

# The Black Hawk Area Special Education District SEJA #865

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**Black Hawk Area Sp Ed**

# The Black Hawk Area Special Education District SEJA #865

## POLICY MANUAL

The online manual provides the district's board of education policies, regulations, and related documents in a fully searchable, easy-to-use format.

### Navigation

- Access the Table of Contents (TOC) using the main menu at top left.
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### Questions?

If you have any questions or comments regarding this manual, please contact the local district office.

**Black Hawk Area Sp Ed**

**SECTION 1 - SPECIAL EDUCATION DISTRICT ORGANIZATION**

**Black Hawk Area Sp Ed**



## 1:10 District Legal Status

The Illinois Constitution requires the State to provide for an efficient system of high-quality public educational institutions and services in order to achieve the educational development of all persons to the limits of their capabilities.

The General Assembly has implemented this constitutional mandate through the creation of joint agreements of various types for the purpose of providing special education services to children with disabilities.

The Governing Board, as established under the Articles of Joint Agreement, of the Black Hawk Area Special Education District is designated the Administrative Agent for the purpose of meeting the legal functions and requirements of the School Code. By resolution of the member Boards of Education, the Governing Board, as a legal entity, will serve as the Administrative Agent under Section 10-22.31 of the School Code.

The Board constitutes a body corporate that possesses all the usual powers of a corporation for public purposes, and in that name may sue and be sued, purchase, hold and sell personal property and real estate, and enter into such obligations as are authorized by law.

LEGAL REF.:Ill. Constitution, Art. X, Sec. 1.

105 ILCS 5/10-22.31

105 ILCS 5/10-1 et seq.

CROSS REF.:2:10 (Special Education District Governance), 2:20 (Powers and Duties of the Governing Board)

ADOPTED:January 16, 2007

**Black Hawk Area Sp Ed**

## **1:20 District Organization and Operations**

The District is organized and operates under the Articles of Joint Agreement of the Black Hawk Area Special Education District.

LEGAL REF.: 23 Ill. Admin. Code §1.210

ADOPTED: January 16, 2007

**Black Hawk Area Sp Ed**

## **1:22 Relationship Between BHASED And Local Districts**

Special education personnel employed by the local Boards of Education shall be directly responsible to local district administrators according to policies established by the local district. Special Education personnel hired by BHASED shall be directly responsible to the Director.

Employees of Black Hawk Area Special Education District shall provide support services and consultation to the local district staff and shall advise regarding program or personnel supervision as approved by the Governing Board with consideration of matters when requested by the Superintendents' Advisory Committee.

Development of the case study evaluation prior to placement shall be the responsibility of the local school personnel.

Transportation of students to/from special education programs shall be the responsibility of the local school districts.

ADOPTED: January 16, 2007

**Black Hawk Area Sp Ed**

## 1:24 Membership

The following school districts within Henry, Mercer and Rock Island Counties shall comprise the membership:

### Henry County

Colona District #190

Orion District #223

Alwood District #225

### Rock Island County

Hampton District #29

UTHS District #30

Silvis District #34

Carbon Cliff District #36

### Mercer County

Mercer County District #404

East Moline District #37

Rock Island District #41

Riverdale District #100

Sherrard District #200

Rockridge #300

Membership becomes active upon application and payment of any annual and/or new member assessment fee. The Board of Education of the local school district must accept the Articles of Agreement in their entirety. Applications for membership must be accepted by a two-thirds (2/3) majority vote of the Governing Board, acting upon the recommendation of the Superintendents' Advisory Committee.

ADOPTED: May 17, 2017

**Black Hawk Area Sp Ed**

**SECTION 2 - GOVERNING BOARD**

**Black Hawk Area Sp Ed**

## **2:10 Special Education District Governance**

The District is governed by a Governing Board composed of one Board of Education member from each participating school district. The Board's powers and duties include the broad authority to adopt and enforce all necessary policies for the management and government of the Special Education District.

The Directors of the Regional Offices of Education representing the member districts, and the chairperson of the Black Hawk Area Special Education District Superintendents' Advisory Committee shall serve as non-voting, ex officio members of the Governing Board.

Official action by Board members must occur at a duly called and legally conducted meeting. "Meeting" is defined as any gathering of the majority of a quorum of Governing Board members for the purpose of discussing Special Education District business.

Governing Board members, as individuals, have no authority over District affairs, except as provided by law or as authorized by the Board.

LEGAL REF.:5 ILCS 120/1.02.

105 ILCS 5/10-1, 5/10-10, 5/10-12, 5/10-16.5, 5/10-16.7, and 5/10-20.5.

CROSS REF.:1:10 (Special Education District Legal Status)

ADOPTED:November 15, 2011

**Black Hawk Area Sp Ed**

## 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/, 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, direct or cause the Board to direct the Director or other equivalent school administrator to comply with 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)

Adopted: January 21, 2020

**Black Hawk Area Sp Ed**



## **2:50 Board Member Term of Office**

The Governing Board is composed of one Board of Education member from each participating school district. The member shall be selected by the local Board of Education at the first meeting following the school election. Each Board of Education shall also select an alternate member to serve in the absence of the member. Members shall be appointed for two-year terms, but may serve more than one term.

LEGAL REF.:

10 ILCS 5/2A-1.1.

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

CROSS REF.:2:30 (Governing Board Elections)

Adopted: March 19, 2019

**Black Hawk Area Sp Ed**

## **2:80 Board Member Ethics**

The Board adopts the Illinois Association of Governing Boards' "Code of Conduct for Members of Governing Boards." A copy of the Code shall be displayed in the regular Board meeting room.

CROSS REF.:2:100 (Board Member Conflict of Interest), 2:105 (Ethics and Gift Ban)

ADOPTED:January 16, 2007

**Black Hawk Area Sp Ed**

## **2:80-E Exhibit - Board Member Code of Conduct**

As a member of the Governing Board, I will do my utmost to represent the public interest in education by adhering to the following standards and principles:

1. I will represent all District constituents honestly and equally and refuse to surrender my responsibilities to special interest or partisan political groups.
2. I will avoid any conflict of interest or the appearance of impropriety which could result from my position, and will not use my Board membership for personal gain or publicity.
3. I will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a Board meeting.
4. I will take no private action that might compromise the Board or administration and will respect the confidentiality of privileged information.
5. I will abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.
6. I will encourage and respect the free expression of opinion by my fellow Board members and will participate in Board discussions in an open, honest and respectful manner, honoring differences of opinion or perspective.
7. I will prepare for, attend and actively participate in Board meetings.
8. I will be sufficiently informed about and prepared to act on the specific issues before the Board, and remain reasonably knowledgeable about local, State, national, and global special education issues.
9. I will respectfully listen to those who communicate with the Board, seeking to understand their views, while recognizing my responsibility to represent the interests of the entire community.
10. I will strive for a positive working relationship with the Director, respecting the Director's authority to advise the Board, implement Board policy, and administer the District.
11. I will model continuous learning and work to ensure good governance by taking advantage of Board member development opportunities, such as those sponsored by my State and national school board associations, and encourage my fellow Board members to do the same.
12. I will strive to keep my Board focused on its primary work of clarifying the District purpose, direction and goals, and monitoring District performance.

DATED : March 19, 2019

**Black Hawk Area Sp Ed**

## 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

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 21, 2020

**Black Hawk Area Sp Ed**

## 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 26 U.S.C. §501(c)(3).

### 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

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.

If a Board member has engaged in sexual harassment, the matter will be addressed in accordance with the authority of the Board.

The Director will post this policy on the District website and/or make this policy available in the District's administrative office.

#### 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: January 21, 2020

**Black Hawk Area Sp Ed**



## **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. Preside at all meetings;
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;
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.

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: January 21, 2020

**Black Hawk Area Sp Ed**

## **2:120 Board Member Development**

The Governing Board desires that its individual members learn, understand, and practice effective governance principles. The Board is responsible for member orientation and development. Board members have an equal opportunity to attend state and national meetings designed to familiarize members with public school issues, governance, and legislation.

The Board President and/or Director shall provide all Board members with information regarding pertinent educational materials, publications, and notices of training or development.

### New Board Member Orientation

The following steps are taken to orient newly appointed Governing Board members:

1. The Director may give each new Governing Board member copies of the Governing Board Policy Manual, and other helpful information including material describing the District and explaining the Governing Board's roles and responsibilities.
2. The Board President or designee shall schedule one or more special Board meetings, or schedule time during regular meetings, for Board members to become acquainted and to review Board processes and procedures.
3. The Board President may request a veteran Board member to mentor a new member.

LEGAL REF.:5 ILCS 120/2.

CROSS REF.:2:80 (Board Member Ethics), 2:125 (Board Member Expenses), 2:200 (Types of Governing Board Meetings)

ADOPTED:November 18, 2008

**Black Hawk Area Sp Ed**

## **2:125 Board Member Compensation; Expenses**

### Board Member Compensation Prohibited

Governing Board members provide volunteer service to the community and may not receive compensation for services, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides.

### Roll Call Vote

All Board member expense requests for travel, meals, and/or lodging must be approved by roll call vote at an open meeting of the Board.

### Regulation of District Expenses

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the District by resolution. No later than approval of the annual budget and when necessary, the Director will recommend a maximum allowable reimbursement amount for expenses to be included in the resolution. The recommended amount should be based upon the District's budget and other financial considerations.

Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the Board member, (2) anyone's personal expenses, or (3) entertainment expenses. Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event.

### Exceeding the Maximum Allowable Reimbursement Amount(s)

All requests for expense advancements, reimbursements, and/or purchase orders that exceed the maximum allowable reimbursement amount set by the Board may only be approved by it when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.

### Advancements

The Board may advance to its members actual and necessary expenses to be incurred while attending:

1. Meetings sponsored by the Illinois State Board of Education or by the Regional Director of Schools;
2. County or regional meetings and the annual meeting sponsored by any school board association complying with Article 23 of the School Code; and
3. Meetings sponsored by a national organization in the field of public school education.

Expense advancement requests must be submitted to the Director or designee on the Board's standardized estimated expense approval form. After spending expense advancements, Board members must use the Board's standardized expense reimbursement form and submit to the Director: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. A Board member must return to the District any portion of an expense advancement not used. If an expense advancement is not requested, expense reimbursements may be issued by the Board to its members for the activities listed in numbers one through three, above, along with registration fees or tuition for a course(s) that allowed compliance with the mandatory trainings described in policy 2:120, *Board Member Development* and other professional

development opportunities that are encouraged by the School Code, and other training provided by one of the entities described in the above list (see the **Reimbursements and Purchase Orders** subhead, below). Expense advancements and vouchers shall be presented to the Board in its regular bill process.

### Reimbursements and Purchase Orders

Expense reimbursement is not guaranteed and, when possible, Board members should seek pre-approval of expenses by providing an estimation of expenses on the Board's standardized estimated expense approval form, except in situations when the expense is diminutive. When pre-approval is not sought, Board members must seek reimbursement on the Board's standardized expense reimbursement form. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

### Credit and Procurement Cards

Credit and procurement cards shall not be issued to Board members.

### Standardized Expense Form(s) Required

All requests for expense advancement, reimbursement, and/or purchase orders in the District must be submitted on the appropriate itemized, signed standardized form(s). The form(s) must show the following information:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and office of the Board member who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants.
3. The date(s) of the official business on which the expense advancement or reimbursement will be or was expended.
4. The nature of the official business conducted when the expense advancement or reimbursement will be or was expended.

### Types of Official Business for Expense Advancements, Reimbursements, and Purchase Orders

1. Registration. When possible, registration fees will be paid by the District in advance.
2. Travel. The least expensive method of travel will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for:
  - a. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Copies of airline tickets must be attached to the expense form.
  - b. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
  - c. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
  - d. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
  - e. Taxis, airport limousines, ride sharing or other local transportation costs.

3. Meals. Board members will be reimbursed for meal costs and tips up to \$30 per day, consistent with the maximum allowable reimbursement amount set by the Board. Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.
4. Lodging. Board members should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Board members should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.
5. Miscellaneous Expenses. Board members may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

#### Additional Requirements for Travel Expenses Charged to Federal and State Grants

All Board member expenses for travel charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must comply with policy 5:60, *Expenses*, and its implementing procedures. Travel expenses include costs for transportation, lodging, meals, and related items.

#### LEGAL REF.:

105 ILCS 5/10-20 and 5/10-22.32.

30 ILCS 708/, Government Accountability and Transparency Act.

50 ILCS 150/, Local Government Travel Expense Control Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:120 (Board Member Development), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 5:60 (Expenses)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

## 2:140 Communications To and From the Board

The Governing Board welcomes communications from staff members, parents/guardians, students, and community members. Individuals may submit questions or communications for the Governing Board's consideration to the Director or may use the electronic link to the Board's email address(es) posted on the Cooperative's website.

The Director or designee shall:

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

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

### Board Member Use of Electronic Communications

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

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

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

LEGAL REF.:

5 ILCS 120/, Open Meetings Act.

50 ILCS 205/20, Local Records Act.

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

Adopted: October 15, 2019

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

The Open Meetings Act (OMA) requires the Governing Board to discuss Cooperative business only at a properly noticed Board meeting. 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 OMA and, thus, are subject to disclosure during proceedings to enforce 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. 50 ILCS 205/. 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 LRA..

**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.

DATED : January 21, 2020

**Black Hawk Area Sp Ed**

## 2:150 Committees

### Superintendents' Advisory Committee

#### A. Superintendents' Advisory Committee Membership

A Superintendents' Advisory Committee shall be established and will consist of the Superintendents of each of the participating school districts and as ex-officio members, the Superintendents of the Regional Office of Education of Henry, Mercer and Rock Island Counties. Ex-officio members may be excluded from Closed Session by a majority vote. Ex-officio members shall have no voting rights.

#### B. Superintendents' Advisory Committee Officers

The officers of the Superintendents' Advisory Committee shall consist of a Chairperson, a Vice Chairperson and a Secretary.

#### C. Superintendents' Advisory Committee Election, Terms and Meeting Dates

The Director of the BHASED shall serve as Secretary of the Superintendents' Advisory Committee. Elected officers shall serve a term of one year and may succeed themselves for one (1) additional term, but may not serve more than two (2) consecutive years. The Superintendents' Advisory Committee shall meet monthly each year in regular session, excluding the month of July. Special meetings may be called by the Chairperson or any three members.

Duties and Responsibilities of the Superintendents' Advisory Committee include:

1. Review program proposals and make recommendations to the Director and the Governing Board.
2. Be responsible for maintaining appropriate communication and liaison between the Superintendents' Advisory Committee and their respective Board of Education.
3. Make recommendations to the Governing Board regarding the appointment of a Treasurer.
4. Make recommendations to the Governing Board regarding changes in the policies, procedures and operation of the BHASED.
5. Review the annual budget and program plan submitted by the Director and make recommendations to the Governing Board regarding the same prior to July 1<sup>st</sup>.
6. Make recommendations to the Governing Board regarding appointment of operating districts for inter-district programs.
7. Make recommendations to the Governing Board regarding the employment of the Director, administrators, assistants, coordinators, consultants, teachers, and all other employees of the BHASED and any professional consultants.
8. Make recommendations to the Governing Board regarding the following additional matters:
  - A. Contracts for the purchase, lease or repair of facilities, supplies and/or equipment; and the services of attorneys and auditors and other professionals.
  - B. Payments to be made by the Treasurer.
  - C. Assessment of each member district of the BHASED for their proportionate share of the costs of administration, programs and/or services in accordance with established procedures.
  - D. Agreements with any agency or individual deemed legal, appropriate and beneficial to the BHASED.
  - E. Membership on the Citizens' Advisory Committee, as appropriate.

### Meetings

Regular meetings of the Superintendents' Advisory Committee shall occur monthly except the month of July. Special meetings may be called by the Chairperson or any 3 members.

### Voting

1. Issues shall be passed by a majority vote of the members present when the presence of a quorum has been established.
2. A quorum of the Superintendents' Advisory Committee shall consist of a simple majority of the members.

### Directors Advisory Committee Agenda

1. The Director of the BHASED, in cooperation with the Chairperson of the Superintendents' Advisory Committee, shall prepare the agenda for all meetings of the Superintendents' Advisory Committee.
2. A copy of the minutes of any Superintendents' Advisory Committee shall be forwarded to all members of the Governing Board.

### Special Advisory Committees

The Governing Board and the Superintendents' Advisory Committee, with consideration of any recommendation from the Director, may from time to time appoint Advisory Committees to study matters pertaining to the operation of the Black Hawk Area Special Education District.

### Guidelines

- Advisory committees may be of either a permanent or temporary nature.
- The permanent committees shall be the Administration and Finance Committee, the Program and Building Committee, and the Policy Committee.
- Such committees shall deal with specific issues identified by the Director, the Superintendents' Advisory Committee, or Governing Board.
- All members of advisory committees thus established shall serve without compensation or expenses unless specifically authorized by the Governing Board.
- To the extent applicable and appropriate, the membership of such committees shall include employees of the District, children/persons with disabilities and parents of children/persons with disabilities as well as representatives of the local school districts.
- The responsibilities of a temporary advisory committee shall be fulfilled upon making a final written report to the Director and Superintendents' Advisory Committee.

LEGAL REF.:5 ILCS 120.

105 ILCS 5/10-20.14 and 5/14-8.05.

CROSS REF.:2:240 (Board Policy Development), 5:40 (Communicable and Chronic Infectious Disease), 7:190 (Student Behavior), 7:230 (Misconduct by Students with Disabilities), 7:280 (Communicable and Chronic Infectious Disease)

ADOPTED:January 16, 2007

## **2:160 Board Attorney**

The Governing Board may retain legal services with one or more attorneys or law firms to be the Board Attorney(s). The Board Attorney represents the Board in its capacity as the governing body for the District. The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services or as memorialized by an engagement letter. The District will only pay for legal services that are provided in accordance with the agreement for legal services, as memorialized by an engagement letter, or that are otherwise authorized by this policy or a majority of the Board.

The Director, his or her designee, or Board President, are authorized to confer with and/or seek the legal advice of the Board Attorney. The Board may also authorize a specific Board member to confer with the Board Attorney on its behalf.

The Director may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to be informed of and/or consider the matter.

The Governing Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

### **LEGAL REF.:**

Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.

CROSS REF.:4:60 (Purchases and Contracts)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

## 2:160-E Exhibit - Checklist for Selecting a Board Attorney

The School Board selects and retains the Board Attorney(s). The Board may use this checklist for guidance when it selects and retains attorney(s) and/or law firms for legal services. This checklist is designed for the Board to use a request for proposal (RFP) process to seek outside attorneys/law firms. The Board may also select an attorney without using an RFP process and adapt this checklist. The Board may also adapt this checklist and use it for an application process, if the Board seeks an inhouse attorney. For more information, call the IASB Office of General Counsel; see its current phone numbers at [www.iasb.com/about-us/staff/#office-general-counsel](http://www.iasb.com/about-us/staff/#office-general-counsel).

### Determine what type of legal services the District needs.

1. Review Board policy 2:160, *Board Attorney*. **Note:** Critically analyze whether the District's legal needs are best served by in-house attorney(s) or outside attorney(s)/law firms. Many districts use a combination of these services. Many districts also use multiple attorney(s)/law firms for their specialties, e.g., different law firms for bond counsel, special education, or labor law. Some boards also approve a panel of attorneys and allow the administration to choose which attorney to use.
2. Consider the following factors to analyze the type(s) of legal services needed for the District including, but are not limited to:
  - District's size;
  - Any past and current experiences with legal matters;
  - Complexity of the District's legal needs;
  - Availability of expertise; and
  - Cost of outside fees compared to internal staff expenses for an in-house arrangement.

### Develop a list of qualifications necessary for providing quality legal services to the District.

1. Review policy 4:60, *Purchases and Contracts*. **Note:** While State law exempts hiring an attorney from bidding requirements (105 ILCS 10-20.21(a)), the Board may want to review its procurement processes and align procurement for legal services to its non-bidding-related standards for purchases, e.g., avoiding favoritism, staying within the District's budget, etc.
2. Develop the list of qualifications. The major qualifications include, but are not limited to:
  - Licensed to practice law in Illinois and in good standing with the Ill. Attorney Registration and Disciplinary Commission (ARDC) (see checklist item *Conduct a reference check and other background investigations*, below)
  - Member of the District's assigned United States district court and the Seventh Circuit Court of Appeals
  - Substantive knowledge and experience in the legal areas matching District's needs, e.g., bidding, civil rights, collective bargaining, education reform, employment law, Freedom of Information Act, Open Meetings Act, other records laws, special education, student rights, etc. **Note:** This list of knowledge and experience must be created by the District's identified needs and may change from time to time.
  - Experience in all aspects of contract, employment, and school law
  - Experience that meets the District's needs, including litigation experience in State and federal courts
  - Membership in professional associations, such as, the Ill. Council of School Attorneys (ICSA) and education law sections of bar associations, etc.
  - Demonstrated knowledge of and ability to apply professional responsibility rules

- Accessibility for the District's identified needs, e.g., evening Board meetings, phone calls, etc.
- Ability to declare that representation of the District will be to the exclusion of all other clients having potential conflicts with the District's interests
- When additional qualifications apply, list those qualifications for providing legal services. This may include specialties such as bond counsel, etc.

#### **Develop the RFP.**

1. Insert the list of qualifications that the Board developed.
2. Include the following information:
  - The deadline for responses to be submitted
  - The location (address or email) where responses should be sent
  - A statement that the Board is soliciting proposals from qualified lawyers and law firms to provide legal services to the School District
  - Significant information about the District (see policy 1:30, *School District Philosophy*, for the District's mission statement that is specific to the community's goals)
  - The scope of work, e.g., "The Board Attorney will provide legal advice concerning *[typical duties, specific duties, excluded duties]*."
  - Qualifications
  - Details about interviews and presentations
3. Specify what responders must include in their responses, such as the following:
  - Cover letter, complete name, address, and legal structure (if the responder is a law firm)
  - The individuals who prepared the response, including their titles
  - If different from above, the identity of and directory information for the individuals who have authority to answer questions regarding the submitted proposal
  - A proposed fee schedule, e.g., "Respondents may combine set fees and hourly fees. If hourly fees are proposed, please provide the minimum time increment for billing purposes. If a retainer agreement is proposed, please specifically describe options."
  - A summary of the responder's relevant experience representing public schools
  - A writing sample
  - An assurance that the responder meets the RFP's qualifications
  - References including current or past clients

#### **Announce the RFP.**

1. Title the announcement. **Note:** How and where the RFP is announced are at the Board's sole discretion. The Board may want to announce the RFP during an open meeting, post it on the District's website, mail or email it to local law firms, and/or place it in the local newspaper(s) or other legal publications. A directory of those lawyers belonging to the ICOSA is on the IASB website, [www.iasb.com](http://www.iasb.com). A printed copy is available upon request. Inclusion in the directory does not represent an IASB endorsement. Some attorneys who practice school law do not belong to ICOSA. Other online sources, such as the Ill. State Bar Association, also maintain directories of information about attorneys. The Board may want to title the announcement "The *[Insert District's name]* School Board Requests Proposals to Provide Legal Services."
2. Announce that the Board seeks an attorney or law firm to serve as its Board Attorney.
3. Inform the reader that the attorney or law firm selected will serve either *at will* or from the date of appointment to *[date]*. The length of the appointment is at the Board's discretion.

