject to disclosure under FOIA, barring an applicable exemption. If a Board member uses a private device and email address, the communication is subject to FOIA if it satisfies this test:

First, the communication pertains to the transaction of public business, and

Second, the communication was: (1) prepared by a public body, (2) prepared for a public body, (3) used by a public body, (4) received by a public body, (5) possessed by a public body, and/or (6) controlled by a public body.

This test is from the appellate court decision in City of Champaign v. Madigan, 992 N.E.2d 629 (Ill.App.4th, 2013).

The following *examples* describe FOIA's treatment of electronic communications:

1. If an electronic communication does not pertain to public business, it is not a public record and is not subject to a FOIA request.

2. An electronic communication pertaining to public business that is:

- a. Sent and/or received by an individual Board member using a personal electronic device and personal email address while he or she is at home or work **would not be a public record**. Individual Board members, alone, cannot conduct school Cooperative business. As stated earlier, emails among a majority or more of a Board-quorum violate the Open Meetings Act **OMA** and, thus, are subject to disclosure during proceedings to enforce the Open Meetings Act **OMA**.
- b. Sent and/or received by an individual Board member on a Cooperative-issued device or Cooperative-issued email address **will be a public record** and subject to FOIA. The electronic communication is under the control of the Cooperative.
- c. Received by an individual Board member on a personal electronic device and then forwarded by the Board member to a Cooperative-owned device or server **will be a public record** and subject to FOIA. The electronic communication is under the control of the Cooperative.
- d. Received by an individual Board member using a personal electronic device and personal email address, and then forwarded by the Board member to enough members to constitute a majority or more of a Board-quorum **will be a public record** and subject to FOIA. The electronic communication is in the Cooperative's possession.
- e. Either sent to or from a Board member's personal electronic device during a Board meeting **will be a public record** and subject to FOIA. The electronic communication is in the Cooperative's possession because Board members were functioning collectively as a public body.

The Cooperative's Freedom of Information Officer and/or Board Attorney will help determine when a specific communication must be disclosed pursuant to a FOIA request.

When Must Electronic Communications Be Retained?

Email that qualifies under FOIA as a *public record* will need to be stored pursuant to the Local Records Act (**LRA**), only if it is evidence of the Cooperative's organization, function, policies, procedures, or activities or contains informational data appropriate for preservation. (**Local Records Act, 50 ILCS 205/4**). An example is any email from a Board officer concerning a decision made in his or her capacity as an officer. If a Board member uses his or her personal email, he or she must copy this type of email to the appropriate Cooperative office where it will be stored. If made available, Board members should use their email accounts provided by the Cooperative, and the Cooperative will automatically store the official record messages. The Cooperative will delete these official record messages as provided in an applicable, approved **retention schedule**. Of course, email pertaining to public business that is sent or received by a Board Member using a Cooperative-issued device or email address will be subject to FOIA, even if the email does not need to be retained under the **Local Records Act RA**.

Important: Do not destroy any email concerning a topic that is being litigated without obtaining the Board attorney's direction. In federal lawsuits, there is an automatic discovery of virtually all types of electronically created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding not to destroy any electronic records that might be relevant. This is referred to as a *litigation hold*. For more discussion of a litigation hold, see 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. In addition, any person who knowingly with the intent to defraud any party destroys, removes, or conceals any public record commits a Class 4 felony. 50 ILCS 205/4, amended by P.A. 98-1063.

DATED: May 19, 2015

PRESSPlus Comments

PRESSPlus 1. Updated for continuous improvement. **Issue 101, June 2019**

Document Status: Draft Update

Governing Board Meeting Procedure

2:220-E2 Exhibit - Motion to Adjourn to Closed Meeting

Motion to Adjourn to Closed Meeting

Date:	Time:
Location:	

A motion was made by _____, and seconded by _____, to adjourn to closed meeting to discuss:

- The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors, or specific volunteers of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor, or a volunteer of the District or against legal counsel for the District to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act. 5 ILCS 120/2(c)(1), amended by P.A. 99-646101-459. [PRESSPlus1](#)
- Collective negotiating matters between the District and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
- The selection of a person to fill a public office, including a vacancy in a public office, when the District is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the District is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
- Evidence or testimony presented in open hearing, or in closed hearing where authorized by law, to a quasi-adjudicative body, as defined in the Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision with its determinative reasoning. 5 ILCS 120/2(c)(4).
- The purchase or lease of real property for the use of the District, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
- The setting of a price for sale or lease of property owned by the District. 5ILCS 120/2(c)(6).
- The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
- Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8), amended by P.A. 99-235.
- Student disciplinary cases. 5 ILCS 120/2(c)(9).
- The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
- Litigation, when an action against, affecting or on behalf of the particular District has been filed and is pending before a court or administrative tribunal, or when the District finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the closed meeting minutes. 5 ILCS 120/2(c)(11).
- The establishment of reserves or settlement of claims as provided in the Local Government and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the District or any intergovernmental risk management association or self insurance pool of which the District is a member. 5 ILCS 120/2(c)(12).
- Self-evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the District is a member. 5 ILCS 120/2(c)(16).
- Discussion of minutes of meetings lawfully closed, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).
- Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the

discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(29).

Closed Meeting Roll Call:

"Yeas"	"Nays"
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Motion: Carried Failed

DATED: February 21, 2017

PRESSPlus Comments

PRESSPlus 1. Updated in response to the Open Meetings Act (OMA), 5 ILCS 120/2(c)(1), amended by P.A. 101-459. **Issue 102, October 2019**