4. State the School District's philosophy or mission statement.
5. Insert the RFP location and contact information with the beginning date and time.
6. Tell prospective responders that completed RFPs must be returned by [*certain time and date*] to [*name and title of person receiving applications*].

**Receive and manage responses to the RFP.**

1. Review policy 2:110, *Qualifications, Term, and Duties of Board Officers*. The Board President is a logical officer to accept the applications, but this task may be delegated to the Secretary or Superintendent's secretary if the Board determines that it is more convenient. Who accepts applications is at the Board's sole discretion and should be decided by the Board prior to posting the RFP announcement.
2. The Board will discuss, at an open meeting, its process to review the applications and who will contact RFP responders for an interview.
3. The designated person will contact RFP responders for interviews.

**Develop interview questions if the Board interviews attorneys or law firms.**

1. Interview questions are at the Board's discretion.
2. A prospective attorney or law firm to fill the Board Attorney position may raise other specific issues that the Board will want to cover during an interview.
3. The following non-exhaustive list of interview questions may help the Board tailor its questions toward finding an attorney or law firm with an approach to the role of the Board Attorney that the Board desires:
  - What do you see as your role as Board Attorney?
  - How many other school districts do you currently represent?
  - What kind of legal services do you provide to your school clients? Please explain how your other experience is relevant to this position.
  - How many years of experience does your firm (or, the attorney) have? How long have you been practicing law? How long have you been representing school districts?
  - What methods will you use to ensure all members of the Board, which is your client, remain informed? See the discussion about the *III. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
  - How would you manage a situation in which the Board feels strongly about its position but you believe that position is not legally supportable? The *III. Rules of Professional Conduct*, at [www.illinoiscourts.gov/supremecourt/rules/art\\_viii/default\\_new.asp](http://www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp), require attorneys to represent the Board in its capacity as the governing body for the District. The responders should be discussing these rules, specifically Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client), among others, in their answers to this question. See also, **PRESS** policy 2:160, *Board Attorney*.
  - How would you manage a situation in which the Board's interest may be or become adverse to one or more of its members? See the discussion about the *III. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
  - How would you manage a situation in which the Board and Superintendent are in conflict? How about a divided Board? See the discussion about the *III. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
  - If the Board did something that you had advised against, could you still defend the Board's action? See the discussion about the *III. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.



- Will you try to shape Board decisions or do you have a *whatever the Board decides philosophy*? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Do you give clients specific recommendations or do you advise them of the available options and let the client decide? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Do you provide your school Board clients with any updating services gratis?
- How do you keep your Board clients apprised of litigation and other legal matters you are handling for them?
- Will you be handling this business personally, i.e., will you delegate to your associates or partners?
- Can anyone else in your firm handle our inquiries when you are unavailable?
- How do you keep current on school law?
- When do you tell your school clients to contact you regarding a matter with possible legal repercussions?
- Have you represented a school district in a matter involving the rights of disabled students? ...involving disabled employees? ... involving a student expulsion? ... involving a teacher dismissal? ... involving an employee's contract or dismissal? ... involving a building contract or bidding matter? ... Can you tell us about that case?
- How do you bill? How are you to be paid? Please explain your rates and/or fees. The subject of billing should cover whether the attorney or law firm prepares a budget for representation and its method for billing in detail, including the date and time, what work was performed, and who worked on the project, along with expenses.
- Did you bring a written agreement for legal services, engagement letter, or a retainer agreement? If yes, please review it for us now. If not, please explain the options for a written agreement for legal services, engagement letter, or a retainer agreement.

**Develop an interview protocol.** Interviews may occur in closed session pursuant to 5 ILCS 120/2(c)(1).

1. The Board President will lead the Board as it interviews responders to its RFP. See 105 ILCS 5/10-13 stating that the Board President presides at all meetings and policy 2:110, *Qualifications, Term, and Duties of Board Officers*.
2. The Board may also want to consider allowing an equal amount of time for each interview.
3. Discuss the following items with each responder during the interview:
  - Introduce Board members to the responder
  - Describe the Board's interview process, selection process, and ask the responder if he or she has questions about the Board's process for selecting its attorney
  - Describe the District's philosophy or mission statement
  - Describe the Board Attorney position by reviewing the RFP
  - Begin asking the interview questions (see *Develop interview questions*, above)
  - Ask the responder whether he or she has any questions for the Board
  - Thank the responder and inform him or her when the Board expects to make its decision and how the responder will be contacted regarding the Board's decision

**Conduct a reference check and other background investigation(s).**

1. The Board President may perform this check or direct the Superintendent to:

- Check the ARDC’s master roll of attorneys as “Authorized to Practice Law” (To do this, enter the attorney’s name into the ARDC’s registration and public disciplinary records database at: [www.iardc.org/lawyersearch.asp](http://www.iardc.org/lawyersearch.asp).)
  - Click on the attorney’s name to review whether any disciplinary actions are pending or resolved; current and prior actions will appear at the bottom of the screen
  - If disciplinary actions are listed, ask the attorney or law firm for more information
2. There are other online attorney review services available. These services may be overly subjective and/or the attorney may have control over the content in these services. Always check with the ARDC.
  3. Call references provided by the responder.

**Enter into a written agreement or engagement letter with the selected attorney or law firm.**

1. All *agreements for legal services* should be in writing. At minimum, the agreement should provide the fee arrangement and the scope of services. *Agreements for legal services* and individual billing statements from the Board Attorney are subject to disclosure pursuant to a Freedom of Information Act request (PAO 14-02).
2. Discuss the fee arrangements with the responder and decide:
  - Whether to enter into a fee arrangement and/or a retainer agreement (**Note:** Attorneys typically bill by a pre-determined percentage of the hour, e.g., in one-tenth of an hour increments. Many districts enter into a retainer agreement for legal services or an engagement letter that requires them to pay the attorney a pre-determined fee every month. In return, the attorney provides a pre-determined amount of legal services whenever the district needs him or her. Districts find this useful because (1) they can budget for legal expenses, (2) legal advice is available up to the pre-determined amount for lower fees, and (3) this arrangement often provides for an enhanced, long-term relationship with the attorney.)
  - The appropriate scope of services
3. Review the written contract or memorialized relationship (*agreement for legal services* or *engagement letter*) for these provisions:
  - Fee arrangement
  - Scope of services
  - Which attorneys will be providing legal services
  - A statement that the Board controls all legal decisions
  - A statement that the attorney and his or her law firm have no conflicts of interest or, if a conflict exists, that the Board understands the conflict and waives it
  - Board’s right to terminate the services of the attorney and law firm at any time for any reason
4. Approve the *agreement for legal services* or *engagement letter* during an open Board meeting.

**Announce the appointment to District staff and community.**

1. The contents of the announcement and length of time it is displayed are at the Board’s sole discretion.
2. The Board may want to consider announcing during an open meeting. See policy 8:10, *Connection with the Community*.
3. The Board may want to include the following information in its announcement:

- The Board appointed [attorney's name or law firm name] as the Board Attorney
- The appointment will begin on [date] for [length of time]
- The Board previously established qualifications for the Board Attorney in a careful and thoughtful manner, e.g., "[Attorney or lawfirm's name] meets these qualifications and has demonstrated the willingness to accept its duties and responsibilities. [Attorney or law firm's name] brings a clear understanding of the demands and expectations of the Board Attorney position along with a constructive attitude toward the challenge."

DATED : July 27, 2020

**Black Hawk Area Sp Ed**

## **2:170 Procurement of Architectural, Engineering, and Land Surveying Services**

The Governing Board selects architects, engineers, and land surveyors to provide professional services to the District on the basis of demonstrated competence and qualifications, and in accordance with State law.

LEGAL REF.:

40 U.S.C. §541.

50 ILCS 510/0.01 et seq.

105 ILCS 5/10-20.21.

Shively v. Belleville Township High Special Education District 201, 769 N.E.2d 1062 (Ill.App.5, 2002), appeal denied.

Adopted: November 20, 2018

**Black Hawk Area Sp Ed**

## 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. 101-459.
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. 5ILCS 120/2(c)(8).
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 three 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 three 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)

Adopted: January 21, 2020

**Black Hawk Area Sp Ed**

## 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 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 (OMA) 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.

### No Physical Presence of Quorum and Participation by Audio or Video; Disaster Declaration

The ability of the Board to meet in person with a quorum physically present at its meeting location may be affected by the Governor or the Director of the Ill. Dept. of Public Health issuing a disaster declaration related to a public health emergency. The Board President or, if the office is vacant or the President is absent or unable to perform the office's duties, the Vice President determines that an in-person meeting or a meeting conducted under the **Quorum and Participation by Audio or Video Means** subhead above, is not practical or prudent because of the disaster declaration. If neither the President nor Vice President are present or able to perform this determination, the Superintendent shall serve as the duly authorized designee for purposes of making this determination.

The individual who makes this determination for the Board shall put it in writing, include it on the Board's published notice and agenda for the audio or video meeting and in the meeting minutes, and ensure that the Board meets every OMA requirement for the Board to meet by video or audio conference without the physical presence of a quorum.

### Rules of Order

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use Robert's Rules of Order, Newly Revised (11th Edition), as a guide when a question arises concerning procedure.

### Broadcasting and Recording Board Meetings

Any person may record or broadcast an open 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, 120/2.06, and 120/7.

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: July 27, 2020

## **Black Hawk Area Sp Ed**

## 2:220-E1 Exhibit - Board Treatment of Closed Meeting Verbatim Recordings and Minutes

The following procedures govern the verbatim audio recordings and minutes of Governing Board meetings that are closed to the public.

<b>Actor</b>	<b>Action</b>
<p><i>Before any Board meeting:</i></p> <p>Director or designee</p>	<p>Arranges to have an audio recording device with extra recording tapes and a back-up audio recording device in the Board meeting room during every Board meeting regardless of whether a closed meeting is scheduled.</p> <p>The Board may close a portion of a public meeting without prior notice; it cannot, however, have a closed meeting unless it can record the session.</p>
<p><i>Before a closed meeting:</i></p> <p>Board President or presiding officer</p>	<p>On the closed meeting date: (1) convenes an open meeting, (2) requests a motion to adjourn into closed meeting making sure the reason for the meeting is identified in the motion, (3) takes a roll call vote, (4) asks that the minutes record the vote of each member present and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act authorizing the closed meeting (5 ILCS 120/2a), and (5) adjourns the open meeting.</p>
<p><i>Before a closed meeting:</i></p> <p>Director or Board Secretary</p>	<p>Immediately before a closed meeting, tests and activates the audio recording device.</p>
<p><i>During a closed meeting:</i></p> <p>Board President or presiding officer</p>	<p>Convenes the closed meeting stating:</p> <p>Seeing a quorum of the Board of Education gathered today, ___ date, at ___ o'clock, at ___ location, for the purpose of holding a closed meeting in order to confidentially discuss ___, I call the meeting to order. In order to record who is present, I request that each individual state his or her name and position with the District.</p> <p>Limits discussion to the topics that were included in the motion to go into a closed meeting.</p> <p>The failure to immediately call a person out-of-order who strays from the purposes included in the motion may result in an appearance of acquiescence. This responsibility to call a person out-of-order falls on each Board member in the event of the President's failure.</p> <p>Once the closed meeting is finished, announces a return to an open meeting or adjournment, and states the time.</p>
	<p><b>For Verbatim Recordings:</b></p> <p>Takes possession of the audio recording of the closed meeting and labels it with</p>

<p><i>After a closed meeting:</i></p> <p>Director, Recording Secretary, or Board Secretary</p>	<p>identification information, specifically the date and items discussed.</p> <p>Adds the identification information contained on the audio recording's label to a cumulative list of closed meeting recordings.</p> <p>As soon as possible, puts the recording of the closed meeting in the previously identified secure location for storing recordings of closed meetings.</p> <p>Upon request of a Board member:</p> <ol style="list-style-type: none"> <li>1. Provides access to the verbatim recordings minutes at a reasonable time and place without disrupting District operations;</li> <li>2. Supervises the access to the closed session minutes or delegates it to one of the following individuals in the District: <ol style="list-style-type: none"> <li>a. A records secretary,</li> <li>b. An administrative official of the public body, or</li> <li>c. Any elected official of the public body; and</li> </ol> </li> <li>3. Logs the access to the recordings in 2:220-E7, <i>Access to Closed Meeting Minutes and Verbatim Recordings</i>.</li> </ol> <p><b>For Closed Meeting Minutes:</b></p> <p>Prepares written closed meeting minutes that include:</p> <ul style="list-style-type: none"> <li>• The date, time, and place of the closed meeting</li> <li>• The Board members present and absent</li> <li>• A summary of discussion on all matters proposed or discussed</li> <li>• The time the closed meeting was adjourned</li> </ul> <p>Upon request of a Board member:</p> <ol style="list-style-type: none"> <li>1. Provides access to the closed session minutes at a reasonable time and place without disrupting District operations;</li> <li>2. Supervises the access to the closed session minutes or delegates it to one of the following individuals in the District: <ol style="list-style-type: none"> <li>a. A records secretary,</li> <li>b. An administrative official of the public body, or</li> <li>c. Any elected official of the public body; and</li> </ol> </li> <li>3. Logs the access in 2:220-E7, <i>Access to Closed Meeting Minutes and Verbatim Recordings</i>.</li> </ol>
<p><i>After a closed meeting:</i></p> <p>Governing Board</p>	<p>Approves the previous closed meeting minutes at the next open meeting.</p>
<p><i>In</i></p>	<p>Prepares a recommendation concerning the continued need for confidential treatment of closed meeting minutes; includes this recommendation in the packet for the meeting</p>

<p><i>preparation for the semi-annual review.</i></p> <p>Director or designee</p>	<p>in which the Board will conduct its semi-annual review.</p> <p>This step is in preparation of the Board's meeting to decide whether the need for confidential treatment of specific closed meeting minutes continues to exist.</p> <p>If the Board wants to discuss closed meeting minutes in closed session, places "review of unreleased closed meeting minutes" on a closed meeting agenda.</p> <p>Places "result of Board's review of unreleased closed meeting minutes" on a subsequent open meeting agenda.</p>
<p><i>In preparation for the semi-annual review.</i></p> <p>Individual Governing Board members</p>	<p>Before the meetings in which the Board will conduct its semi-annual review, examines the material supplied by the Director.</p> <p>Individual Board members should consider: (1) the Director's recommendation, (2) the recommendation of the attorney representing the District, (3) other Board members' opinions, (4) the minutes themselves, and/or (5) whether the minutes would be exempted from public disclosure under the Illinois Freedom of Information Act.</p>
<p><i>During the semi-annual review.</i></p> <p>Governing Board</p>	<p>During an open meeting, decides whether the need for confidential treatment of specific closed meeting minutes continues to exist.</p> <p>The Board may have an earlier meeting in closed session to discuss the continued need for confidential treatment.</p> <p>During the semi-annual review, the Board decides in open session whether: (1) the need for confidentiality still exists as to all or part of closed meeting minutes, or (2) the minutes or portions thereof no longer require confidential treatment and are available for public inspection.</p>
<p><i>After the semi-annual review.</i></p> <p>Director or designee</p>	<p>Re-labels and re-files closed meeting minutes as appropriate.</p>
<p><i>Monthly, beginning July 2005:</i></p> <p>Board President</p>	<p>Adds "destruction of closed meeting audio recording" as an agenda item to an upcoming open meeting.</p>
<p><i>Monthly, beginning July 2005:</i></p> <p>Governing</p>	<p>Approves the destruction of particular closed meeting recording(s) that are at least 18 months old and for which approved minutes of the closed meeting already exist.</p>

LEGAL REF.:5 ILCS 120/1 et seq.

DATED:February 21, 2017

**Black Hawk Area Sp Ed**

## 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. 101-459.
- 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).
- 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 : January 21, 2020

**Black Hawk Area Sp Ed**

## 2:220-E3 Exhibit - Closed Meeting Minutes

### Closed Meeting Minutes

Date:	Time:
Location:	
Name of person(s) taking and recording the minutes:	
Name of person presiding:	
Members in attendance:  1. 2. 3. 4. 5. 6. 7.	Members absent:  1. 2. 3.
<b>Summary of the discussion on all matters:</b>	
<b>Time of adjournment or return to open meeting:</b>	
<i>The Board, during its semi-annual review of closed session minutes, has decided these minutes no longer need confidential treatment.</i>	
<input type="checkbox"/> <b>These minutes are available for public inspection as of: _____ .</b>  (Date)	

DATED: June 24, 2008

**Black Hawk Area Sp Ed**

## 2:220-E4 Exhibit - Open Meeting Minutes

### Meeting Minutes Protocol

1. Meeting minutes are the permanent record of the proceedings during a Board meeting. All Board action must be recorded in the minutes; thus, the minutes focus on Board action.
2. The minutes only include information provided at the meeting. Information may not be corrected or updated in the minutes unless it was discussed at the meeting.
3. Minutes include a summary of the Board's discussion on an agenda topic; the minutes do not state what is said verbatim. The minutes do not repeat the same point made by different individuals. If appropriate, the minutes include a brief background and an explanation of the circumstances surrounding an issue discussed. The minutes do not include the names of members making specific points during discussion. Requests from individual Board members to include their vote or an opinion are handled according to Board policy 2:220, *Board Meeting Procedure*.
4. The minutes include the topic of reports that are made to the Board including reports from the Director or a Board committee. Written reports are filed with the minutes but do not become part of the minutes.
5. The minutes note when a member is not present for the entire meeting due to late arrival and/or early departure.
6. Although items may be considered by the Board in a different order than appeared on the agenda, items in the minutes are generally recorded in the same order as they appeared on the agenda. When a meeting is reconvened on a different date, the minutes must describe what happened on each meeting date.
7. The minutes should be recorded in an objective but positive/constructive tone. Answers and explanations, rather than questions, are recorded. Writing style, including choice of words and sentence structure, is at the discretion of the individual recording the minutes.
8. The minutes include individuals' names who speak during the meeting's public participation segment as well as the topics they address. All written documents presented at a Board meeting are filed with the minutes but do not become part of the minutes.
9. The following template generally governs meeting minutes..

### Open Meeting Minutes

Date:	Time:
Location:	
Type of meeting: <input type="checkbox"/> Regular <input type="checkbox"/> Special <input type="checkbox"/> Reconvened or rescheduled <input type="checkbox"/> Emergency	
Name of person taking the minutes:	
Name of person presiding:	

<p>Members in attendance:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> <li>5.</li> <li>6.</li> <li>7.</li> </ol>	<p>Members absent:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>
--	---

**Approval of Agenda**

<p>List any items removed from the consent agenda:</p>
<p>Motion made by:</p>
<p>Motion: <input type="checkbox"/> To approve</p>
<p><input type="checkbox"/> To add items as follows: <i>(No action may be taken on newagenda items.)</i></p>
<p>Motion seconded by: _____</p>
<p>Action: <input type="checkbox"/> Passed <input type="checkbox"/> Failed</p>

**Approval of Previous Meeting Minutes** *(Needed only if this item is not on the consent agenda.)*

<p>Minutes from the Board meeting held on:</p>
<p>Motion made by:</p>
<p>Motion: <input type="checkbox"/> To approve</p>

To approve subject to incorporation of the following amendment(s):

Motion seconded by: \_\_\_\_\_

Action:  Passed  Failed

**Approval of Items on Consent Agenda** *(This may include expense advancements, reimbursements, and/or purchase orders regulated by the Local Government Travel Expense Control Act (see Board policies 2:125, Board Member Compensation; Expenses, and 5:60, Expenses)*

Summary of discussion:

Motion to approve the consent agenda made by:

Motion seconded by: \_\_\_\_\_

Roll Call: *(Needed when consent agenda contains an item involving the expenditure of money.)*

"Yeas"

"Nays"

Action:  Passed  Failed

**Public Comments** *(Reproduce this section for each individual making a comment.)*

The following individual appeared and commented on the topic noted below: *(Include the title of any documents presented to the Board.)*

Name:

Topic:

**Remaining Agenda Items** *(Reproduce this section for each agenda item.)*

Agenda item:

Summary of discussion:

Motion made by:

Motion to:

Motion seconded by: \_\_\_\_\_

Action:  Passed  Failed

*(If a roll call vote occurred, record the vote of individual Board members.)*

"Yeas"

"Nays"

**If Applicable, Approval of Motion to Adjourn to Closed Meeting** *(Insert 2:220-E2, Motion to Adjourn to Closed Meeting.)*

**Approval of Motion to Adjourn**

Motion to adjourn made by:

Motion seconded by: \_\_\_\_\_

Action:  Passed  Failed

Time of adjournment:

**Post-Meeting Action**

Date minutes approved:

Date minutes were available for public inspection:

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Date minutes were posted on District website:

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DATED:February 21, 2017

**Black Hawk Area Sp Ed**

## 2:220-E5 Exhibit - Semi-Annual Review of Closed Meeting Minutes

### Logging and Review Process

Step 1. The Board Secretary or Recording Secretary maintains a log of the closed meeting minutes that are unavailable for public inspection. The meeting minutes are logged according to the reason the Board held the closed meeting. 2:220-E6, *Log of Closed Meeting Minutes*.

Step 2. The Board meets in closed session to review the log of unreleased closed meeting minutes. The Board or Recording Secretary brings a copy of all unreleased closed meeting minutes and, if requested, allows Board members to review the actual minutes. The Board identifies which closed meeting minutes or portions thereof no longer need confidential treatment. Use *Report Following the Board's Semi-Annual Review of Closed Meeting Minutes*, below.

Step 3. At least semi-annually in an open meeting, the Board takes action to release for public inspection those minutes, or portions thereof, no longer needing confidential treatment. Use *Action to Accept*, below. Closed meeting minutes will not be released for public inspection if confidential treatment is needed to protect the public interest or the privacy of an individual, including: (1) student disciplinary cases or other matters relating to an individual student, and (2) personnel files and employees' and Board members' personal information.

Step 4. The Board or Recording Secretary: (1) updates the log of unreleased closed meeting minutes to remove any minutes that the Board made available for public inspection; (2) makes a notation on any applicable closed meeting minutes of the Board's action to release it or a portion of it for public inspection; (3) continues to log new closed meeting minutes that the Board has not released for public inspection (2:220-E6, *Log of Closed Meeting Minutes*), and (4) maintains logs for access to closed session minutes pursuant to 5 ILCS 120/2.06(e), amended by P.A. 99-515.

### Report Following the Board's Semi-Annual Review of Closed Meeting Minutes

The Board met on \_\_\_\_\_ in closed session to conduct its semi-annual review of closed meeting minutes that have not been released for public inspection.

The closed meeting minutes, or portions thereof, from the following dates no longer require confidential treatment: (*insert closed meeting dates*)


The need for confidentiality still exists as to all remaining closed meeting minutes to protect an individual's privacy or the District's interests.

### Action to Accept the Board's Semi-Annual Review of Closed Meeting Minutes

Open meeting date:
Motion to approve the Board's semi-annual review of unreleased closed meeting minutes and to release for public inspection those minutes, or portions thereof, that the Board identified as no longer needing confidential treatment made by:
Motion seconded by:



Action:  Passed  Failed

DATED: February 21, 2017

**Black Hawk Area Sp Ed**

## 2:220-E6 Exhibit - Log of Closed Meeting Minutes

The purpose of this log is to facilitate the Board's semi-annual review of closed meeting minutes. See 2:220-E5, *Semi-Annual Review of Closed Meeting Minutes*.

The Board Secretary or Recording Secretary shall maintain a list of closed meeting minutes, arranged according to the reason for the closed meeting, that have not been released for public inspection.

Closed Session Held to Discuss:	Dates of Closed Sessions		
Specific employee(s), specific independent contractors, specific volunteers, or District legal counsel; 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. 101-459.			
Collective negotiating matters or deliberations concerning salary schedules for one or more classes of employees.  5 ILCS 120/2(c)(2).			
Selection of a person to fill a vacancy on the Board. 5 ILCS 120/2(c)(3).			
Evidence or testimony presented in a hearing where authorized by law. 5 ILCS 120/2(c)(4).			
Purchase or lease of real property. 5 ILCS 120/2(c)(5).			
Setting of a price for sale or lease of Cooperative property. 5ILCS 120/2(c)(6).			
Sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).			
Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger. 5 ILCS 120/2(c)(8).			
Student disciplinary cases. 5 ILCS 120/2(c)(9). <i>Minutes of meetings held for this reason shall never be released to protect the individual student's privacy.</i>			

<p>Any matter involving an individual student. 5 ILCS 120/2(c)(10). <i>Minutes of meetings held for this reason shall never be released to protect the individual student's privacy.</i></p>			
<p>Litigation, when an action against, affecting, or on behalf of the Cooperative has been filed and is pending before a court or administrative tribunal, or when the Board finds that an action is probable or imminent. 5 ILCS 120/2(c)(11).</p>			
<p>Establishment of reserves or settlement of claims as provided in the Local Government and Governmental Employees Tort Immunity Act or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the Cooperative or any intergovernmental risk management association or self insurance pool. 5 ILCS 120/2(c)(12).</p>			
<p>Self-evaluation, practices and procedures or professional ethics, when meeting with an IASB representative. 5 ILCS 120/2(c)(16).</p>			
<p>Minutes of meetings lawfully closed, whether for purposes of approval or semi-annual review. 5 ILCS 120/2(c)(21).</p>			
<p>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).</p>			

DATED : January 21, 2020

**Black Hawk Area Sp Ed**

## 2:220-E7 Exhibit - Access to Closed Meeting Minutes and Verbatim Recordings

The Board must allow its duly elected officials or appointed officials filling a vacancy of an elected office access to closed session minutes and verbatim recordings (5 ILCS 120/2.06(e)), amended by P.A. 99-515. The following subheads implement the logistics of granting this access.

### Access to Closed Meeting Minutes

*Duplicate this section for each grant of access to closed meeting minutes.*

Date:		Time:		Storage Location:
Name of person(s) responsible for storing the closed meeting minutes:				
<input type="checkbox"/> <b>Access granted</b>				
Date access occurred:		Start time:		
Requesting Board member's name <i>(Please print)</i>				
In the presence of: <i>(Check appropriate box and insert name on line.)</i>				
<input type="checkbox"/> Records Secretary				
<input type="checkbox"/> Administrative official of the public body				
<input type="checkbox"/> Any elected official of the public body				

**For requesting Board member:** *(Read the following and sign below.)*

While the Open Meetings Act does not provide a cause of action against me or the Board for disclosing closed session discussions (Swanson v. Board of Police Commissioners, 555 N.E. 2d 35 (1990)), I acknowledge and understand that any disclosures by me of information in the closed session minutes not yet released to the public could subject me to a possible civil action alleging that I created harm to another, i.e., an intentional tort(s).

Requesting Board Member Signature \_\_\_\_\_ Date \_\_\_\_\_

### Verbatim Recording Access

*Duplicate this section for each grant of access to verbatim recordings.*

Date:		Time:		Storage Location:
-------	--	-------	--	-------------------

Name of person(s) responsible for storing the verbatim recording:				
<input type="checkbox"/> <b>Access granted</b>				
Date access occurred:		Start time:		End time:
Requesting Board member's name <i>(Please print)</i>				
In the presence of: <i>(Check appropriate box and insert name on line.)</i>				
<input type="checkbox"/> Records Secretary				
<input type="checkbox"/> Administrative official of the public body				
<input type="checkbox"/> Any elected official of the public body				
<input type="checkbox"/> <b>Access denied</b> <input type="checkbox"/> <b>Access unavailable.</b> Verbatim recording requested is older than 18 months and was destroyed pursuant to 5 ILCS 120/2.06(c).				

**For requesting Board member:** *(Read the following and sign below.)*

While the Open Meetings Act does not provide a cause of action against me or the Board for disclosing closed session discussions (Swanson v. Board of Police Commissioners, 555 N.E. 2d 35 (1990)), I acknowledge and understand that any disclosures by me of information in the verbatim recordings could subject me to a possible civil action alleging that I created harm to another, i.e., an intentional tort(s).

Requesting Board Member Signature \_\_\_\_\_ Date

\_\_\_\_\_

DATED:February 21, 2017

**Black Hawk Area Sp Ed**

## 2:220-E8 Exhibit - Governing Board Records Maintenance Requirements and FAQs

### Open Meetings Act

The Open Meetings Act (OMA) requires public bodies to "keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording." 5 ILCS 120/2.06(a). Minutes must include, but are not limited to: (1) the date, time, and place of the meeting; (2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and (3) a summary of discussion on all matters proposed, deliberated, or decided, and record of any votes taken. Id.

The remainder of Section 2.06 addresses the approval of open meeting minutes, the treatment of verbatim recordings of closed meetings, the semi-annual review of closed meeting minutes, the confidential nature of closed meeting minutes, and the right of persons to address public officials under rules established and recorded by the public body. The requirements of Section 2.06, as well as OMA requirements pertaining to Board agendas, are included in policy 2:220, *School Board Meeting Procedure*.

Exhibit 2:220-E3, *Closed Meeting Minutes*, provides a sample template for keeping closed meeting minutes that incorporates the requirements of Section 2.06 of OMA. It also includes an area to designate if the Board has determined, pursuant to Section 2.06(d), that the closed meeting minutes no longer need confidential treatment.

Exhibit 2:220-E4, *Open Meeting Minutes*, contains an open meeting minute's protocol that incorporates the requirements of Section 2.06 of OMA. It also provides a sample template for keeping open meeting minutes.

Exhibit 2:220-E5, *Semi-Annual Review of Closed Meeting Minutes*, contains a process for implementing the semi-annual review of closed meeting minutes, and exhibit 2:220-E6, *Log of Closed Meeting Minutes*, is designed to facilitate this semi-annual review.

### Local Records Act

The Local Records Act (LRA) provides that public records, including "any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connections with the transaction of public business and preserved or appropriate for preservation by such agency or officer" must be preserved unless the State Local Records Commission has given permission to destroy those records. 50 ILCS 205/3 and 7. Board records, including agendas, meeting packets and meeting minutes, fall into this definition.

Public bodies located in Cook County must work with the Local Records Commission of Cook County to determine how long they must retain public records. Public bodies located outside of Cook County must work with the Downstate Local Records Commission to determine how long they must retain public records.

Policy 2:250, *Access to District Public Records*, contains a subhead entitled **Preserving Public Records** which provides as follows:

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the District's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g., a litigation hold), District auditor, or other

individual authorized by the School Board or State or federal law to make such a request. Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission.

See the sample policy, 2:200, *Governing Board Meeting Procedure*, for all relevant footnotes. Also see administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*, for recommendations regarding district records retention protocols and links to web-based record management resources.

Open Meeting Minutes

Are you required to approve them?	Must they be semi-annually reviewed?	May you release them to the public?	May you destroy them?
<p>Yes, within 30 days or at the next subsequent meeting, whichever is later.</p> <p><i>A public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later. 5 ILCS 120/2.06(b).</i></p>	<p>No.</p> <p>Unlike the closed meeting requirement, OMA does not contain semi-annual review requirements for open meeting minutes.</p>	<p>Yes, must within ten days after minutes are approved.</p> <p><i>The minutes of meetings open to the public shall be available for public inspection within 10 days after the approval of such minutes by the public body. Beginning July 1, 2006, at the time it complies with other requirements of this subsection, a public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within 10 days after the approval of the minutes by the public body. Beginning July 1, 2006, any minutes of meetings open to the public posted on the public body's website shall remain posted on the website for at least 60 days after their initial posting. 5 ILCS 120/2.06(b).</i></p>	<p>No.</p> <p>There is no OMA provision permitting the destruction of open meeting minutes, and <b>they must be preserved unless the State Local Records Commission has given permission to destroy them.</b></p> <p>If a public body would like to destroy open meeting minutes, then it must comply with the LRA and work with its Local Records Commission. It is highly unlikely, however, that the Local Records Commission would approve of their destruction.</p>

Open Meeting Verbatim Recordings

Are you required to approve them?	Must they be semi-annually reviewed?	May you release them to the public?	May you destroy them?
<p>No.</p> <p>OMA does not require public bodies to approve verbatim recordings of open meetings.</p>	<p>No.</p> <p>Unlike the closed meeting requirement, OMA does not require public bodies to keep verbatim recordings of open meetings. OMA does not contain semi-annual review requirements for open meeting verbatim recordings.</p>	<p>Yes.</p> <p>Unlike the closed meeting requirement, OMA does not require public bodies to keep verbatim recordings of open meetings. If a public body makes verbatim recordings of open meetings, then such recordings are subject to public disclosure pursuant to the Freedom of Information Act (5 ILCS 140/).</p>	<p>Possibly.</p> <p>If a public body would like to destroy open meeting verbatim recordings, then it must comply with the LRA and work with its Local Records Commission.</p>

Closed Meeting Minutes

Are you required to approve them?	Must they be semi-annually reviewed?	May you release them to the public?	May you destroy them?
<p>Yes.</p> <p>OMA does not directly state public bodies are required to approve closed meeting minutes, nor does it set a time frame for such approval. However, OMA Section 2.06(d) requires public bodies to meet at least semi-annually to "review minutes of all closed meetings." 5 ILCS 120/2.06(d).</p>	<p>Yes.</p> <p><i>Each public body shall periodically, but not less than</i></p>	<p>Yes, if prerequisites are met.</p> <p><i>Minutes of meetings closed to the</i></p>	<p>No.</p> <p>There is no OMA provision permitting the destruction of closed meeting minutes, and <b>they must be preserved unless the State Local Records Commission has given permission to destroy them.</b></p> <p>In addition, per OMA Section 2.06(f), as amended by P.A. 99-515: <i>No minutes of</i></p>



<p>Moreover, OMA Section 2.06(c) specifically allows the destruction of closed meeting verbatim recordings only if certain conditions are met, one of which is that "the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section." 5 ILCS 120/2.06(c)(2). Both of these tasks would be difficult to achieve if closed meeting minutes were not first approved.</p> <p>One practice is to approve closed meeting minutes within the same time frame that open meeting minutes are approved - within 30 days of the meeting or at the next subsequent meeting, whichever is later.</p>	<p><i>semi-annually, meet to review all existing minutes of all prior closed meetings (this includes records from all time that the board has been in existence). At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.</i> 5 ILCS 120/2.06(d).</p>	<p><i>public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.</i> 5 ILCS 120/2.06(f).</p>	<p><i>meetings closed to the public shall be removed from the public body's main office or official storage location, except by vote of the public body or by court order.</i> 5 ILCS 120/2.06(f).</p> <p>If a public body would like to destroy closed meeting minutes, then it must comply with the LRA and work with its Local Records Commission. It is highly unlikely, however, that the Local Records Commission would approve of their destruction.</p>
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Closed Meeting Verbatim Recordings

<b>Are you required to approve them?</b>	<b>Must they be semi-annually reviewed?</b>	<b>May you release them to the public?</b>	<b>May you destroy them?</b>
		<p>Possibly but unlikely.</p> <p><i>Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the</i></p>	<p>Yes, after 18 months if prerequisites are met.</p> <p><i>The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act</i></p>

<p>No.</p> <p>OMA does not require approval of closed meeting verbatim recordings.</p>	<p>No.</p> <p>OMA does not require semi-annual review of closed meeting verbatim recordings.</p>	<p><i>verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act.</i> 5 ILCS 120/2.06(e).</p> <p>But see <u>Kodish v. Oakbrook Terrace Fire Protection District</u> (235 F.R.D. 447 (N.D. IL. 2006)), where a federal district court ordered that closed meeting verbatim recordings be disclosed to the Plaintiff in discovery because his primary claim was brought under federal law.</p>	<p><i>or the State Records Act no less than 18 months after the completion of the meeting recorded but only after: 1.) the public body approves the destruction of a particular recording; and 2.) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.</i> 5 ILCS 120/2.06(c).</p> <p>In addition, per OMA Section 2.06(f), as amended by P.A. 99-515:</p> <p><i>No verbatim recordings shall be recorded or removed from the public body's main office or official storage location, except by vote of the public body or by court order.</i> 5 ILCS 120/2.06(e).</p>
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DATED:February 21, 2017

**Black Hawk Area Sp Ed**

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

For an overall minimum of 30 minutes during each regular and special open meeting, any person 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. During public participation, there will be a 20-minute 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 appearing before the Board is expected to follow these guidelines:

1. Address the Board or Committee only at the appropriate time as indicated on the agenda and when recognized by the President or Chairman.
2. Identify oneself and be brief. Ordinarily, the time for any one person to address the Board during public participation shall be limited to five minutes. In unusual circumstances, and when an individual has made a request to speak for a longer period of time, the person may be allowed to speak for more than five minutes.
3. Observe, when necessary and appropriate, the:
  - a. Shortening of the time for each person to address the Board during public participation to conserve time and give the maximum number of people 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. Determination of procedural matters regarding public participation not otherwise covered in Board policy.
4. 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: January 21, 2020

**Black Hawk Area Sp Ed**

## **2:240 Board Policy Development**

### Policy Development

Anyone may propose new policies, changes to existing policies, or elimination of existing policies. Staff suggestions should be processed through the Director. Suggestions from all others may be made to the Board President, the Director, or the Superintendents' Advisory Committee.

A Board Policy Committee will consider all policy suggestions, and provide information and recommendations to the Board.

The Director is responsible for: (1) providing relevant policy information and data to the Board, (2) notifying those who will be affected by a proposed policy and obtaining their advice and suggestions, and (3) having policy recommendations drafted into written form for Board deliberation. The Director shall seek the counsel of the school attorney when appropriate.

### Policy Adoption and Dissemination

Policies or policy revisions will not be adopted at the Board meeting at which they are first introduced, except when: (1) appropriate for a consent agenda because no Board discussion is required, or (2) necessary or prudent in order to meet emergency or special conditions or to be legally compliant. Further Board consideration will be given at a subsequent meeting(s) and after opportunity for community input. The adoption of a policy will serve to supersede all previously adopted policies on the same topic .

The Governing Board policies are available for public inspection in the administrative office during regular office hours. Copy requests should be made under the District's Access to Public Records Policy.

### Board Policy Review and Evaluation

The Governing Board will monitor its policies and consider whether any modifications are required. The Board may use an annual policy review calendar.

### Director Implementation

The Board will support any reasonable interpretation of Governing Board policy made by the Director. If reasonable minds differ, the Board will review policy and consider the need for further clarification.

In the absence of Governing Board policy, the Director is authorized to take appropriate action.

### Suspension of Policies

The Board, by a majority vote of members present at any meeting, may temporarily suspend a Board policy not established by law or contract. The failure to suspend with a specific motion does not invalidate the Board action.

### LEGAL REF.:

105 ILCS 5/10-20.5.

CROSS REF.:2:150 (Committees), 2:250 (Access to District's Public Records), 3:40 (Director)

Adopted: October 15, 2019

## 2:250 Access to Cooperative Public Records

Full access to the Cooperative's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures. The Director or designee shall: (1) provide the Board with sufficient information and data to permit the Board to monitor the Cooperative's compliance with FOIA and this policy, and (2) report any FOIA requests during the Board's regular meetings along with the status of the Cooperative's response.

### Freedom of Information Officer

The Director shall serve as the Cooperative's Freedom of Information Officer and assumes all the duties and powers of that office as provided in FOIA and this policy. The Director may delegate these duties and powers to one or more designees, but the delegation shall not relieve the Director of the responsibility for the action that was delegated.

### Definition

The Cooperative's *public records* are defined as records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary material 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 the School Cooperative.

### Requesting Records

A request for inspection and/or copies of public records must be made in writing and may be submitted by personal delivery, mail, telefax, or email directed to the Cooperative's Freedom of Information Officer. Individuals making a request are not required to state a reason for the request other than to identify when the request is for a commercial purpose or when requesting a fee waiver. The Director or designee shall instruct Cooperative employees to immediately forward any request for inspection and copying of a public record to the Cooperative's Freedom of Information Officer or designee.

### Responding to Requests

The Freedom of Information Officer shall approve all requests for public records unless:

1. The requested material does not exist;
2. The requested material is exempt from inspection and copying by the Freedom of Information Act; or
3. Complying with the request would be unduly burdensome.

Within five business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA. The Freedom of Information Officer may extend the time for a response for up to five business days from the original due date. If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the extension, and (2) either inform the person of the date on which a response will be made, or agree with the person in writing on a compliance period.

The time periods are extended for responding to requests for records made for a *commercial purpose*, requests by a *recurrent requester*, or *voluminous requests*, as those terms are defined in Section 2 of FOIA. The time periods for responding to those requests are governed by Sections 3.1, 3.2, and 3.6 of FOIA.

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request.

### Fees

Persons making a request for copies of public records must pay any and all applicable fees. The Freedom of Information Officer shall establish a fee schedule that complies with FOIA and this policy and is subject to the Board's review. The fee schedule shall include copying fees and all other fees to the maximum extent they are permitted by FOIA, including without limitation, search and review fees for responding to a request for a *commercial purpose* and fees, costs, and personnel hours in connection with responding to a *voluminous request*.

Copying fees, except when fixed by statute, shall be reasonably calculated to reimburse the Cooperative's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. In no case shall the copying fees exceed the maximum fees permitted by FOIA. If the Cooperative's actual copying costs are equal to or greater than the maximum fees permitted by FOIA, the Freedom of Information Officer is authorized to use FOIA's maximum fees as the Cooperative's fees. No copying fees shall be charged for: (1) the first 50 pages of black and white, letter or legal sized copies, or (2) electronic copies other than the actual cost of the recording medium, except if the response is to a *voluminous request*, as defined in FOIA.

A fee reduction is available if the request qualifies under Section 6 of FOIA. The Freedom of Information Officer shall set the amount of the reduction taking into consideration the amount of material requested and the cost of copying it.

### Provision of Copies and Access to Records

A public record that is the subject of an approved access request will be available for inspection or copying at the Cooperative's administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer.

Many public records are immediately available from the Cooperative's website including, but not limited to, the process for requesting a public record. The Freedom of Information Officer shall direct a requester to the Cooperative's website if a requested record is available there. If the requester is unable to reasonably access the record online, he or she may resubmit the request for the record, stating his or her inability to reasonably access the record online, and the Cooperative shall make the requested record available for inspection and copying as otherwise provided in this policy.

### Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the Cooperative's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g., a litigation hold), Cooperative auditor, or other individual authorized by the School Board or State or federal law to make such a request. Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission.

LEGAL REF.:5 ILCS 140/, Illinois Freedom of Information Act.

105 ILCS 5/10-16 and 5/24A-7.1.

820 ILCS 40/11.

820 ILCS 130/5.

CROSS REF.:2:140 (Communications To and From the Board), 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED:November 17, 2015

**Black Hawk Area Sp Ed**

## 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)
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, 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

4670-11<sup>th</sup> St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

#### **Complaint Managers:**

Christan Schrader

4670-11<sup>th</sup> St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

Dawn Swanson

4670-11<sup>th</sup> St., East Moline, IL 61244

dswanson@bhased.org

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: January 21, 2020

**Black Hawk Area Sp Ed**

**SECTION 3 - GENERAL SCHOOL ADMINISTRATION**

**Black Hawk Area Sp Ed**

### **3:10 Goals and Objectives**

The Director directs the administration in order to manage the District and to facilitate the implementation of a quality educational program in alignment with Board policy 1:30, *District Philosophy*. Specific goals and objectives are to:

1. Provide educational expertise.
2. Plan, organize, implement, and evaluate educational programs that will provide for students' mastery of the Illinois Learning Standards.
3. Meet or exceed student performance and academic improvement goals established by the Board.
4. Develop and maintain channels for communication between the school and community.
5. Develop an administrative procedures manual and handbooks for personnel and students that are aligned with Board policy.
6. Manage the District's fiscal and business activities to ensure financial health, cost-effectiveness, and protection of the District's assets.
7. Provide for the proper use, reasonable care, and appropriate maintenance of the District's real and personal property, including buildings, equipment, and supplies.

LEGAL REF.:105 ILCS 5/10-16.7, 5/10-21.4, and 5/10-21.4a.

CROSS REF.:1:30 (District Philosophy), 2:20 (Powers and Duties of the Board), 2:130 (Board Director Relationship), 3:40 (Director), 3:50 (Administrative Personnel Other Than the Director), 3:60 (Administrative Responsibility of the Building Principal), 6:10 (Educational Philosophy and Objectives)

ADOPTED:November 15, 2011

**Black Hawk Area Sp Ed**

### **3:30 Chain of Command**

The Director may develop an organizational chart indicating the channels of authority and reporting relationships for school personnel. These channels should be followed, and no level should be bypassed except in unusual situations.

All personnel should refer matters requiring administrative action to the responsible administrator, and may appeal a decision to a higher administrative officer. Whenever possible, each employee should be responsible to only one immediate supervisor. Where this is not possible, the division of responsibility must be clear.

CROSS REF.:1:20 (District Organization, Operations, and Cooperative Agreements), 2:140 (Communications To and From the Board), 3:70 (Succession of Authority), 8:110 (Public Suggestions and Concerns)

ADOPTED:January 16, 2007

**Black Hawk Area Sp Ed**

## 3:40 Director

### Duties and Authority

The Director is the District's executive officer and is responsible for the administration and management of the District programs in accordance with Governing Board policies and directives, and State and federal law. District management duties include, without limitation, preparing, submitting, publishing, and posting reports and notifications as required by State and federal law. The Director is authorized to develop administrative procedures to implement Governing Board policy.

The Director may delegate to other District staff members the exercise of any powers and the discharge of any duties imposed upon the Director by Governing Board policies or by Board vote. The delegation of power or duty, however, shall not relieve the Director of responsibility for the action that was delegated.

### Specific Duties of the Director

1. Preparing preliminary personnel projections prior to February 15<sup>th</sup> for BHASED, interdistrict and/or local programs.
2. Prepare annual program plan prior to May 1<sup>st</sup> for the ensuing fiscal year for interdistrict and/or local programs.
3. Prepare and present the annual budget prior to July 1<sup>st</sup> for the ensuing fiscal year to the Superintendents' Advisory Committee and Governing Board for consideration and action.
4. Review, in cooperation with IEP teams, placement of all children into special education programs.
5. Prepare special education reports, claims, application forms and other requirements of the Superintendent of the Educational Service Region and the State Board of Education.
6. Assist in the recruitment and placement of special education personnel.
7. Attend all meetings of the Governing Board and Superintendents' Advisory Committee.
8. Provide coordination and educational direction for all special education personnel employed by the BHASED.
9. Plan and make available inservice programs for all personnel under BHASED.
10. Prepare, as necessary, news releases and perform other public relations functions.
11. Arrange, in conjunction with the Treasurer, for an audit and inventory of assets and liabilities of the BHASED annually.
12. Assist the President of the Governing Board in the preparation of an agenda for all meetings of the Governing Board. The Director shall assist the Chairperson of the Superintendents' Advisory Committee in the preparation of the agenda for all meetings of the Superintendents' Advisory Committee. The agendas shall be sent to the memberships five days in advance of the meetings.
13. Advise the Superintendent(s) of the affected member district(s) if the Director is of the opinion that the district's program(s) is/are not in compliance with applicable Federal and/or State regulations.
14. Make recommendations to the Governing Board regarding the employment status of personnel, attorneys, auditors, and other professional consultants for the BHASED.
15. Make recommendations to the Governing Board regarding contracts for the purchase, lease, or repair of facilities, equipment, and supplies and shall execute said contracts as directed by the Governing Board.
16. Make recommendations to the Governing Board regarding policies and procedures for the BHASED.

17. Provide coordination and direction for BHASED or special educational programs and services.
18. Perform such other duties as are assigned by the Governing Board.

### Qualifications and Appointment

The Director must be of good character and of unquestionable morals and integrity. The Director shall have the experience and the skills necessary to work effectively with the Governing Board, District employees, students, and the community. The Director shall have knowledge of special education programs and services and shall have previous experience in the field of special education. The Director shall be qualified and eligible for state reimbursement under Article 14 of the School Code and approved by the Illinois State Board of Education as the State-approved Director.

When the office of the Director becomes vacant, the Governing Board will conduct a search to find the most capable person for the position. Qualified staff members who apply for the position will be considered for the vacancy.

### Evaluation

The Superintendents' Advisory Committee will evaluate, at least annually, prior to the March meeting of the Governing Board, the Director's performance, using standards and objectives developed by the Director and Committee that are consistent with the District's mission and goal statements. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

### Compensation and Benefits

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

LEGAL REF.:105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-23.8, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.

23 Ill.Admin.Code §§1.310, 1.705, and 29.130.

CROSS REF:2:20 (Powers and Duties of the Governing Board), 2:240 (Board Policy Development)

ADOPTED:November 17, 2015

**Black Hawk Area Sp Ed**



## **3:50 Administrative Personnel Other Than the Director**

### Duties and Authority

District administrative and supervisory positions are established by the Governing Board in accordance with State law. This policy applies to all administrators other than the Director, including without limitation, Building Principals. The general duties and authority of each administrative or supervisory position are approved by the Board, upon the Director's recommendation, and contained in the respective position's job description. In the event of a conflict, State law and/or the administrator's employment agreement shall control.

### Qualifications

All administrative personnel shall be appropriately licensed and shall meet all applicable requirements contained in State law and Illinois State Board of Education rules.

### Evaluation

The performance of all administrative personnel will be evaluated by the Director or designee; the Director shall make employment and salary recommendations to the Governing Board.

### Administrative Work Year

The administrators' work year shall be the same as the District's fiscal year, July 1 through June 30, unless otherwise stated in the employment agreement. In addition to legal holidays, the 12-month administrators shall have vacation periods as approved by the Director. All administrators shall be available for work when their services are necessary.

### Compensation and Benefits

The Governing Board and each administrator shall enter into an employment agreement that complies with Board policy and State law. The terms of an individual employment contract, when in conflict with this policy, will control.

The Governing Board will consider the Director's recommendations when setting compensation for individual administrators.

Unless stated otherwise in individual employment contracts, all benefits and leaves of absence available to teaching personnel are available to administrative personnel.

LEGAL REF:105 ILCS 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, 5/21B, and 5/24A.

23 Ill.Admin.Code §§1.310, 1.705, and 50.300; and Parts 25 and 29.

CROSS REF:3:60 (Administrative Responsibility of the Building Principal), 5:30 (Hiring Process and Criteria), 5:250 (Leaves of Absence)

ADOPTED:November 17, 2015

## **3:60 Administrative Responsibility of the Building Principal**

### Duties and Authority

The Governing Board, upon the recommendation of the Director and the Superintendent's Advisory Committee, employs Building Principals as the chief administrators and instructional leaders of their assigned schools, and may employ Assistant Principals. The Building Principals' primary responsibility is the improvement of instruction. Building Principals shall perform all duties as described in State law as well as such other duties as specified in the Building Principal's contract or as agreed upon by the Building Principal and Director.

Each Building Principal shall complete State law requirements to be a prequalified evaluator before conducting an evaluation of a teacher or assistant principal.

### Evaluation Plan

The Director or designee shall implement an evaluation plan for Principals that complies with Section 24A-15 of the School Code and relevant Illinois State Board of Education rules. Using that plan, the Director or designee or, in the absence of the Director or his or her designee, an individual appointed by the Governing Board who holds a valid professional educator license endorsed for Director. The Director or designee may conduct additional evaluations.

The Director or designee may conduct additional evaluations.

### LEGAL REF.:

10 ILCS 5/4-6.2.

105 ILCS 5/2-3.53a, 5/10-20.14, 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, and 5/24A-15.

105 ILCS 127/.

23 Ill.Admin.Code Parts 35 and 50, Subpart D.

CROSS REF.:3:50 (Administrative Personnel Other Than the Director), 5:250 (Leave of Absence)

Adopted: October 15, 2019

**Black Hawk Area Sp Ed**

### **3:70 Succession of Authority**

If the Director is absent for an extraordinary length of time, the Superintendents' Advisory Committee Chairman shall call a meeting of the Superintendents' Advisory Committee to select an interim Director.

CROSS REF.:1:20 (District Organization, Operations, and Cooperative Agreements), 3:30 (Chain of Command)

ADOPTED:May 17, 2016

**Black Hawk Area Sp Ed**

## **SECTION 4 - OPERATIONAL SERVICES**

**Black Hawk Area Sp Ed**

## 4:10 Fiscal and Business Management

The Director shall ensure the efficient and cost-effective operation of the District's business management using computers, computer software, data management, communication systems, and electronic networks, including electronic mail, the Internet, and security systems. Each person using the District's electronic network shall complete an *Authorization for Access to the District's Electronic Network*.

### Budget Planning

The District's fiscal year is from July 1 until June 30. The Director shall present to the Superintendents' Advisory Committee then to the Governing Board, no later than the first regular meeting in August, a tentative budget with appropriate explanation. This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District's programs. The District's budget shall be entered upon the Illinois State Board of Education's *Special Education District Budget Form*. To the extent possible, the tentative budget shall be balanced as defined by the State Board of Education guidelines. The Director shall complete a tentative deficit reduction plan if one is required by the State Board of Education guidelines.

### Preliminary Adoption Procedures

After receiving the Director's proposed budget, the Governing Board sets the date, place, and time for:

1. A public hearing on the proposed budget, and
2. The proposed budget to be available to the public for inspection.

The Governing Board Secretary shall arrange to publish a notice in a local newspaper stating the date, place, and time of the proposed budget's availability for public inspection and the public hearing. The proposed budget shall be available for public inspection at least 30 days before the time of the budget hearing.

At the public hearing, the proposed budget shall be reviewed and the public shall be invited to comment, question, or advise the Governing Board.

### Final Adoption Procedures

The Governing Board adopts a budget before August 31 of each fiscal year. To the extent possible, the budget shall be balanced as defined by the State Board of Education; if not balanced, the Board will adopt a deficit reduction plan to balance the District's budget within 3 years according to State Board of Education requirements.

The Governing Board adopts the budget by roll call vote. A simple majority of the Governing Board is required for approval. The budget resolution shall be incorporated into the meeting's official minutes. Governing Board members' names voting yea and nay shall be recorded in the minutes.

The Director or designee shall perform each of the following:

1. Post the District's final annual budget, itemized by receipts and expenditures, on the District's Internet website.
2. Notify parents/guardians that the budget is posted and provide the website's address.
3. Submit the annual budget, a deficit reduction plan if one is required by State Board of Education guidelines, and other financial information to the State Board of Education according to its requirements.

### Submission of Funding Applications

The Director of the Black Hawk Area Special Education District shall have the authority to prepare and submit applications and proposals for federally funded, state funded or other such specially funded programs in special education.

All such applications and proposals shall be in keeping with the approved goals of the District and shall be supported by needs assessment information kept on file at the District.

Once such application has been successful and the funding awarded, the Governing Board, upon recommendation from the Superintendents' Advisory Committee, shall take action on acceptance of the grant award.

Any amendments to the budget or Certificate of Tax Levy shall be made as provided in the School Code and Truth in Taxation Act.

### Budget Amendments

The Governing Board may amend the budget by the same procedure as provided for in the original adoption.

### Implementation

The Director or designee shall implement the District's budget and provide the Superintendents' Advisory Committee and the Governing Board with a monthly financial report that includes all deficit fund balances. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Governing Board.

The Board shall act on all interfund or abatements of it, loans, interfund transfers, transfers within funds, and transfers from the working cash fund if one exists.

### LEGAL REF.:

35 ILCS 200/18-55 et seq.

105 ILCS 5/10-17, 5/10-22.33, 5/17-1, 5/17-1.2, 5/17-2A, 5/17-3.2, 5/17-11, 5/20-5, 5/20-8, and 5/20-10.

23 Ill.Admin.Code Part 100.

CROSS REF.:4:40 (Incurring Debt), 6:235 (Access to Electronic Networks)

ADOPTED:June 29, 2011

**Black Hawk Area Sp Ed**

## 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

The Director ensures that the District takes reasonable measures to safeguard: (1) *protected personally identifiable information*, (2) other information that a federal awarding agency, pass-through agency or State awarding agency designates as sensitive, such as *personally identifiable information* (PII) 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. 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: January 21, 2020

**Black Hawk Area Sp Ed**



## 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/.

#### 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 credible 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: January 21, 2020

**Black Hawk Area Sp Ed**

## **4:40 Incurring Debt**

The District may borrow up to 50% of any State categorical or grant payments due and payable to the District, if a hardship exists. Interest shall not be in excess of that provided for by the bond Authorization Act. Principal and interest shall be repaid from the categorical or grant payments immediately upon receipt of those payments.

### LEGAL REF.:

Securities Act of 1933, 15 U.S.C. §77a et seq.

Securities Exchange Act of 1934, 15 U.S.C. §78a et seq.

17 C.F.R. §240.15c2-12.

Bond Authorization Act, 30 ILCS 305/2

Bond Issue Notification Act, 30 ILCS 352/

Local Government Debt Reform Act, 30 ILCS 350/.

Tax Anticipation Note Act, 50 ILCS 420/.

105 ILCS 5/17-16, 5/18-18, and 5/19-1 et seq.

CROSS REF.: 4:10 (Fiscal and Business Management)

Adopted: November 20, 2018

**Black Hawk Area Sp Ed**

## **4:45 Insufficient Fund Checks and Debt Recovery**

The Director or designee is responsible for collecting the maximum fee authorized by State law for returned checks written to the District which are not honored upon presentation to the respective bank or other depository institution for any reason. The Director is authorized to contact the District's attorney whenever necessary to collect the returned check amount, fee, collection costs and expenses, and interest.

### Delinquent Debt Recovery

The Director is authorized to seek collection of delinquent debt owed the District

LEGAL REF.:15 ILCS 405/10.05 and 10.05d.

810 ILCS 5/3-806.

ADOPTED:May 19, 2015

**Black Hawk Area Sp Ed**

## 4:50 Payment Procedures

The Treasurer shall prepare a list of all due and payable bills, indicating vendor name and amount, and shall present it to the Superintendents' Advisory Committee in advance of the committee's regular monthly meeting or, if necessary, a special meeting. These bills shall be reviewed by the Governing Board at the next regular meeting. Approval of all bills shall be given by a roll call vote and the votes shall be recorded in the minutes. The Treasurer shall pay the bills upon approval of the Board.

The Treasurer is authorized, without further Board approval, to pay Social Security taxes, wages, pension contributions, utility bills, and other recurring bills.

Revolving funds for petty cash, credit cards (credit cards are limited to Director, Business Manager, and Transition Specialist) or similar purposes may be used, provided such funds are maintained in accordance with Board policy 4:80, *Accounting and Audits*, and remain in the custody of an employee who is properly bonded according to State law

LEGAL REF.:

105 ILCS 5/8-16, 5/10-7, and 5/10-20.19.

CROSS REF.: 4:55 (Use of Credit and Procurement Cards), 4:60 (Purchases and Contracts)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**



## 4:55 Use of Credit and Procurement Cards

The Director and employees designated by the Director are authorized to use District credit and procurement cards to simplify the acquisition, receipt, and payment of purchases and travel expenses incurred on the District's behalf. Credit and procurement cards shall only be used for those expenses that are for the District's benefit and serve a valid and proper public purpose; they shall not be used for personal purchases. Cardholders are responsible for exercising due care and judgment and for acting in the District's best interests.

The Director or designee shall manage the use of District credit and procurement cards by employees. It is the Board's responsibility, through the audit and approval process, to determine whether District credit and procurement card use by the Director is appropriate.

In addition to the other limitations contained in this and other Board policies, District credit and procurement cards are governed by the following restrictions:

1. Credit and/or procurement cards may only be used to pay certain job-related expenses or to make purchases on behalf of the Board or District or any student activity fund, or for purposes that would otherwise be addressed through a conventional revolving fund.
2. The Director or designee shall instruct the issuing bank to block the cards' use at unapproved merchants.
3. The Director shall limit the amount each cardholder may charge in a single purchase or within a given month and inform the issuing bank of these limitations.
4. The Director or designee must approve the use of a District credit or procurement card whenever such use is by telephone, fax, and the Internet. Permission shall be withheld when the use violates any Board policy, is from a vendor whose reputation has not been verified, or would be more expensive than if another available payment method were used.
5. The consequences for unauthorized purchases include, but are not limited to, reimbursing the District for the purchase amount, loss of cardholding privileges, and, if made by an employee, discipline up to and including discharge.
6. All cardholders must sign a statement affirming that they are familiar with this policy.
7. The Director shall implement a process whereby all purchases using a District credit or procurement card are reviewed and approved by someone other than the cardholder or someone under the cardholder's supervision.
8. Cardholders must submit the original, itemized receipt to document all purchases.
9. No individual may use a District credit or procurement card to make purchases in a manner contrary to State law, including, but not limited to, the bidding and other purchasing requirements in 105 ILCS 5/10-20.21, or any Board policy.
10. The Director or designee shall account for any financial or material reward or rebate offered by the company or institution issuing the District credit or procurement card and shall ensure that it is used for the District's benefit.

LEGAL REF.:105 ILCS 5/10-20.21.

23 Ill.Admin.Code §100.70(d).

CROSS REF.:4:50 (Payment Procedures), 4:60 (Purchases and Contracts), 4:80 (Accounting and Audits), 4:90 (Activity Funds), 5:60 (Expenses)

ADOPTED:April 20, 2010

## **Black Hawk Area Sp Ed**

## 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, 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 Ill. 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: January 21, 2020

**Black Hawk Area Sp Ed**

## **4:70 Resource Conservation**

The Special Education District will conserve energy resources by:

1. Periodic review of procurement procedures and specifications to ensure that purchased products and supplies are reusable, durable, or made from recycled materials, if economically and practically feasible.
2. Purchasing recycled paper and paper products in amounts that will, at a minimum, meet the specifications in the School Code, if economically and practically feasible.
3. Periodic review of procedures on the reduction of solid waste generated by academic, administrative, and other institutional functions. These procedures shall: (a) require recycling the District's waste stream, including landscape waste, computer paper, and white office paper, if economically and practically feasible; (b) include investigation of the feasibility of potential markets for other recyclable materials that are present in the District's waste stream; and (c) be designed to achieve, before July 1, 2020, at least a 50% reduction in the amount of solid waste that is generated by the District.
4. Adherence to energy conservation measures.

LEGAL REF.:105 ILCS 5/10-20.19c.

CROSS REF.:4:60 (Purchases and Contracts),

ADOPTED:May 19, 2009

**Black Hawk Area Sp Ed**

## 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. 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

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.Adm.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: January 21, 2020

## 4:100 Insurance Management

The Director shall recommend and maintain all insurance programs that provide the broadest and most complete coverage available at the most economical cost, consistent with sound insurance principles.

The insurance program shall include each of the following:

1. Liability coverage to insure against any loss or liability of the Special Education District and the listed individuals against civil rights damage claims and suits, constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed in the scope of employment or under the Board's direction or related to any mentoring services provided to the Special Education District's certified staff members; Board members; employees; volunteer personnel authorized by 105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b; mentors of certified staff members authorized in 105 ILCS 5/21A-5 et seq. (new teacher), 105 ILCS 5/2-3.53a (new principal), and 2-3.53b (new superintendents); and student teachers.
2. Catastrophic accident insurance at the mandated benefit level for student athletes in grades 9 through 12 who sustain an accidental injury while participating in school-sponsored or school-supervised interscholastic athletic events sanctioned by the Ill. High School Association that results in medical expenses in excess of \$50,000.
3. Comprehensive property insurance covering a broad range of causes of loss involving building and personal property. The coverage amount shall normally be for the replacement cost or the insurable value.
4. Workers' Compensation to protect the individual employees against financial loss in case of a work-related injury, certain types of disease, or death incurred in an employee-related situation.
5. That all staff regularly employed for thirty (30) hours or more per week shall be provided health and accident insurance coverage, with BHASED paying Governing Board approved amounts toward the premium costs of the individual and employee/dependent premiums. Employees may deny coverage when insurance costs exceed BHASED's contribution.

All staff regularly employed for twenty (20) hours or more per week shall be provided term life and accidental death insurance in an amount established by the Governing Board, the total cost of which shall be paid by the District.

### LEGAL REF.:

Consolidated Omnibus Budget Reconciliation Act, Pub. L. 99-272, §10001, 100 Stat. 222, 4980B(f) of the I.R.S. Code, 42 U.S.C. §300bb-1 et seq.

105 ILCS 5/10-20.20, 5/10-22.3, 5/10-22.3a, 5/10-22.3b, 5/10-22.3f, 5/10-22.34, 5/10-22.34a, 5/10-22.34b, and 5/22-15.

215 ILCS 5/, Ill. Insurance Code.

750 ILCS 75/, Ill. Religious Freedom Protection and Civil Union Act.

820 ILCS 305/, Workers' Compensation Act.

Adopted: March 19, 2019



## 4:120 Food Services

Good nutrition shall be promoted in the District's meal programs and in other food and beverages that are sold to students during the school day. The Superintendent shall manage a food service program that complies with this policy.

Food or beverage items sold to students as part of a reimbursable meal under federal law must follow the nutrition standards specified in the U.S. Dept. of Agriculture rules that implement the National School Lunch and Child Nutrition Acts. Schools being reimbursed for meals under these laws are *participating schools*.

The food service program in participating schools shall comply with the nutrition standards specified in the U.S. Dept. of Agriculture's *Smart Snacks rules* when it offers competitive foods to students on the school campus during the school day. *Competitive foods* are all food and beverages that are offered by any person, organization or entity for sale to students on the school campus during the school day that are not reimbursed under programs authorized by federal law. The food service programs in participating schools shall also comply with any applicable mandates in the Illinois State Board of Education's School Food Service rules implementing these federal laws and the Ill. School Breakfast and Lunch Program Act.

All revenue from the sale of any food or beverages sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period shall accrue to the nonprofit school lunch program account.

LEGAL REF.:Russell B. National School Lunch Act, 42 U.S.C. §1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq.

7 C.F.R. Parts 210 and 220, Food and Nutrition Service.

105 ILCS 125/.

23 Ill.Admin.Code Part 305, School Food Service.

CROSS REF.:4:130 (Free and Reduced-Price Food Services), 6:50 (School Wellness)

ADOPTED:May 19, 2015

**Black Hawk Area Sp Ed**

## **4:130 Free and Reduced-Price Food Services**

### Notice

The Director or designee shall be responsible for implementing the District's free and reduced-price food services policy and all applicable programs.

### Eligibility Criteria and Selection of Children

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Dept. of Agriculture and distributed by the Ill. State Board of Education. From time to time, the income eligibility guidelines and standards may not be necessary when reimbursements for students' free breakfasts and lunches are claimed through the U.S. Depts. of Agriculture and Education's Community Eligibility Provision (CEP). When claiming the CEP, the District will follow its requirements.

### Notification

At the beginning of each school year, by letter, the District shall notify students and their parents/guardians of: (1) eligibility requirements for free and reduced-price food service; (2) the application process; (3) the name and telephone number of a contact person for the program; and (4) other information required by federal law. The Director shall provide the same information to: (1) informational media, the local unemployment office, and any major area employers contemplating layoffs; and (2) the District's website (if applicable), all school newsletters, or students' registration materials. Parents/guardians enrolling a child in the District for the first time, any time during the school year, shall receive the eligibility information.

### Nondiscrimination Assurance

The District shall avoid publicly identifying students receiving free or reduced-price meals and shall use methods for collecting meal payments that prevent identification of children receiving assistance.

### Appeal

A family may appeal the District's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Dept. of Agriculture in 7 C.F.R. §245.7, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools. The Director shall establish a hearing procedure for adverse eligibility decisions and provide by mail a copy of them to the family. The District may also use these procedures to challenge a child's continued eligibility for free or reduced-price meals or milk.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.

The Director shall keep on file for a period of three years a record of any appeals made and the hearing record. The District shall also maintain accurate and complete records showing the data and method used to determine the number of eligible students served free and reduced-price food services. These records shall be maintained for three years.

### LEGAL REF.:

U.S. Dept. of Agriculture, Food and Nutrition Service, National School Lunch Program, 7 C.F.R. Part 210.

U.S. Dept. of Agriculture, Food and Nutrition Service, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools, 7 C.F.R. Part 245.

105 ILCS 125/ et seq. and 126/.

23 Ill.Admin.Code §305.10 et seq.

Adopted: March 19, 2019

**Black Hawk Area Sp Ed**

## 4:160 Environmental Quality of Buildings and Grounds

The Director shall take all reasonable measures to protect: (1) the safety of District personnel, students, and visitors on District premises from risks associated with hazardous materials and (2) the environmental quality of the District's buildings and grounds. Before pesticides are used on District premises, the Director or designee shall notify employees and parents/guardians of students as required by the Structural Pest Control Act, 225 ILCS 235/, and the Lawn Care Products Application and Notice Act, 415 ILCS 65/.

The Director or designee shall notify all employees who must be offered, according to State or federal law, District-paid hepatitis B vaccine and vaccination.

### LEGAL REF.:

29 C.F.R. §1910.1030, Occupational Exposure to Bloodborne Pathogens, as adopted by the Illinois Department of Labor, 56 Ill.Admin.Code §350.700(b).

29 C.F.R. §1910.1200, Occupational Safety and Health Administration Hazard Communication Standards, as adopted by 820 ILCS 255/1.5, Toxic Substances Disclosure to Employees Act.

20 ILCS 3130/, Green Buildings Act.

105 ILCS 5/10-20.17a; 5/10-20.48.

105 ILCS 135/, Toxic Art Supplies in Schools Act.

105 ILCS 140/, Green Cleaning School Act.

225 ILCS 235/, Structural Pest Control Act.

415 ILCS 65/, Lawn Care Products Application and Notice Act.

820 ILCS 255/, Toxic Substances Disclosure to Employees Act. (*inoperative*)

23 Ill.Admin.Code §1.330.

CROSS REF.: 4:170 (Safety)

Adopted: March 19, 2019

**Black Hawk Area Sp Ed**

## 4:170 Safety

### Safety and Security

All Special Education District operations, including the education program, shall be conducted in a manner that will promote the safety and security of everyone on District property or at a District event. The Director or designee shall develop, implement, and maintain a comprehensive safety and security plan that includes, without limitation:

1. An emergency operations and crisis response plan(s) addressing prevention, preparation, response, and recovery for each school;
2. Provisions for a coordinated effort with local law enforcement and fire officials, emergency medical services personnel, and the Board Attorney;
3. A school safety drill plan;
4. Instruction in safe bus riding practices; and
5. A clear, rapid, factual, and coordinated system of internal and external communication.

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to follow the best practices discussed for their building regarding the use of any available cellular telephones.

### School Safety Drill Plan

During every academic year, each school building that houses school children shall conduct, at a minimum, each of the following in accordance with the School Safety Drill Act (105 ILCS 128/):

1. Three school evacuation drills to address and prepare students and school personnel for fire incidents. One of these three drills shall require the participation of the local fire department or district.
2. One bus evacuation drill.
3. One severe weather and shelter-in-place drill to address and prepare students and school personnel for possible tornado incidents.
4. One law enforcement drill to address a school shooting incident and to evaluate the preparedness of school personnel and students. This drill shall occur no later than 90 days after the first day of school of each year, and shall require the participation of all school personnel and students present at school at the time of the drill, except for those exempted by administrators or school support personnel.

### Annual Review

The Board or its designee will annually review each school building's emergency operations and crisis response plan(s), protocols, and procedures, as well as each building's compliance with the school safety drill plan. This annual review shall be in accordance with the School Safety Drill Act (105 ILCS 128/) and the Joint Rules of the Office of the State Fire Marshal and the Ill. State Board of Education (ISBE) 29 Ill.Admin.Code Part 1500.

### Automated External Defibrillator (AED)

The Director or designee shall implement a written plan for responding to medical emergencies at the District's physical fitness facilities in accordance with the Fitness Facility Medical Emergency Preparedness Act and shall file a copy of the plan with the Ill. Dept. of Public Health (IDPH). The plan shall provide for at least one automated external defibrillator (AED) to be available at every physical fitness facility on the premises according to State law requirements.

The District shall have an AED on site as well as a trained AED user: (1) on staff during staffed business hours; and (2) available during activities or events sponsored and conducted or supervised by the District. The Director or designee shall ensure that every AED on the District's premises is properly tested and maintained in accordance with rules developed by the IDPH. This policy does not create an obligation to use an AED.

All contracts with the District that may involve an employee or agent of the contractor having any direct, daily contact with a student, shall contain the following:

The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105 ILCS 5/10-21.9, amended by P.A.s 97-248 and 97-607, or who is listed in the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry. The contractor shall make every employee who will be sent to any school building or school property available to the District for the purpose of submitting to a fingerprint-based criminal history records check pursuant to 105 ILCS 5/10-21.9. The check shall occur before any employee or agent is sent to any school building or school property. The contractor will reimburse the District for the costs of the checks. The District must also provide a copy of the report to the individual employee, but is not authorized to release it to the contractor. Additionally, at least quarterly, the contractor shall check if an employee or agent is listed on the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry.

If the District receives information that concerns the record of conviction as a sex offender of any employee of a District contractor, the District will provide the information to another school, school district, community college district, or private school that requests it.

### Carbon Monoxide Alarms

The Director or designee shall implement a plan with the District's local fire officials to:

1. Determine which school buildings to equip with approved *carbon monoxide alarms* or *carbon monoxide detectors*,
2. Locate the required carbon monoxide alarms or carbon monoxide detectors within 20 feet of a carbon monoxide emitting device, and
3. Incorporate carbon monoxide alarm or detector activation procedures into each school building that requires a carbon monoxide alarm or detector. The Director or designee shall ensure each school building annually reviews these procedures.

### Lead Testing in Water

The Director or designee shall implement testing for lead in each source of drinking water in school buildings in accordance with the Ill. Plumbing License Law and guidance published by the IDPH. The Director or designee shall notify parent(s)/guardian(s) about the sampling results from their children's respective school buildings.

### Emergency Closing

The Director is authorized to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property.

### LEGAL REF.:

105 ILCS 5/10-20.2, 5/10-20.57, 5/18-12, and 5/18-12.5.

105 ILCS 128/, School Safety Drill Act, implemented by 29 Ill.Admin.Code Part 1500.

210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act.

225 ILCS 320/35.5, III. Plumbing License Law.

CROSS REF.: 4:110 (Transportation), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 4:180 (Pandemic Preparedness), 5:30 (Hiring Process and Criteria), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

Adopted: March 19, 2019

**Black Hawk Area Sp Ed**

## **4:175 Convicted Child Sex Offender; Screening; Notifications**

### Persons Prohibited on School Property without Prior Permission

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:

1. 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
2. The offender received permission to be present from the Governing 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 shall supervise a child sex offender whenever the offender is in a child's vicinity. If a student is a sex offender, the Director or designee shall develop guidelines for managing his or her presence in school.

### Screening

The Director or designee shall perform fingerprint-based criminal history records information checks and/or screenings required by State law or Board policy for employees; student teachers; students doing field or clinical experience other than student teaching; contractors' employees who have direct, daily contact with one or more children; and resource persons and volunteers. He or she shall take appropriate action based on the result of any criminal background check and/or screen.

### Notification to Parents/Guardians

The Director shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Murderer and Violent Offender Against Youth Community Notification Law. The Director or designee shall serve as the Cooperative contact person for purposes of these laws. The Director and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. This notification must occur during school registration and at other times as the Director or Building Principal determines advisable.

LEGAL REF.:20 ILCS 2635/, Uniform Conviction Information Act.

720 ILCS 5/11-9.3.

730 ILCS 152/, Sex Offender Community Notification Law.

730 ILCS 154/75-105, Murderer and Violent Offender Against Youth Community Notification Law.

CROSS REF.:5:30 (Hiring Process and Criteria), 5:260 (Student Teachers), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

ADOPTED:February 21, 2017



## **Black Hawk Area Sp Ed**

## 4:180 Pandemic Preparedness

The Governing Board recognizes that the District will play an essential role along with the local health department and emergency management agencies in protecting the public's health and safety if an influenza pandemic occurs. Pandemic influenza is a worldwide outbreak of a virus for which there is little or no natural immunity and no vaccine; it spreads quickly to people who have not been previously exposed to the new virus.

To prepare the District community for a pandemic, the Director or designee shall: (1) learn and understand the roles that the federal, State, and local government would play in an epidemic; (2) form a pandemic planning team consisting of appropriate District personnel and community members to identify priorities and oversee the development and implementation of a comprehensive pandemic influenza school action plan; and (3) build awareness of the final plan among staff, students, and community.

### Emergency School Closing

In the case of a pandemic, any decision for an emergency school closing will be made by the Director in consultation with and, if necessary, at the direction of the District's local health department, emergency management agencies, and Regional Office of Education.

LEGAL REF.:105 ILCS 5/10-16.7 and 5/10-20.5.

Ill. Dept. of Public Health Act (Part 1), 20 ILCS 2305/2(b).

Ill. Emergency Management Agency Act, 20 ILCS 3305.

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

CROSS REF.:1:20 (District Organization and Operations), 2:20 (Powers and Duties of the Governing Board), 4:170 (Safety), 7:90 (Release During School Hours), 8:100 (Relations with Other Organizations and Agencies)

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**

## 4:190 Targeted School Violence Prevention Program

Threats and acts of targeted school violence harm the District's environment and school community, diminishing students' ability to learn and a school's ability to educate. Providing students and staff with access to a safe and secure District environment is an important Board goal. While it is not possible for the District to completely eliminate threats in its environment, a Targeted School Violence Prevention Program (Program) using the collective efforts of local school officials, staff, students, families, and the community helps the District reduce these risks to its environment.

The Director or designee shall develop and implement the Program. The Program oversees the maintenance of a District environment that is conducive to learning and working by identifying, assessing, classifying, responding to, and managing threats and acts of targeted school violence. The Program shall be part of the District's Comprehensive Safety and Security Plan, required by Board policy 4:170, *Safety*, and shall:

1. Establish a District-level School Violence Prevention Team to: (a) develop a District-level Targeted School Violence Prevention Plan, and (b) oversee the District's Building-level Threat Assessment Team(s).
2. Establish Building-level Threat Assessment Team(s) to assess and intervene with individuals whose behavior may pose a threat to safety. This team may serve one or more schools.
3. Comply with State and federal law and align with Board policies.

The Local Governmental and Governmental Employees Tort Immunity Act protects the District from liability. The Program does not: (1) replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in violence prevention, assessments and counseling services, (2) extend beyond available resources within the District, (3) extend beyond the school day and/or school-sponsored events, or (4) guarantee or ensure the safety of students, District staff, or visitors.

### LEGAL REF.:

105 ILCS 5/10-20.14, 5/10-21.7, 5/10-27.1A, 5/10-27.1B, 5/24-24, and 5/27-23.7.

105 ILCS 128/, School Safety Drill Act.

745 ILCS 10/, Local Governmental and Governmental Employees Tort Immunity Act.

29 Ill.Admin.Code Part 1500.

CROSS REF.: 2:240 (Board Policy Development), 4:170 (Safety), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:230 (Maintaining Student Discipline), 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:250 (Student Support Services), 7:290 (Suicide and Depression Awareness and Prevention), 7:340 (Student Records), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

Adopted: March 19, 2019

**SECTION 5 - PERSONNEL**

**Black Hawk Area Sp Ed**

**General Personnel**

**Black Hawk Area Sp Ed**

## 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, sexual violence, or gender violence; genetic information; physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation; pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; or other legally protected categories. No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/.

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

### Administrative Implementation

The 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

4670-11<sup>th</sup> St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

### **Complaint Managers:**

Christan Schrader

Dawn Swanson

4670-11<sup>th</sup> St., East Moline, IL 61244

4670-11<sup>th</sup> 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. §701 et seq., Rehabilitation Act of 1973.

38 U.S.C. §4301 et seq., Uniformed Services Employment and Reemployment Rights Act (1994).

42 U.S.C. §1981 et seq., Civil Rights Act of 1991.

42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964, implemented by 29 C.F.R. Part 1601.

42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act of 2008.

42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964.

42 U.S.C. §2000e(k), Pregnancy Discrimination Act.

42 U.S.C. §12111 et seq., Americans with Disabilities Act, Title I.

III. 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 Program Act.

410 ILCS 513/25, Genetic Information Privacy Act.

740 ILCS 174/, III. Whistleblower Act.

775 ILCS 5/1-103, 5/2-102, 103, and 5/6-101, III. 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/, III. 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: January 21, 2020

**Black Hawk Area Sp Ed**



## 5:20 Workplace Harassment Prohibited

The 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*.

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

### Sexual Harassment Prohibited

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

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes, 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. Individuals may choose to report to a person of the individual'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 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.

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:**

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dswanson@bhased.org

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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, applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and including this policy in the appropriate handbooks.

### 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).

Oncale 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: January 21, 2020

## 5:20-E Resolution to Prohibit Sexual Harassment

WHEREAS, Section 10-20 of the School Code (105 ILCS 5/10-20) grants school boards other powers that are not inconsistent with their duties;

WHEREAS, Section 1-5 of the State Officials and Employees Ethics Act (5 ILCS 430/1-5) includes school districts within the definition of a *governmental entity*;

WHEREAS, Section 5-65 of the State Officials and Employees Ethics Act (5 ILCS 430/5-65, added by P.A. 100-554) provides that all persons have a right to work in an environment free from sexual harassment;

WHEREAS, Section 70-5 of the State Officials and Employees Ethics Act (5 ILCS 430/70-5, amended by P.A.s 100-554 and 101-221) requires governmental entities to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment which, at a minimum, includes: (1) a prohibition on sexual harassment; (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights; (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the Act, the Whistleblower Act (740 ILCS 174/), and the Ill. Human Rights Act (775 ILCS 5/); (4) the consequences: (a) of a violation of the prohibition on sexual harassment; and (b) for knowingly making a false report; and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against a Board member by a fellow Board member or other elected official;

THEREFORE, BE IT RESOLVED, by the Board of Education of Black Hawk Area Sp Ed, Rock Island, Mercer, and Henry Counties, Illinois, as follows:

Section 1: The Board adopts Board policies 2:105, *Ethics and Gift Ban*, and 5:20, *Workplace Harassment Prohibited*, attached as Exhibit A, which collectively contain the following: (1) a prohibition on sexual harassment; (2) detail regarding how an individual can report an allegation of sexual harassment, including options for making a confidential report to an immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, a Complaint Manager, or the Ill. Dept. of Human Rights; (3) a prohibition on retaliation for reporting sexual harassment allegations and a statement regarding the availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Ill. Human Rights Act; and (4) the consequences: (a) of a violation of the prohibition on sexual harassment; and (b) for knowingly making a false report, and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against a Board member by a fellow Board member or other elected official.

Section 2: Any prior versions of Board policies 2:105, *Ethics and Gift Ban*, and 5:20, *Workplace Harassment Prohibited*, adopted by the Board are superseded by this Resolution.

Adopted this 21st day of January, 2020.

Attested by: Board President

Attested by: Board Secretary

**Black Hawk Area Sp Ed**

## 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 105 ILCS 5/21B-80(c).

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 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 105 ILCS 5/21B-80 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.

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. (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. (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, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. 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(Ill. 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)

Adopted: January 21, 2020

**Black Hawk Area Sp Ed**

## 5:32 Personnel Definitions

Administrative personnel shall include the positions of State-Approved Director of Special Education, Business Manager, Administrative Secretary, Secretary/Bookkeeper, Phoenix Program Administrator and the Special Ed Coordinators.

Licensed personnel shall include those positions for which a professional license or a Professional Educators license was granted through ISBE.

Support personnel shall include those positions for which the Director and the Governing Board of the District may establish competency levels, but which do not require a degree nor a special certificate or license or which represent an intermediate level within a certification or licensure continuum.

### Classification of Positions

For the purposes of these policies, the following job classifications shall apply unless otherwise specified.

#### Administrative Personnel

Director, State Approved Director

Black Hawk Area Education Center Principal

Black Hawk Area Education Center Assistant Principal

Business Manager

Administrative Secretary

Secretary/Bookkeeper

Phoenix Program Principal

Special Ed Coordinator

#### Certified Personnel

Audiologist

Classroom and Itinerant Teachers

Transition Specialist

Licensed personnel who also have Illinois teacher licensure

Social Worker

Psychologist

Internships (Social Worker, Psychologist)

Vocational Evaluator

#### Licensed Personnel

Occupational Therapist, Registered



Physical Therapist, Registered

Support Personnel

Certified Occupational Therapy Assistant

Registered Physical Therapy Assistant

Coordinator of Preschool Screening

Preschool Screeners

General Secretaries

Paraprofessionals

Job Coaches

Transition Specialist Assistant/Job Developer

Custodians

ADOPTED:February 21, 2017

**Black Hawk Area Sp Ed**

## 5:35 Compliance with the Fair Labor Standards Act

### Job Classifications

The Director will ensure that all job positions are identified as either "exempt" or "non-exempt" according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are "exempt" or "non-exempt." "Exempt" and "non-exempt" employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

### Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Sunday until 11:59 p.m. Saturday . Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. "Overtime" is time worked in excess of 40 hours in a single workweek.

### Overtime

A non-exempt employee shall not work overtime without his or her supervisor's or Director or designee's express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Director or designee's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Director. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.

### Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status. Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Employment Termination and Suspensions*.

### Implementation

The Director or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

### LEGAL REF.:

820 ILCS 105/4a.

Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

Adopted: October 15, 2019

## **Black Hawk Area Sp Ed**

## 5:40 Communicable and Chronic Infectious Disease

The Director or designee shall develop and implement procedures for dealing with known or suspected cases of a communicable and chronic infectious disease involving a District employee consistent with State and federal law, rules of the Illinois Department of Public Health, and Governing Board policies.

An employee with a communicable or chronic infectious disease is encouraged to inform the Director immediately and grant consent to being monitored by the District's Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Director concerning the employee's conditions of employment and necessary accommodations. The Review Team shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed by law.

Employees with a communicable or chronic infectious disease will be permitted to retain their positions whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

### LEGAL REF.:

Americans With Disabilities Act, 42 U.S.C. §12101 et seq.; 29 C.F.R. §1630.1 et seq., amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325.

Rehabilitation Act of 1973, 29 U.S.C. §791; 34 C.F.R. §104.1 et seq.

Department of Public Health Act, 20 ILCS 2305/6.

105 ILCS 5/24-5.

Personnel Record Review Act, 820 ILCS 40/.

Control of Communicable Diseases, 77 Ill.Admin.Code Part 690.

CROSS REF.:2:150 (Committees), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary Incapacity)

Adopted: October 15, 2019

**Black Hawk Area Sp Ed**

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

All District workplaces are drug- and alcohol-free workplaces.

All employees are prohibited from engaging in any of the following activities while on District premises or while performing work for the District:

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, use, or being impaired by or under the influence of 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. 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 listed in the Cannabis Regulation and Tax Act (CRTA).

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* 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 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.

### 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, 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 5/10-20.5b.

*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.

### District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. In addition or alternatively, the 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

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.

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.

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 21, 2020

**Black Hawk Area Sp Ed**

## 5:60 Expenses

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution. Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee, (2) anyone's personal expenses, or (3) entertainment expenses. Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event. The District is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District's negligence. Employees must submit the appropriate itemized, signed, standardized form(s) to support any requests for expense advancements, reimbursements, or purchase orders that show the following:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and title of the employee who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants.
3. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended.
4. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended.

### Advancements

The Director may advance expenses to teachers and other licensed employees for the anticipated actual and necessary expenses to be incurred while attending meetings that are related to their duties and will contribute to their professional development, provided they fall below the maximum allowed in the Board's expense regulations.

Expense advancement requests must be submitted to the Director or designee on the District's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the District's standardized expense reimbursement form and submit to the Director: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. Any portion of an expense advancement not used must be returned to the District. Expense advancements and vouchers shall be presented to the Board in its regular bill process.

### Reimbursements and Purchase Orders

Expense reimbursements and purchase orders may be issued by the Director or designee to employees, along with other expenses necessary for the performance of their duties, provided the expenses fall below the maximum allowed in the Board's expense regulations.

Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses by providing an estimation of expenses on the District's standardized estimated expense approval form for employees, except in situations when the expense is diminutive. When pre-approval is not sought, employees must seek reimbursement on the District's standardized expense reimbursement form for employees. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

### Use of Credit and Procurement Cards

Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.



## Exceeding the Maximum Allowable Expense Amount(s)

All requests for expense advancements, reimbursements, and purchase orders exceeding the maximum allowed in the Board's expense regulations may only be approved when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.

## Registration

When possible, registration fees will be paid by the District in advance.

## Travel

The least expensive method of travel will be used, provided that no hardship will be caused to the employee. Employees will be reimbursed for:

1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Copies of airline tickets must be attached to the expense form.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
5. Taxis, airport limousines, ride sharing services, or other local transportation costs.

## Meals

Employees will be reimbursed for meal costs and tips up to \$30 per day consistent with the maximum reimbursement amount(s) set by the Board. Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

## Lodging

Employees should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Employees should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.

## Miscellaneous Expenses

Employees may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

## Additional Requirements for Travel Expenses Charged to Federal and State Grants

All grant-related travel expenses must be pre-approved by the Director or designee.

Expenses for travel, including expenses for transportation, lodging, meals, and related items incurred by employees and charged to a federal grant or State grant governed by the Grant Accountability and

Transparency Act (30 ILCS 708/) must also meet the following requirements:

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award.
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy.
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official *travel status* for more than 12 hours. However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours.
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip.
6. Commercial airfare costs in excess of the least expensive coach or economy class are prohibited except when such accommodations would: (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Qualifying circumstances must be explained on the expense form, and Board approval of the additional expense is required.
7. Per diem rates and actual reimbursement amounts for mileage, meals, and lodging may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less. These limits do not apply when: (1) an employee stays in the lowest-priced room available at or near a hotel where a conference or seminar is located or in accommodations arranged by the conference/seminar organization, or (2) lodging at or below the established rate is unavailable. In those cases, the employee will be reimbursed for actual lodging expenses with prior approval, but in no case will the reimbursement exceed 300% of the applicable maximum per diem rate. If a conference fee includes a meal, the meal or per diem allowance will be reduced by the actual value of the meal or the applicable meal allowance, whichever is less.
8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved. The Board does not reimburse employees for collision damage waiver or theft insurance.
9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

LEGAL REF.:

2 C.F.R. §200.474.

30 ILCS 708/130, Grant Accountability and Transparency Act.

50 ILCS 150/, Local Government Travel Expense Control Act.

105 ILCS 5/10-22.32.

820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

CROSS REF.: 2:125 (Board Member Compensation; Expenses), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards)

Adopted: July 27, 2020

## 5:60-E1 Exhibit - Employee Expense Reimbursement Form

Submit to the Director. Use of this form is required by 2:125-E3, Resolution to Regulate Expense Reimbursements. Please print and attach receipts for all expenditures.

Name: \_\_\_\_\_ Title/Office: \_\_\_\_\_

Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

Departure Date: \_\_\_\_\_ Return Date: \_\_\_\_\_

Receipts attached Request Date: \_\_\_\_\_

Approved expense advancement (voucher) attached, if applicable\* (Completed 5:60-E2, Employee Estimated Expense Approval Form.)

### Actual Expense Report

**\*Employees will be reimbursed for actual and necessary expenses that exceed the amount advanced, but must refund any expense advancement that exceeds the actual and necessary expenses incurred. (105 ILCS 5/10-22.32)**

Auto Travel Allowance: \_\_\_\_\_ per mile

Date	Mileage		Comm. Travel Expenses	Lodging	Meals			Other		Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner	Item	Cost	
<b>Subtotal</b>										
<b>Advances</b>									-	
<b>TOTAL</b> (A negative amount indicates refund due from employee.)									\$	

Director (below maximum allowable amount):  Approved  Denied

Approved in Part

Director Signature \_\_\_\_\_ Date \_\_\_\_\_

Board Action (exceeds maximum allowable amount):  Approved  Denied

Approved in Part

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

DATED:February 21, 2017

**Black Hawk Area Sp Ed**

## 5:60-E2 Exhibit - Employee Estimated Expense Approval Form

Submit to the Director. Use of this form is required by 2:125-E3, Resolution to Regulate Expense Reimbursements. Please print.

Name: \_\_\_\_\_ Title/Office: \_\_\_\_\_

Travel Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

**Estimated Expenses Approval Requested** (50 ILCS 150/20)

**Purchase Order Requested** Purchase Order #: \_\_\_\_\_

**Expense Advancement Voucher Requested** (105 ILCS 5/10-22.32)

Voucher Amount: \_\_\_\_\_

### Estimated Expense Report

Departure date: \_\_\_\_\_ Return date: \_\_\_\_\_

Auto Travel Allowance: \_\_\_\_\_ per mile

Date	Mileage		Comm. Travel Expenses	Lodging	Meals		
	Miles	Cost			Bkfst	Lunch	Dinner
<b>Total</b>							

**Director** (*below maximum allowable amount*):  **Approved**  **Denied**

**Approved in Part**

Director Signature \_\_\_\_\_ Date \_\_\_\_\_

**Board Action** (*exceeds maximum allowable amount*):  **Approved**  **Denied**

**Approved in Part**

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

DATED: February 21, 2017

**Black Hawk Area Sp Ed**

## **5:70 Religious Holidays**

Supervisors shall grant an employee's request for time off to observe a religious holiday if the employee gives at least five days' prior notice and the absence does not cause an undue hardship.

Employees may use earned vacation time or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee.

LEGAL REF.:Religious Freedom Restoration Act, 775 ILCS 35/15.

Illinois Human Rights Act, 775 ILCS 5/2-101 and 5/2-102.

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**

## **5:80 Court Duty**

**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 will pay full salary during the time an employee is on court duty or, pursuant to a subpoena, serves as a witness or has a deposition taken in any school-related matter pending in court so long as the employee submits to the BHASED all monies collected as a result of jury duty, with the exception of mileage. Failure to submit such monies will result in the employee receiving the difference between the amount received for jury duty and the amount the employee was entitled to be paid by BHASED for paid jury duty leave under BHASED policies.

An employee should give at least five days' prior notice of pending court duty to the District.

LEGAL REF.:105 ILCS 5/10-20.7.

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**



## 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 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.

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/](http://report.cybertip.org/) or [www.missingkids.org](http://www.missingkids.org). 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 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 Director or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within three months of initial employment and at least every three years after that date.

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

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.

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 Superintendent or designee will implement procedures to coordinate with the CAC.

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

## Special Superintendent Responsibilities

The 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 Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder.

## Special Governing Board Member Responsibilities

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

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.

### 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 Governing 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: January 21, 2020

## **Black Hawk Area Sp Ed**

## 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 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 three years (see policy 5:90, *Abused and Neglected Child Reporting*).
  - 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.
13. For all District staff, annual sexual harassment prevention training.

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: January 21, 2020

**Black Hawk Area Sp Ed**

## 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/), 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. 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.

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.

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 21, 2020

**Black Hawk Area Sp Ed**



## 5:125 Personal Technology and Social Media; Usage and Conduct

### Definitions

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

**Social media** - Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes, but is not limited to, services such as *Facebook, LinkedIn, Twitter, Instagram, Snapchat, and YouTube*.

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

### Usage and Conduct

All District employees who use personal technology and social media shall:

1. Adhere to the high standards for appropriate school relationships required by policy 5:120, *Employee Ethics; Conduct; and Conflict of Interest*, at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policy 5:20, *Workplace Harassment Prohibited*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Conduct; and Conflict of Interest*; 6:235, *Access to Electronic Networks*; 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a District-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Comply with policy 5:130, *Responsibilities Concerning Internal Information*. This means that personal technology and social media may not be used to share, publish, or transmit information about or images of students and/or District employees without proper approval. For District employees, proper approval may include implied consent under the circumstances.
5. Refrain from using the District's logos without permission and follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.
6. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
7. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
8. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or

damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.

The Director shall:

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Board policy 5:120, *Employee Ethics; Conduct; and Conflict of Interest*.
2. Direct Building Principals to annually:
  - a. Provide their building staff with a copy of this policy.
  - b. Inform their building staff about the importance of maintaining high standards in their school relationships.
  - c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
3. Build awareness of this policy with students, parents, and the community.
4. Ensure that no one for the District, or on its behalf, requests of an employee or applicant access in any manner to his or her social networking website or requests passwords to such sites.
5. Periodically review this policy and any procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

LEGAL REF.:105 ILCS 5/21B-75 and 5/21B-80.

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

Code of Ethics for Ill. Educators, 23 Ill.Admin.Code §22.20.

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

Pickering v. High School Dist. 205, 391 U.S. 563 (1968).

Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: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), 5:130 (Responsibilities Concerning Internal Information), 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**

## **5:130 Responsibilities Concerning Internal Information**

District employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: student school records, personnel records, and the minutes of, and material disclosed in, a closed Governing Board meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the District or used by the District or its employees. The Director or designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

### **LEGAL REF.:**

Family Educational and Privacy Rights Act, 20 U.S.C. §1232g.

Uses and Disclosures of Protected Health Information; General Rules, 45 C.F.R. §164.502.

Ill. Freedom of Information Act, 5 ILCS 140/.

Local Records Act, 50 ILCS 205/.

105 ILCS 10/.

Personnel Record Review Act, 820 ILCS 40/.

CROSS REF.:2:140 (Communications To and From the Board), 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

Adopted: October 15, 2019

**Black Hawk Area Sp Ed**

## **5:140 Solicitations By or From Staff**

District employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Director. All such solicitations shall be conducted during employees' regularly scheduled breaks.

CROSS REF.:8:90 (Parent Organizations and Booster Clubs)

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**

## 5:150 Personnel Records

**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:**

Black Hawk Area Special Education District shall collect and retain only those personnel records necessary for the most efficient and effective fiscal and program operation, such information shall be limited to general identifying information, performance evaluation information, necessary payroll and accounting information, and other information directly related to employment.

All employees of Black Hawk Area Special Education District shall have the right to inspect their own personnel files and shall have the right to include in their personnel file any objections, in writing, that they may have to information contained therein.

Access to personnel files shall be limited to the employee, the Director, the employee's immediate supervisor, and the designated records custodian for the Black Hawk Area Special Education District (for the purpose of recording or filing additional information); personnel files shall not be accessible to other employees, board members, or the general public except with written permission from the employee or as may be required to comply with completion of evaluation, remediation or discipline/dismissal procedures. Access will be granted to anyone authorized by State or federal law to have access. All other requests for access to personnel information are governed by Board policy 2:250, *Access to Public Records*.

The Director or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance. The Director shall execute the requirements in the Abused and Neglected Child Reporting Act whenever a school district or special education district asks for a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS.

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

LEGAL REF.:

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

745 ILCS 46/10, Employment Record Disclosure Act.

820 ILCS 40/, Personal Record Review Act.

23 Ill.Admin.Code §1.660.

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

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

## 5:170 Copyright

### Works Made for Hire

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

### Copyright Compliance

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

LEGAL REF.:Federal Copyright Law of 1976, 17 U.S.C. §101 et seq.

105 ILCS 5/10-23.10.

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

ADOPTED:May 15, 2007

**Black Hawk Area Sp Ed**

## 5:180 Temporary Illness or Temporary Incapacity

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, Cooperative-paid insurance programs, etc.) will be deducted from the Cooperative's compensation liability to the employee. The Governing Board's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of gross salary.

Those insurance plans privately purchased by the employee and to which the Cooperative does not contribute, are not applicable to this policy.

If illness, incapacity, or any other condition causes an employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may begin dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Director may recommend this paragraph's use when circumstances strongly suggest that the employee returned to work intermittently in order to avoid this paragraph's application. This paragraph shall not be considered a limitation on the Board's authority to take any action concerning an employee that is authorized by State and federal law.

Any employee may be required to have an examination, at Cooperative expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant if the examination is job-related and consistent with business necessity.

### LEGAL REF.:

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

105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.

Elder v. School Dist. No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

School District No. 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987).

CROSS REF.:5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

Adopted: October 15, 2019

**Black Hawk Area Sp Ed**

## 5:185 Family and Medical Leave

To comply with the Family and Medical Leave Act ("FMLA"), the district will grant eligible employees unpaid family and medical leaves of absence under the following terms and conditions. Except as stated below, employees will not receive compensation during a leave of absence.

### Introduction

The FMLA allows eligible employees to take up to 12 weeks of job-protected, unpaid leave per year for certain specified reasons, and up to a total of 26 workweeks of leave to care for a family member who is a "covered service-member" recovering from injury or illness incurred during active duty military service.

A description of your rights and responsibilities under the FMLA is included as an Appendix to this policy.

The following is a description of the District's specific policies and procedures relating to FMLA leave.

### Eligibility

FMLA leave is available only to certain eligible employees. To be an "eligible employee" under the FMLA, you must:

1. Have been employed by the District for a total of at least 12 months; and
2. Have worked at least 1,250 hours for the District during the twelve months before the date on which your leave is to begin.

### Reasons for FMLA Leave

If you are an eligible employee, you may take leave under the FMLA for the following reasons:

- For a serious health condition that makes you unable to perform the essential functions of your job.
- For the birth of your child, and to care for your newborn child.
- For the placement with you of a child for adoption or foster care.
- To care for your spouse, child (who is under 18 years of age or incapable of self-care due to a physical or mental disability), or parent (not parent-in-law), who has a serious health condition.
- To address "qualifying exigencies" that arise because your spouse, son, daughter, or parent is on active duty or call to active duty status with the National Guard or Reserves in support of a contingency operation.
- To care for a spouse, son, daughter, parent, or next of kin who is a "covered service-member", while the covered service-member is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.

### Definitions

Eligibility for FMLA leave will be determined in accordance with the definitions set forth in the FMLA and the applicable FMLA regulations in effect at the time your eligibility for leave is being determined. The definitions contained in this policy, including in the section below, are summaries provided for your convenience, and are not intended to modify the definitions set forth in the FMLA or the applicable regulations or to create any right to leave not otherwise required by the FMLA.

#### A. Serious Health Condition

For purposes of the FMLA, "serious health condition" means an illness, injury, impairment, or physical



or mental condition that involves:

1. In-patient care (i.e., and overnight stay) in a hospital, hospice, or residential medical care facility, or any period of incapacity or subsequent treatment connected with such in-patient care; or
2. Any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities due to the condition, treatment for the condition, or recovery from treatment), which is:
  - a. More than three consecutive calendar days and involves:
    - i. One in-person treatment by a health care provider, a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider, followed by a second in-person treatment visit that occurs (absent extenuating circumstances) within 30 days of the first day of incapacity; or
    - ii. One in-person treatment by a health care provider, a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider, that results in a continuing regimen of continuing treatment under the supervision of a health care provider; or
  - b. Due to pregnancy or prenatal care; or
  - c. Due to a chronic condition that requires periodic visits (at least twice per year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider, that continues over an extended period of time, and that may cause episodic rather than a continuing period of incapacity (for example, asthma, diabetes, epilepsy, etc.): or
  - d. Permanent or long-term conditions for which treatment may not be effective, but for which you or your family member are under the continuing supervision of (but need not be receiving active treatment by) a health care provider; or
3. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such a cancer (chemotherapy, radiation, etc.) or kidney disease (dialysis).

Ordinarily, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontic problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

With regard to substance abuse (including alcohol abuse), FMLA leave may be taken only for treatment of substance abuse by or on referral from a health care provider. Absences caused by the employee's use of the substance, rather than for treatment, do not qualify for FMLA leave.

## B. Health Care Provider

For purposes of the FMLA, "health care provider" means:

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices;
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), authorized to practice in the state and performing within the scope of their practice as defined under state law;
- Nurse practitioners, nurse midwives, clinical social workers and physician assistants who are

authorized to practice under state law and who are performing within the scope of their practice under state law;

- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;
- Any health care provider from whom the District or the District's group health plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and
- A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

For purposes of the FMLA, "authorized to practice in the state" means that the health care provider is authorized by state law to diagnose and treat physical or mental health conditions.

### C. Qualifying Exigency

For purposes of FMLA leave to address a "qualifying exigency" that arises because an employee's spouse, son, daughter, or parent is on active duty or call to active duty status with the National Guard or Reserves in support of a contingency operation, the term "qualifying exigency" means the following:

- Issues that arise from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven or fewer days before the date of deployment. Employees are eligible for leave for this purpose for a period of seven calendar days beginning on the day the covered military member is notified of an impending call or order to active duty in support of a contingency operation.
- Attending military events and related activities, such as ceremonies, programs and briefings sponsored by the military, military service organizations, or the American Red Cross, that are related to the active duty or call to active duty status of a covered military member.
- Attending to childcare and school-related activities arising from a covered military member's active duty or call to active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling in or transferring a child to a new school or day care facility, attending meetings with staff at a school or day care facility.
- Making financial and legal arrangements to address the covered military member's absence while on active duty or call to active duty status.
- Acting as the covered military member's representative before a government agency for purposes of obtaining, arranging, or appealing military service benefits while a covered military member is on active duty or call to active duty status and for a period of 90 days following the termination of the active duty status.
- Attending counseling provided by someone other than a health care provider for oneself, for the covered military member, or his or her child;
- To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.
- To attend to post-deployment activities, including official ceremonies and programs sponsored by the military for a period of 90 days following the termination of a covered military member's active duty status, and to address issues arising from the death of a covered military member while on active duty status, such as recovering the body and making funeral arrangements.
- Additional activities as agreed upon by the District and the employee.

### D. Covered Service-member

For purposes of FMLA leave to care for a covered service-member, a "covered service-member" is a

current member of the Armed Forces, including the national Guard or Reserves, or who is a member of the Armed Forces, the National Guard or Reserves on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or otherwise in outpatient status, or otherwise on the temporary disability retired list. Former members of the Armed Forces, Reserves, or National Guard, and those on the Disability Retired List, are not "covered service-members."

To be entitled to leave to care for a covered service-member, an employee must be the covered service-member's spouse, son or daughter, parent, or next of kin. "Next of kin" means the nearest blood relative, other than spouse, parent, son or daughter, in the following order of priority: blood relatives granted legal custody over the covered service-member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins. If the covered service-member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA, that relative (and only that relative) will be the covered service-member's next of kin. When no such designation is made and there are multiple family members with the same level of relationship to the covered service-member, all such family members are considered the covered service-member's next of kin.

### Amount of Leave

Generally, eligible employees are entitled to take up to 12 weeks of leave in a single 12-month period for the reasons specified above.

For the purposes of this policy, the District will use a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Available leave is determined by subtracting the number of weeks of FMLA leave taken during this 12-month "look back" period from the 12-week total allowed.

Any leave taken for the birth or care of a child or the placement of a child for adoption or foster care must be completed within one year after the date of birth or placement.

If both you and your spouse are employed by the District and eligible for FMLA leave, you will be permitted to take only a combined total of 12 weeks of leave during a 12-month period if leave is for the birth and care of a child, the placement of a child for adoption or foster care, or to care for a parent (not a parent-in-law) with a serious health condition.

Eligible employees are also entitled to up to 26 work-weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who is a "covered service-member." The 12-month period for leave to care for a covered service-member begins on the first day that an employee takes leave to care for a covered service-member. During this period, the employee is entitled to a combined total of 26 work-weeks of leave for any FMLA-qualifying reason, no more than 12 weeks of which may be for reasons other than to care for a covered service-member.

This leave is applied on a per-covered-service-member, per-injury basis, meaning that an employee is entitled to only one 26-work-week allotment of leave per covered service-member (unless the covered service-member is later re-injured in the line of active duty). If both you and your spouse are employed by the District and are eligible for FMLA leave, you will be permitted to take only a combined total of 26 work-weeks of leave during the single 12-month period for this reason.

### How to Request FMLA Leave

If you need to take time off for reasons that you believe qualify for FMLA leave, you must notify the District's Human Resources Department of your need for time off. Whenever practicable, you must do so at least 30 days before you expect your leave to begin. If you cannot practicably provide 30 days' notice, you must notify Human Resources of your need for time off as soon as practicable. Whenever practicable, you will be expected to provide the notice required under this policy by submitting a

completed and signed Leave Request Form to Human Resources. When it is not practicable to do so (for example, if you are unexpectedly absent due to a medical emergency), then you must contact Human Resources at 309-796-2500. You will then be required to submit a completed Leave Request Form to Human Resources as soon as practicable under the circumstances. In all cases, it is your responsibility to provide Human Resources with sufficient information to determine whether your request for time off qualifies as FMLA leave, and to advise Human Resources of the expected timing and duration of your leave.

You must also comply with the District's usual and customary policies and procedures for reporting absences. You must follow these procedures *each day you are absent*, unless your absence for that day has been scheduled and approved in advance.

Failure to comply with the notice requirements in this policy, with the District's absence reporting policies and procedures, or to provide documentation or information requested by Human Resources may result in delay or denial of requested time off and/or discipline up to and including termination of employment.

### Intermittent and Reduced Schedule Leave

When taking FMLA leave for your own serious health condition, to care for a family member with a serious health condition, or to care for a covered service-member, you may take FMLA leave on an intermittent or reduced schedule basis, if the required health care provider's certification indicates that this is medically necessary. FMLA military family leave may also be taken on an intermittent or reduced schedule basis when necessary due to a qualifying exigency.

If you require intermittent or reduced schedule leave, you will be expected to consult with Human Resources to work out a schedule for such leave that meets your needs without unduly disrupting the district's operations, subject to approval by the health care provider.

Likewise, if you need FMLA leave due to planned medical treatment for your own or a family member's serious health condition, you will be expected to consult with Human Resources to work out a treatment schedule that best suits your needs and the needs of the District, subject to approval by the health care provider. In some circumstances, the District may alter your existing job (while existing pay and benefits), or may temporarily transfer you to a different position with equivalent pay and benefits, to better accommodate your intermittent or reduced schedule leave.

The District may consider requests for intermittent or reduced schedule leave due to the birth, adoption or foster placement of a child, but is not obligated to grant such requests, and will do so only at its sole discretion.

### Special Rules for Instructional Employees

For purposes of FMLA, instructional employees are those employees whose principal function is to teach and instruct students in a class, small group, or an individual setting, including teachers and athletic coaches. It does not include teacher aides who do not actually teach or instruct, social workers, curriculum specialists, or other auxiliary personnel.

#### A. Intermittent Leave

If an instructional employee requests intermittent or reduced schedule leave to care for a family member, a covered service-member, or for the instructional employee's own serious health condition, and the instructional employee would be on leave for more than twenty percent of the instructional employee's total number of working days over the period the leave would extend, the district may require the instructional employee to choose whether to:

- Take leave for a period of particular duration, not greater than the duration of the planned treatment, or

- Temporarily transfer to an available alternative position with equivalent pay and benefits which better accommodates the recurring periods of leave.

Leave taken by an instructional employee for a period that ends with the school year and begins with the next school year is taken consecutively rather than intermittently. Any period during summer vacation when the employee would not have been required to report for duty will not be counted against the employee's FMLA leave entitlement.

#### B. Limitations on Leave Near the End of an Academic Term

If an instructional employee begins FMLA leave more than five weeks before the end of a semester, the District may require the employee to continue taking leave until the end of the semester if the leave will last at least three weeks, and the employee would return to work during the three-week period before the end of the semester.

If an instructional employee begins FMLA leave during the five-week period before the end of a semester because of the birth of a son or daughter, the placement of a son or daughter for adoption or foster care, to care for a family member with a serious health condition, or to care for a covered service-member, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than two weeks, and the employee would return to work during the two-week period before the end of the semester.

If an instructional employee begins leave during the three-week period before the end of a semester because of the birth of a son or daughter, the placement of a son or daughter for adoption or foster care, to care for a family member with a serious health condition, or to care for a covered service-member, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than five working days.

If an employee who is ready and able to return to work is required to remain on leave until the end of the semester under this section, only the period of leave until the employee is ready and able to return to work will be charged against the employee's 12-week FMLA leave entitlement, but the employee will have the same rights with respect to benefits and job restoration as if the period were FMLA leave.

#### Eligibility Notice

After you give notice of your need for FMLA leave, the District will provide you with a written notice advising you whether or not you are an "Eligible Employee" under the FMLA. The District will provide this eligibility notice within five business days after you give notice of your need to leave, absent extenuating circumstances. If you later make another request for FMLA leave within the same 12-month period, the District may elect not to provide another eligibility notice, unless your status as an eligible employee has changed. Note that even if you are an "eligible employee" under the FMLA, your request for leave may be denied if the District determines that your leave is not for an FMLA-qualifying reason, or if you have exhausted all available leave under the FMLA.

At the same time as it provides the eligibility notice, the District will provide you with a written notice advising you of any applicable rights and responsibilities relating to your requested FMLA leave.

#### Certification

It is your responsibility to provide the District with any information needed to determine whether your leave qualifies as FMLA leave. The FMLA requires you to respond to reasonable requests for information regarding your leave, and your failure to do so may result in delay or denial of your requested leave. In addition, you may be required to provide the certifications described below. It is your obligation to provide a complete and sufficient certification form to the District within 15 calendar days after the District requests it. If it is not practicable for you to provide a completed, sufficient certification form within 15 days despite your diligent, good faith efforts to do so, you must contact

Human Resources to explain the situation.

If you return a certification form but it is incomplete (i.e., one or more items are left blank) or insufficient (i.e., responses are vague, illegible, ambiguous, or non-responsive), the District will notify you of the deficiency. You will then have 7 calendar days to provide a complete, sufficient certification. If it is not practicable for you to provide a completed, sufficient certification form within 7 days despite your diligent, good-faith efforts to do so, you must contact the District to explain the situation. Failure to provide a complete, sufficient certification may result in delay or denial of your requested time off and/or discipline up to and including termination of your employment.

#### A. Certification of a Serious Health Condition

If you are requesting FMLA leave due to your own serious health condition, or to care for a family member with a serious health condition, you will be required to provide a health care provider's certification on a form that will be provided by the District.

#### Authentication and Clarification

The District may contact the health care provider to authenticate a completed certification form by providing the health care provider a copy of the form and requesting verification that the information contained on the form was written or authorized by the health care provider who signed the document.

Additionally, the District may request clarification of information on the certification form, and may ask you to sign, or have your family member sign, a release form authorizing the health care provider to communicate with the District for the purpose of clarifying the certification. If the certification is unclear and you fail to provide a signed authorization or otherwise clarify the certification, the District may deny your request for FMLA leave.

#### Second and Third Opinions

The District may require you to obtain a second certification at the District's expense from a health care provider designated by the District. If the second health care provider's certification differs from your health care provider's certification, the District may require you to obtain certification from a third health care provider, again at the District's expense. The third health care provider will be designated or approved jointly by you and the District. You and the District are required to act in good faith to attempt to reach agreement on a third health care provider. The third opinion will be final and binding.

#### Recertification

If you take leave due to your own or a family member's serious health condition, you may be required to submit a complete and sufficient recertification from your health care provider as often as every 30 days in conjunction with an absence. If your health care provider's initial certification specifies that the minimum duration of the condition for which you are taking leave is longer than 30 days, you may be required to submit a recertification in conjunction with an absence when the minimum duration expires, or every six months, whichever is less. You also may be required to provide a recertification if you request an extension of leave, the circumstances described in the original certification have changed significantly, or the District receives information raising doubt as to your eligibility for FMLA leave. The District will provide you with the required recertification form when a recertification is required.

#### B. Certification of a Qualifying Exigency

If you request FMLA leave due to a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, you will be required to submit a complete and sufficient certification form provided to you by the District, and to provide the documentation requested therein. If the qualifying exigency for which you are taking leave involves a meeting or appointment with a third party, the District may contact the third party for purposes of verifying the meeting or appointment and the nature of the meeting or appointment. The District also may contact an appropriate unit of the

Department of Defense to request verification that the covered military member is on active duty or call to active duty status.

### C. Certification for a Covered Service-member

If you request leave to care for a covered service-member with a serious injury or illness, you will be required to obtain a certification from the service-member's authorized health care provider on a form provided to you by the district. Any one of the following may complete this certification: A U.S. Department of Defense ("DOD") health care provider; a U.S. Department of Veteran's Affairs health care provider; a DOD TRICARE network authorized private health care provider; or a DOD non-network TRICARE authorized private health care provider.

The District may contact the health care provider to authenticate a completed certification form by providing the health care provider a copy of the form and requesting verification that the information contained on the form was written or authorized by the health care provider who signed the document.

Additionally, the District may request clarification of information on the certification form, and may ask that the covered service-member sign a release authorizing the health care provider to communicate with the District for the purpose of clarifying the certification. If the certification is unclear and you fail to provide a signed authorization or otherwise clarify the certification, the District may deny your request for FMLA leave.

### Designation of FMLA Leave

The District will provide you with a written notice advising whether your leave will be designated as FMLA Leave. Absent extenuating circumstances, the District will provide this notice within five business days after it receives sufficient information to determine whether your requested leave is for an FMLA-qualifying reason. If the District does not provide the designation notice within the time specified above, the District may retroactively notify you that time off will be designated as FMLA leave if the delay in providing this notice does not cause you harm or injury, or if you and the District agree that the time off will be designated as FMLA leave.

### While You Are on FMLA Leave

#### A. Unpaid Leave and Substitution of Paid Leave

FMLA leave is generally unpaid. However, if you have any vacation, personal or other paid leave available to you under applicable District policies or collective bargaining agreements, you will be required to use this paid leave concurrently with your FMLA leave, and to exhaust any available paid leave before any unpaid portion of your FMLA leave commences.

#### B. Health Benefits

If you are enrolled in the District's group insurance plans and wish to continue this coverage while you are on FMLA leave, you will be responsible for paying the employee share of the premiums during any period of FMLA leave. The District will provide you with instructions for paying health insurance premiums during your leave. The District will continue to pay its share of the premiums for your group health insurance coverage while you are on FMLA leave, unless you notify the District of your intent not to return to work following leave. If you do not pay your share of health insurance premiums while you are on FMLA leave, you may be dropped from plan coverage until you return to work.

If you do not return to work upon completion of your FMLA leave, you may be required to repay the District for any premiums paid by the District to maintain your group health insurance coverage during your leave, unless the failure to return to work was due to the recurrence or onset of a serious health condition or injury or illness of a covered service-member, which would otherwise entitle you to FMLA leave, or due to other circumstances beyond your control. In this event, you may be required to provide certification of the reason for your failure to return to work.

### C. Other Benefits

Consistent with District policy for all types of leave, you will not accrue vacation or personal leave or other benefits while you are on FMLA leave. Additionally, you will not be paid for holidays that occur during the leave. However, the leave period will be treated as continuous service (i.e., no breach of service) for purposes of vesting and eligibility to participate in the Illinois Teacher Retirement System or Illinois Municipal Retirement System.

### D. Outside Employment

You may not perform work for another employer while you are on leave under this policy.

### Reporting Requirements During Leave

While on FMLA leave, you may be required to contact Human Resources periodically to report on your status and confirm your intention to return to work on the scheduled date.

If you require an extension of FMLA leave, it is your responsibility to notify the District at least two business days before the expiration of your initial leave. Conversely, if you are able to return to work before the expiration of your initial leave, you must notify the district at least two business days before you return to work.

### Reinstatement at the Conclusion of Leave

If you timely return from FMLA leave and used the leave for the stated purpose, you generally will be reinstated to the same position you held when you began your leave, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. For purposes of this policy, "equivalent position" is determined in accordance with applicable school board policies and practices and any applicable collective bargaining agreement, but includes any general pay increases or benefit enhancements granted during your FMLA leave. However, you may not be reinstated if your employment would have terminated for reasons unrelated to your FMLA leave, or if you are unable to perform any essential functions of your job (with or without any required accommodations).

Additionally, the FMLA provides a limited exception to the District's reinstatement obligation for "key" employees. A "key" employee is a salaried, FMLA-eligible employee who is among the highest-paid 10% of employees located within 75 miles of the work site in question. Under limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the District may deny reinstatement to a key employee after FMLA leave. The District will notify you if you are a "key" employee at the time leave is requested, will notify you if it decides to deny restoration, and will provide you a reasonable opportunity to return to work after providing such notice.

Before returning to work from FMLA leave due to your own serious health condition, you may be required to submit a certification from your health care provider that you are able to resume work. If such a certification is required, the certification must specifically confirm that you are able to perform the essential functions of your position, as set forth in the job description provided to you by the District.

### Prohibitions

Consistent with the District's policy regarding all types of leave, the following conduct is strictly prohibited in relation to FMLA leave:

- Engaging in fraud, misrepresentation or providing false information to the District or any health care provider.
- Having other employment during the leave, without prior written approval from the District.
- Failure to comply with the employee's obligations under this policy.



- Failure to timely return from the leave.

Employees who engage in such conduct will be subject to loss of benefits, denial of termination of leave, and discipline, up to and including discharge.

#### The District's Commitment

The District will not interfere with, restrain, or deny the exercise of any right provided by the FMLA, nor will it discharge or discriminate against any individual for opposing any practice or involvement in any proceeding relating to the FMLA. The District recognizes the co-existence of state and/or local laws regarding family and medical leave. Where such laws apply and provide greater family and medical leave rights than the FMLA, the District will comply with those laws.

LEGAL REF.:Family and Medical Leave Act, 29 U.S.C. §2601 et seq., 29 C.F.R. Part 825.

CROSS REF.:5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:310 (Compensatory Time-Off), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED:April 20, 2010

**Black Hawk Area Sp Ed**

**Professional Personnel**

**Black Hawk Area Sp Ed**

## 5:190 Teacher Qualifications

A teacher, as the term is used in this policy, refers to a District employee who is required to be licensed under State law. The following qualifications apply:

1. Each teacher must:
  - a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code.
  - b. Provide the District Office with a complete transcript of credits earned in institutions of higher education and, annually by October 15, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
  - c. Notify the Director of any change in the teacher's transcript.
2. All teachers working in a program supported with federal funds under Title I, Part A must meet applicable State certification and licensure requirements.

The Director or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately licensed;
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers.

LEGAL REF.:20 U.S.C. §6319.

34 C.F.R §200.55, 56, 57, and 61.

105 ILCS 5/10-20.15, 5/21-11.4, 5/21B-20, and 5/24-23.

23 Ill.Admin.Code §1.610 et seq., §1.705 et seq., and Part 25.

ADOPTED:February 21, 2017

**Black Hawk Area Sp Ed**

## 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.:

105 ILCS 5/10-19, 5/10-19.05, 5/10-20.65, 5/14-1.09a, 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 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)

Adopted: January 21, 2020

**Black Hawk Area Sp Ed**

## **5:202 Probationary Period**

Probationary period for new Licensed Personnel shall be four years at the end of which the employee shall either be terminated or given a reasonable assurance of continuing employment with the District.

Probationary period for new support personnel, including paraprofessionals shall be ninety working days.

The Business Manager and Special Ed Coordinators shall be considered the same as Licensed Personnel; the Administrative Secretary, Payroll and Human Resource Specialist, and Bookkeeper shall be considered the same as Support Personnel.

Licensed Personnel who earn tenure as employees of the Black Hawk Area Special Education District have tenure in each of the fourteen member districts.

All rules and regulations in the School Code regarding teacher tenure shall apply.

The Assurance of Continuing Employment shall indicate that the staff member shall maintain a position as long as his/her license/approval is in effect, his/her performance is acceptable, the funding for the position remains, the position is maintained and they have not received notice of non-renewal or honorable dismissal as specified by law.

Assurances of Continuing Employment for licensed and support personnel shall not be binding on the individual fifteen member districts.

ADOPTED: February 20, 2018

**Black Hawk Area Sp Ed**

## **5:210 Resignations**

Tenured teachers may resign at any time with consent of the Governing Board or by written notice sent to the Governing Board Secretary at least 30 days before the intended date of resignation. No teacher may resign during the school term in order to accept another teaching position without the consent of the Governing Board.

Probationary teachers may resign during their contract period only with the Governing Board's consent.

LEGAL REF.:105 ILCS 5/24-14.

Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d 1230 (Ill.App.1st 2006).

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**

## 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 5/10-20.68, 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: January 21, 2020

## **Black Hawk Area Sp Ed**



## **5:230 Maintaining Student Discipline**

**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:**

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness. The Director shall ensure that all teachers, other certificated employees, and persons providing a student's related service(s): (1) maintain discipline in the schools as required in the School Code, and (2) follow the Board policies and administrative procedures on student conduct, behavior, and discipline.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student, if appropriate. If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students; a student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods which may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property.

LEGAL REF.:

105 ILCS 5/24-24.

23 Ill.Admin.Code §1.280.

CROSS REF.: 2:150 (Committees), 7:190 (Student Discipline), 7:230 (Misconduct by Students with Disabilities)

Adopted: March 19, 2019

**Black Hawk Area Sp Ed**

## 5:240 Suspension

### Suspension Without Pay

**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 Governing Board may suspend without pay: (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the Special Education District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the Special Education District includes:

- Insubordination, including any failure to follow an oral or written directive from a supervisor;
- Violation of Board policy or Administrative Procedure;
- Conduct that disrupts or may disrupt the educational program or process;
- Conduct that violates any State or federal law that relates to the employee's duties; and
- Other sufficient causes.

The Director or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Governing Board or Board-appointed hearing examiner before it is imposed. At the request of the professional employee made within five calendar days of receipt of a pre-suspension notification, the Governing Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Director or designee shall report the action to the Board at its next regularly scheduled meeting.

### Suspension With Pay

**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 Governing Board or Director or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the Special Education District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the Special Education District as defined above, or (3) pending a Board hearing to suspend a teacher without pay.

The Director shall meet with the professional employee to present the allegations and give the professional employee an opportunity to refute the charges. The professional employee will be told the dates and times the suspension will begin and end.

### Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation 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 by DCFS, proceeding with:
  - a. A suspension with pay; or
  - b. A suspension without pay.

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to the Special Education District all compensation and the value of all benefits received by him or her during the suspension. The Director will notify the employee of this requirement when the employee is suspended.

LEGAL REF.:

5 ILCS 430/5-60(b).

105 ILCS 5/24-12.

325 ILCS 5/7.4(c-10).

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

Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill., 1975).

Massie v. East St. Louis Sch. District No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Educational Support Personnel - Employment Termination and Suspensions)

ADOPTED: February 20, 2018

**Black Hawk Area Sp Ed**

## 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, Sexual Violence, or Gender Violence

An unpaid leave from work is available to any staff member who: (1) is a victim of domestic violence, sexual violence, or gender violence, or (2) has a family or household member who is a victim of such violence whose interests are not adverse to the employee as it relates to the domestic violence, 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

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: January 21, 2020

**Black Hawk Area Sp Ed**

## 5:252 Vacation and Holidays

### Vacations

Full time administrative personnel with twelve-month positions shall be eligible for vacation time equivalent to twenty (20) working days each year.

During the first five years employment with the District, full time certified and licensed personnel with twelve-month contracts shall be eligible for vacation time equivalent to fifteen (15) working days each year.

After five years of employment with the District, full time certified and licensed personnel with twelve month contracts shall be eligible for vacation time equivalent to twenty (20) working days each year.

Vacation time shall be credited in quarter year allocations. Vacation time may be used during the first quarter for which it is credited and in subsequent quarters. Although credited and available for use throughout the quarter, vacation time is earned on a monthly basis within the quarter. In the event that a quarter of employment is not completed, the daily rate for any vacation time which was credited and taken but not yet earned will be deducted from the last pay check.

Vacation time must be used within twelve (12) months of the time it is credited.

Vacation time is to be requested in writing on forms provide by the business office.

Approval of vacation time shall be contingent on the office work load.

Vacation time of less than a full day may be granted in one hour blocks.

Exceptions to the quarterly crediting of vacation time or 12 months time limit for usage may be approved by the Director to address unusual and unique circumstances.

### Holidays

Unless the District receives a waiver or modification of the School Code pursuant to Section 2-3.25g, allowing it to schedule school on a holiday listed below, District employees will be paid for, but will not be required to work on:

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Columbus Day
Abraham Lincoln's Birthday	Veteran's Day
Casimir Pulaski's Birthday	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

ADOPTED: January 16, 2007



## **Black Hawk Area Sp Ed**

## 5:260 Student Teachers

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

Before permitting an individual to student teach, begin a required internship, or participate in any field experience in the District, the Director or designee shall ensure that:

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

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

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105).

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

### Assignment

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

### LEGAL REF.:

Adam Walsh Child Protection and Safety Act, P.L. 109-248.

Uniform Conviction Information Act, 20 ILCS 2635/1.

105 ILCS 5/10-21.9, 5/10-22.34, and 5/24-5.

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

Adopted: February 21, 2017

## **Black Hawk Area Sp Ed**

**Educational Support Personnel**

**Black Hawk Area Sp Ed**

## **5:270 Employment At-Will, Compensation, and Assignment**

### Employment At-Will

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason, other than a reason prohibited by law, or no reason at all. Nothing in Governing Board policy is intended or should be construed as altering the employment at-will relationship.

Exceptions to employment at-will may include employees who are employed annually, have an employment contract, or are otherwise granted a legitimate interest in continued employment. The Superintendent is authorized to make exceptions to employing nonlicensed employees at-will but shall maintain a record of positions or employees who are not at-will.

### Compensation and Assignment

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

LEGAL REF.:105 ILCS 5/10-22.34 and 5/10-23.5.

CROSS REF.:5:10 (Equal Employment Opportunity and Minority Recruitment) 5:35 (Compliance with the Fair Labor Standards Act), 5:290 (Educational Support Personnel - Employment Termination and Suspensions), 5:310 (Educational Support Personnel - Compensatory Time-Off)

ADOPTED:January 19, 2016

**Black Hawk Area Sp Ed**

## 5:280 Duties and Qualifications

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to Board policies as they may be changed from time-to-time at the Board's sole discretion.

### Paraprofessionals

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals, and the requirements in this section do not apply. In addition, individuals completing their clinical experiences and/or student teaching do not need to comply with this section, provided their service otherwise complies with ISBE rules.

### Noncertificated and Unlicensed Personnel Working with Students and Performing Non-Instructional Duties

Noncertificated and unlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incidental to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities;
2. As supervisors, chaperones, or sponsors for non-academic school activities; or
3. For non-teaching duties not requiring instructional judgment or student evaluation.

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.

### LEGAL REF.:

34 C.F.R. §200.58.

105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.

625 ILCS 5/6-104 and 5/6-106.1.

23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

CROSS REF.: 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 6:250 (Community Resource Persons and Volunteers)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

## **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/.

### 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: January 21, 2020

**Black Hawk Area Sp Ed**



## **5:300 Schedules and Employment Year**

**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 shall supervise a process for setting work schedules and an employment year for educational support employees in accordance with State and federal law, Board policy, and applicable agreements and shall:

1. Assign each employee one supervisor who will establish a work schedule, including breaks, as required by building or District needs, work load, and the efficient management of human resources;
2. Allow for the ability to respond to changing circumstances by altering work schedules as needed; and
3. Consider the well-being of the employee. The Director's approval is required to establish a flexible work schedule or job-sharing.

### Breaks

**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:**

An employee who works at least 7.5 continuous hours shall receive a 30-minute duty-free meal break that begins within the first five hours of the employee's workday.

### Nursing Mothers

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

LEGAL REF.:Fair Labor Standards Act, 29 U.S.C. §207 et seq.

105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.

740 ILCS 137/, Right to Breastfeed Act.

820 ILCS 105/, Minimum Wage Law.

820 ILCS 260/, Nursing Mothers in the Workplace Act.

CROSS REF.:5:35 (Compliance with the Fair Labor Standards Act)

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**

## 5:310 Compensatory Time-Off

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq., and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime work that was previously approved by their supervisor and Director or designee. Other than as provided below, at no time may an employee's accumulated compensatory time-off exceed 60 hours, which represents compensation for 40 hours of overtime. If an employee accrues the maximum number of compensatory time-off hours, the employee: (1) is paid for any additional overtime hours worked, at the rate of one and one-half times the employee's regular hourly rate of pay, and (2) does not accumulate compensatory time-off until the employee uses an equal amount of accrued time-off. Employees in the last four years of employment prior to retirement shall not be eligible for monetary pay-out and shall be encouraged to use their accumulated time.

An employee who has accrued compensatory time-off shall be permitted to use such time in at least hourly components provided such requests do not unduly disrupt the District's operations. The employee's supervisor must approve a request to use compensatory time-off.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment;  
or
2. The final regular rate received by such employee.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

### Implementation

The Director or designee shall implement this policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

### LEGAL REF.:

Fair Labor Standards Act, 29 U.S.C. §201 et seq.; 29 C.F.R. Part 553.

CROSS REF.:5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment)

Adopted: October 15, 2019

**Black Hawk Area Sp Ed**

## **5:320 Evaluation**

**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:**

Each educational support staff member's job performance shall be evaluated by his/her direct supervisor. The evaluation process includes scheduled evaluations and day-to-day appraisals.

As appropriate, supervisors should discuss job performance issues that require attention with employees.

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**

## 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 Violence, Sexual Violence, or Gender Violence

Educational support personnel receive a leave for victims of domestic 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.:

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: January 21, 2020

**Black Hawk Area Sp Ed**

## 5:332 Vacation and Holidays

### Vacations

Vacation time shall be credited in quarter year allocations. Vacation time may be used during the first quarter for which it is credited and in subsequent quarters. Although credited and available for use throughout the quarter, vacation time is earned on a monthly basis within the quarter. In the event that a quarter of employment is not completed, the daily rate for any vacation time which was credited and taken but not yet earned will be deducted from the last pay check.

During the first five years employment with the District, full time noncertified personnel with twelve month positions shall be eligible for vacation time equivalent to ten (10) working days each year.

After five years of employment with the District, full time noncertified personnel with twelve month positions shall be eligible for vacation time equivalent to fifteen (15) working days each year.

Vacation time must be used within twelve (12) months of the time it is credited.

Vacation time is to be requested in writing on forms provide by the business office.

Approval of vacation time shall be contingent on the office work load.

Vacation time of less than a full day may be granted in one hour blocks.

Exceptions to the quarterly crediting of vacation time or 12 months time limit for usage may be approved by the Director to address unusual and unique circumstances.

### Holidays

Unless the District receives a waiver or modification of the School Code pursuant to Section 2-3.25g, allowing it to schedule school on a holiday listed below, District employees will be paid for, but will not be required to work on:

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Columbus Day
Abraham Lincoln's Birthday	Veteran's Day
Casimir Pulaski's Birthday	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

ADOPTED: January 16, 2007

**SECTION 6 - INSTRUCTION**

**Black Hawk Area Sp Ed**

## 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, 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: January 21, 2020

**Black Hawk Area Sp Ed**

## 6:50 School Wellness

Student wellness, including good nutrition and physical activity, shall be promoted in the District's educational program, school-based activities, and meal programs. This policy shall be interpreted consistently with Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 and the Healthy Hunger-Free Kids Act of 2010 (HHFKA).

The Director will ensure:

1. Each school building complies with this policy;
2. The policy is available to the community on an annual basis through copies of or online access to the Board Policy Manual; and
3. The community is informed about the progress of this policy's implementation.

### Goals for Nutrition Education and Nutrition Promotion

The goals for addressing nutrition education and nutrition promotion include the following:

- Schools will support and promote sound nutrition for students.
- Schools will foster the positive relationship between sound nutrition, physical activity, and the capacity of students to develop and learn.
- Nutrition education will be part of the District's comprehensive health education curriculum. See Board policy 6:60, *Curriculum Content*.

### Goals for Physical Activity

The goals for addressing physical activity include the following:

- Schools will support and promote an active lifestyle for students.
- Physical education will be taught in all grades and shall include a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. See Board policy 6:60, *Curriculum Content* and Board policy 7:260, *Exemption from Physical Education*.
- During the school day, all students will be required to engage in a daily physical education course, unless otherwise exempted. See Board policy 6:60, *Curriculum Content* and Board policy 7:260, *Exemption from Physical Education*.
- The curriculum will be consistent with and incorporate relevant *Illinois Learning Standards for Physical Development and Health* as established by the Illinois State Board of Education (ISBE).

### Nutrition Guidelines for Foods Available During the School Day; Marketing Prohibited

Students will be offered and schools will promote nutritious food and beverage choices during the school day that are consistent with Board policy 4:120, *Food Services* (requiring compliance with the nutrition standards specified in the U.S. Dept. of Agriculture's (USDA) *Smart Snacks* rules).

In addition, in order to promote student health and reduce childhood obesity, the Superintendent or designee shall:

1. Restrict the sale of *competitive foods*, as defined by the USDA, in the food service areas during meal periods;
2. Comply with all ISBE rules; and

3. Prohibit marketing during the school day of foods and beverages that do not meet the standards listed in Board policy 4:120, *Food Services*, i.e., in-school marketing of food and beverage items must meet *competitive foods* standards.

*Competitive foods* standards do not apply to foods and beverages available, but not sold in school during the school day; e.g., brown bag lunches, foods for classroom parties, school celebrations, and reward incentives.

#### Exempted Fundraising Day (EFD) Requests

All food and beverages sold to students on the school campuses of participating schools during the school day must comply with the “general nutrition standards for competitive foods” specified in federal law.

ISBE rules prohibit EFDs for grades 8 and below in participating schools.

The Superintendent or designee in a participating school may grant an EFD for grades 9 through 12 in participating schools. To request an EFD and learn more about the District’s related procedure(s), contact the Superintendent or designee. The District’s procedures are subject to change. The number of EFDs for grades 9 through 12 in participating schools is set by ISBE rule.

#### Guidelines for Reimbursable School Meals

Reimbursable school meals served shall meet, at a minimum, the nutrition requirements and regulations for the National School Lunch Program and/or School Breakfast Program.

#### Monitoring

At least every three years, the Superintendent shall provide implementation data and/or reports to the Board concerning this policy’s implementation sufficient to allow the Board to monitor and adjust the policy (a triennial report). This triennial report must include without limitation each of the following:

- An assessment of the District’s implementation of the policy
- The extent to which schools in the District are in compliance with the policy
- The extent to which the policy compares to model local school wellness policies
- A description of the progress made in attaining the goals of the policy
- How the District will make the results of the assessment available to the public
- Where the District will retain records of the assessment

The Board will monitor and adjust the policy pursuant to policy 2:240, *Board Policy Development*.

#### Community Involvement

The Board and Superintendent will actively invite suggestions and comments concerning the development, implementation, periodic reviews, and updates of the school wellness policy from parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the community. Community involvement methods shall align their suggestions and comments to policy 2:140, *Communications To and From the Board*.

#### Recordkeeping

The Superintendent shall retain records to document compliance with this policy, the District’s records retention protocols, and the Local Records Act.

LEGAL REF.:

Child Nutrition and WIC Reauthorization Act of 2004, Pub. L. 108-265, Sec. 204.

Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq.

National School Lunch Act, 42 U.S.C. §1751 et seq.

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

42 U.S.C. §1779, as implemented by 7 C.F.R. §§210.11 and 210.31.

Local Records Act, 50 ILCS 205/.

105 ILCS 5/2-3.139.

23 Ill.Admin.Code Part 305, Food Program.

ISBE's "School Wellness Policy" Goal, adopted Oct. 2007.

CROSS REF.: 2:140 (Communications To and From the Board), 2:150 (Committees), 2:240 (Board Policy Development), 4:120 (Food Services), 5:100 (Staff Development Program), 6:60 (Curriculum Content), 7:260 (Exemption from Physical Education), 8:10 (Connection with the Community)

ADOPTED: February 20, 2018

**Black Hawk Area Sp Ed**

## 6:65 Student Social and Emotional Development

Social and emotional learning (SEL) is defined as the process through which students enhance their ability to integrate thinking, feeling, and behaving to achieve important life tasks. Students competent in SEL are able to recognize and manage their emotions, establish healthy relationships, set positive goals, meet personal and social needs, and make responsible and ethical decisions.

The Director/designee shall incorporate SEL into the District's curriculum and other educational programs consistent with the District's mission and the goals and benchmarks of the Ill. Learning Standards. The Ill. Learning Standards include three goals for students:

1. Develop self-awareness and self-management skills to achieve school and life success.
2. Use social-awareness and interpersonal skills to establish and maintain positive relationships.
3. Demonstrate decision-making skills and responsible behaviors in personal, school, and community contexts.

The incorporation of SEL objectives into the District's curriculum and other educational programs may include but is not limited to:

1. Classroom and school-wide programming to foster a safe, supportive learning environment where students feel respected and valued. This may include incorporating scientifically based, age-and-culturally appropriate classroom instruction, District-wide, and school-wide strategies that teach SEL skills, promote optimal mental health, and prevent risk behaviors for all students.
2. Staff development and training to promote students' SEL development. This may include providing all personnel with age-appropriate academic and SEL and how to promote it.
3. Parent/Guardian and family involvement to promote students' SEL development. This may include providing parents/guardians and families with learning opportunities related to the importance of their children's optimal SEL development and ways to enhance it.
4. Community partnerships to promote students' SEL development. This may include establishing partnerships with diverse community agencies and organizations to assure a coordinated approach to addressing children's mental health and SEL development.
5. Early identification and intervention to enhance students' school readiness, academic success, and use of good citizenship skills. This may include development of a system and procedures for periodic and universal screening, assessment, and early intervention for students who have significant risk factors for social, emotional, or mental health conditions that impact learning.
6. Treatment to prevent or minimize mental health conditions in students. This may include building and strengthening referral and follow-up procedures for providing effective clinical services for students with social, emotional, and mental health conditions that impact learning. This may include student and family support services, school-based behavioral health services, and school-community linked services and supports.
7. Assessment and accountability for teaching SEL skills to all students. This may include implementation of a process to assess and report baseline information and ongoing progress about school climate, students' social and emotional development, and academic performance.

### LEGAL REF.:

Children's Mental Health Act of 2003, 405 ILCS 49/.

CROSS REF.:1:30, (School District Philosophy), 6:10 (Educational Philosophy and Objectives), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services)



Adopted: March 19, 2019

## **Black Hawk Area Sp Ed**

## **6:70 Teaching About Religions**

The District's curriculum may include the study of religions as they relate to geography, history, culture, and the development of various ethnic groups. The study of religions shall give neither preferential nor derogatory treatment to any single religion, religious belief, or to religion in general. The study of religions shall be treated as an academic subject with no emphasis on the advancement or practice of religion.

LEGAL REF.:School Dist. of Abington Twp v. Schempp, 374 U.S. 203 (1963).

Allegheny County v. ACLU Pittsburgh Chapter, 492 U.S. 573 (1989).

CROSS REF.:6:20 (School Year Calendar and Day), 6:40 (Curriculum Development), 6:60 (Curriculum Content), 6:255 (Assemblies and Ceremonies)

ADOPTED:January 16, 2018

**Black Hawk Area Sp Ed**

## 6:120 Education of Children with Disabilities

The District shall oversee the provision of a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the Member Districts, as required by the Individuals With Disabilities Education Improvement Act (IDEIA) and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act. The term *children with disabilities*, as used in this policy, means children between ages 3 and 21 (inclusive) for whom it is determined, through definitions and procedures described in the Illinois State Board of Education (ISBE) *Special Education* rules, that special education services are needed.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEIA.

For students eligible for services under IDEIA, the District shall oversee that BHASED and Cooperative member district staff follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the ISBE *Special Education* rules. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall assist our districts with the establishment and implementation of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s) to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), and representation by counsel, and a review procedure.

If necessary, students may also be placed in nonpublic special education programs or education facilities.

### LEGAL REF.:

20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act of 2004.

29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.

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

34 C.F.R. §300.

105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.

23 Ill.Admin.Code Part 226.

CROSS REF.: 2:150 (Committees), 7:230 (Misconduct by Students with Disabilities)

Adopted: November 20, 2018

**Black Hawk Area Sp Ed**

## **6:140 Education of Homeless Children**

A homeless child may attend the District school that the child attended when permanently housed or in which the child was last enrolled. A homeless child living in any District school's attendance area may attend that school.

Transportation shall be provided in accordance with State law.

A *homeless child* is defined as provided in the Ill. Education for Homeless Children Act.

LEGAL REF.:McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.

Ill. Education for Homeless Children Act, 105 ILCS 45/.

CROSS REF.:2:260 (Uniform Grievance Procedure), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:100 (Health, Eye and Dental Examinations, Immunizations, and Exclusion of Students)

ADOPTED:January 19, 2016

**Black Hawk Area Sp Ed**

## **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.

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: January 21, 2020

**Black Hawk Area Sp Ed**

## **6:210 Instructional Materials Selection and Adoption**

Textbooks and instructional materials, both print and non-print, are selected based upon their quality and educational value, and must contribute to a general sense of the worth of all individuals regardless of sex, race, religion, nationality, ethnic origin, disability, or any other differences which may exist.

The School Code governs the adoption and purchase of textbooks and instructional materials.

LEGAL REF.:105 ILCS 5/10-20.8 and 5/28-1 et seq.

CROSS REF.:1:30 (School District Philosophy), 4:140 (Waiver of Student Fees), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:170 (Copyright), 6:10 (Educational Philosophy and Objectives), 6:40 (Curriculum Development), 6:120 (Education of Children with Disabilities), 6:210 (Instructional Materials), 6:235 (Access to Electronic Networks), 7:140 (Search and Seizure), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Discipline), 7:340 (Student Records)

ADOPTED:January 16, 2007

**Black Hawk Area Sp Ed**

## 6:235 Access to Electronic Networks

Electronic networks, including the Internet, are a part of the District's instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication. The Director or designee shall develop an implementation plan for this policy and appoint a system administrator.

The Special Education District is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the Internet. Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

### Curriculum and Appropriate Online Behavior

The use of the District's electronic networks shall: (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource center materials. As required by federal law, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyber-bullying awareness and response. Staff members may, consistent with the Superintendent's implementation plan, use the Internet throughout the curriculum.

The District's electronic network is part of the curriculum and is not a public forum for general use.

### Acceptable Use

All use of the District's electronic network must be: (1) in support of education and/or research, and be in furtherance of the Governing Board's stated goal, or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any material that is stored, transmitted, or received via the District's electronic network or District computers. General rules for behavior and communications apply when using electronic networks. The District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, contains the appropriate uses, ethics, and protocol. Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials.

### Internet Safety

Technology protection measures shall be used on each District computer with Internet access. They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Director or designee. The Director or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Director or system administrator.

The Director or designee shall include measures in this policy's implementation plan to address the following:

1. Ensure staff supervision of student access to online electronic networks,
2. Restrict student access to inappropriate matter as well as restricting access to harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information,

such as, names and addresses.

### Authorization for Electronic Network Access

Each staff member must sign the *Authorization for Access to the District's Electronic Networks* as a condition for using the District's electronic network. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use.

All users of the District's computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

The failure of any student or staff member to follow the terms of the *Authorization for Electronic Network Access*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate District's administrative procedure, *Acceptable Use of the District's Electronic Networks*, legal action.

### Use of Personal Technology For Personal Use (Staff)

For purposes of this policy, "personal technology" is defined as any device that is not owned or leased by the District or one of its joint agreement members or otherwise authorized for District use or use by one of the District's joint agreement members and that: (1) transmits sounds, images, text, messages, videos, or electronic information; (2) electronically records, play, or stores information; or (3) accesses the Internet or private communication or information networks. Examples include individual-owned laptop computers, tablet computers like iPads®, cell phones, and smartphones like BlackBerry® or iPhone®.

District employees may bring personal technology on District property and may keep such technology powered on during the work day. Employees may only use or access personal technology for personal use, however, during non-work times or hours. Personal use is any use that is not directly related to the employee's District employment functions, and includes, but is not limited to, accessing personal e-mail and personal social media websites such as Twitter, Facebook, and others for non-District approved purposes. Any duty-free use must occur during times and at places that will not lead to a disruption of the school environment or operations, as reasonably defined by the District.

When using personal technology at school, school-related, or school sponsored events, District employees assume all risks associated with such use, including students viewing inappropriate Internet material through the personal technology. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employee's' personal technology and for indemnifying the employee for any risks associated with such use. Employees who use personal technology on or at any District, District-related, or District-sponsored property or event agree by such use to indemnify the District for any losses, costs, or damages, including reasonable attorneys fees, incurred by the District relating to, or arising out of such use.

Violations of this policy may result in disciplinary action, including but not limited to a prohibition from possessing and/or using personal technology at school and dismissal. The Director or designee shall inform District employees about this policy annually during an in-service, and shall provide a copy of this policy to District employees annually; obtaining a signature the first time the policy is provided signifying receipt by the employee.

LEGAL REF.:No Child Left Behind Act, 20 U.S.C. §6777.

Children's Internet Protection Act, 47 U.S.C. §254(h) and (l).

Enhancing Education Through Technology Act, 20 U.S.C §6751 et seq.



47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.

720 ILCS 5/26.5.

CROSS REF.:5:100 (Staff Development Program), 5:170 (Copyright for Publication or Sale of Instructional Materials and Computer Programs Developed by Employees, 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:310 (Restrictions on Publications; Elementary Schools)

ADOPTED:August 30, 2012

**Black Hawk Area Sp Ed**

## 6:240 Field Trips

Field trips are permissible when the experiences are an integral part of the curriculum and/or contribute to the District's educational goals.

All field trips must have the Director or designee's prior approval, except that field trips beyond a 200-mile radius of the school or extending overnight must have the prior approval of the Board. The following factors are analyzed when determining whether to approve a field trip: educational value, student safety, parent concerns, heightened security alerts, and liability concerns. On all field trips, a bus fee set by the Director or designee may be charged to help defray the transportation costs.

Parents/guardians of students: (1) shall be given the opportunity to consent to their child's participation in any field trip; and (2) are responsible for all entrance fees, food, lodging, or other costs, except that the District will pay such costs for students who qualify for a fee waiver under Board policy 4:140, *Waiver of Student Fees*. All non-participating students shall be provided an alternative experience. Any field trip may be cancelled without notice due to danger to students, staff, or chaperones. Monies deposited may be forfeited.

Privately arranged trips, including those led by District staff members, shall not be represented as or construed to be sponsored by the District or school. The District does not provide liability protection for privately arranged trips and is not responsible for any damages arising from them.

### Recreational Class Trips

Recreational class trips are permissible provided they do not interfere with the District's educational goals. The provisions in this policy concerning field trips are also applicable to recreational class trips, except those regarding educational value.

### LEGAL REF.:

105 ILCS 5/29-3.1.

CROSS REF.: 4:140 (Waiver of Student Fees), 7:10 (Equal Educational Opportunities), 7:270 (Administering Medicines to Students)

Adopted: November 20, 2018

**Black Hawk Area Sp Ed**

## 6:250 Community Resource Persons and Volunteers

The Governing Board encourages the use of volunteers to: (1) increase students' educational attainment; (2) provide enrichment experiences for students; (3) increase the effective utilization of staff time and skills; (4) give more individual attention to students; and (5) promote greater community involvement.

Volunteers may be used:

1. For non-teaching duties not requiring instructional judgment or evaluation of students;
2. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (such as computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities;
3. To assist with academic programs under a certificated teacher's immediate supervision;
4. To assist in times of violence or other traumatic incidents within the District by providing crisis intervention services to lessen the effects of emotional trauma on staff, students, and the community, provided the volunteer meets the qualifications established by the Ill. School Crisis Assistance Team Steering Committee;
5. As a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval; or
6. As supervisors, chaperones, or sponsors for non-academic school activities.

The Director shall follow Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, to establish procedures for securing and screening resource persons and volunteers. A person who is a *sex offender*, as defined by the Sex Offender Registration Act, or a *violent offender against youth*, as defined in the Murderer and Violent Offender Against Youth Registration Act, is prohibited from being a resource person or volunteer. All volunteer coaches must comply with the requirement to report hazing in policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.:

105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.

720 ILCS 5/12C-50.1, Failure to Report Hazing.

730 ILCS 150/1 et seq., Sex Offender Registration Act.

730 ILCS 152/101 et seq., Sex Offender Community Notification Law.

730 ILCS 154/75 et seq., Murderer and Violent Offender Against Youth Community Notification Law.

730 ILCS 154/101 et seq., Murderer and Violent Offender Against Youth Registration Act.

CROSS REF.: 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting), 4:170 (Safety), 5:280 (Duties and Qualifications), 8:30 (Conduct on School Property), 8:95 (Parental Involvement)

Adopted: November 20, 2018

## **6:255 Assemblies and Ceremonies**

Assemblies must be approved by the Building Principal and be consistent with the District's educational objectives.

The District shall not endorse or otherwise promote invocations, benedictions, and group prayers at any school assembly, ceremony, or other school-sponsored activity.

LEGAL REF.:Lee v. Weisman, 112 S.Ct. 2649 (1992).

Santa Fe Independent School District v. Doe, 120 S.Ct. 2266 (2000).

Jones v. Clear Creek Independent School District, 977 F.2d 963 (5th Cir., 1992), *reh'g denied*, 983 F.2d 234 (5th Cir., 1992) and *cert. denied*, 113 S.Ct. 2950 (1993).

CROSS REF.:6:70 (Teaching About Religions), 6:80 (Teaching About Controversial Issues)

ADOPTED:January 16, 2007

**Black Hawk Area Sp Ed**

## **6:260 Complaints About Curriculum, Instructional Materials, and Programs**

Persons with complaints about curriculum, instructional materials, and programs should submit their objection in writing and use the Uniform Grievance Procedure. A parent/guardian may request that his/her child be exempt from using a particular instructional material or program by completing a curriculum objection form and using the Uniform Grievance Procedure.

CROSS REF.:2:260 (Uniform Grievance Procedure), 8:110 (Public Suggestions and Complaints)

ADOPTED:August 30, 2012

**Black Hawk Area Sp Ed**

## 6:280 Grading and Promotion

In conjunction with the student's resident district administration, the administration and professional staff shall establish a system of grading and reporting academic achievement to students and their parents and guardians. The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, and performance on the standardized tests required by the Ill. State Board of Education (ISBE) and/or other assessments. A student shall not be promoted based upon age or any other social reason not related to academic performance. The administration shall determine remedial assistance for a student who is not promoted.

Every teacher shall maintain an evaluation record for each student in the teacher's classroom. The final grade assigned by the teacher cannot be changed by a District administrator without notifying the teacher. Reasons for changing a student's final grade include:

- A miscalculation of test scores;
- A technical error in assigning a particular grade or score;
- The teacher agrees to allow the student to do extra work that may impact the grade;
- An inappropriate grading system used to determine the grade; or
- An inappropriate grade based on an appropriate grading system.

Should a grade change be made, the administrator making the change must sign the changed record.

LEGAL REF.:

105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

CROSS REF.: 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

## **6:300 Graduation Requirements**

Graduation requirements shall be as indicated in the student's IEP and by the Member District of which the student is a resident.

LEGAL REF.:

105 ILCS 5/2-3.64a-5, 5/22-27, 5/27-3, 5/27-22, and 5/27-22.10.

105 ILCS 70/, Educational Opportunity for Military Children Act.

23 Ill.Admin.Code §1.440.

CROSS REF.: 6:30 (Organization of Instruction), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

ADOPTED: February 20, 2018

**Black Hawk Area Sp Ed**

## 6:340 Student Testing and Assessment Program

The Special Education District student assessment program provides information for determining individual student achievement and instructional needs, curriculum and instruction effectiveness, and school performance measured against District student learning objectives and statewide norms.

The Director or designee shall manage the student assessment program that, at a minimum:

1. Administers the State assessment system, known as the *Illinois Assessment of Readiness* (IAR), to all students and/or any other appropriate assessment methods and instruments, including norm and criterion-referenced achievement tests, aptitude tests, proficiency tests, and teacher-developed tests.
2. Informs students of the timelines and procedures applicable to their participation in every State assessment.
3. Provides each student's parents/guardians with the results or scores of each State assessment. See policy 6:280, *Grading and Promotion*.
4. Utilizes professional testing practices.

Overall student assessment data on tests required by State law will be aggregated by each student's home district and reported, along with other information, on the Respective District's annual report card. All reliable assessments administered by the District and scored by entities outside of the Cooperative must be (1) reported to ISBE on its form by the 30<sup>th</sup> day of each school year, and (2) made publicly available to parents/ guardians of students. Board policy 7:340, *Student Records*, and its implementing procedures govern recordkeeping and access issues.

### LEGAL REF.:

20 U.S.C. §1232g, Family Educational Rights and Privacy Act.

105 ILCS 10/, Illinois School Student Records Act.

105 ILCS 5/2-3.63, 5/2-3.64a-5, 5/10-17a, 5/22-82, and 5/27-1.

CROSS REF.: 6:280 (Grading and Promotion), 7:340 (Student Records)

Adopted: October 15, 2019

**Black Hawk Area Sp Ed**



**SECTION 7 - STUDENTS**

**Black Hawk Area Sp Ed**

## 7:10 Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy. Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under Board policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using the Uniform Grievance Procedure.

### Sex Equity

No student shall, based on sex, sexual orientation, or gender identity be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using the Uniform Grievance Procedure. A student may appeal the Governing Board's resolution of the complaint to the Regional Director of Schools (pursuant to 105 ILCS 5/3-10 of the School Code) and, thereafter, to the State Director of Education (pursuant to 105 ILCS 5/2-3.8 of the School Code).

### Administrative Implementation

The Director shall appoint a Nondiscrimination Coordinator. The Director and Building Principal shall use reasonable measures to inform staff members and students of this policy and grievance procedure.

### LEGAL REF.:

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

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

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

Good News Club v. Milford Central Sch., 533 U.S. 98 (2001).

Ill. Constitution, Art. I, §18.

105 ILCS 5/3.25b, 5/3.25d(b), 5/10-20.12, 5/10-20.60 (P.A.s 100-29 and 100-163, final citations pending), 5/10-22.5, and 5/27-1.

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

775 ILCS 35/5, Religious Freedom Restoration Act.

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

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:130 (Student Rights and Responsibilities), 7:160 (Student Appearance), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services), 7:330 (Student Use of Buildings - Equal Access), 7:340 (Student Records), 8:20 (Community Use of School Facilities)

ADOPTED: February 20, 2018

**Black Hawk Area Sp Ed**

## 7:10-E Exhibit - Equal Educational Opportunities Within the School Community

The Cooperative welcomes diversity in its schools. Policy 7:10, *Equal Educational Opportunities* cites the many civil rights laws that guarantee equal education opportunities to all students. In addition, the policies below address the equal educational opportunities, health, safety, and general welfare of students within the Cooperative. These policies are not a complete list, and depending on the factual context, another policy not specifically listed may apply:

1. 2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The Cooperative Complaint Manager shall address the complaint promptly and equitably.
2. 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the Cooperative's curriculum and other educational programs.
3. 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
4. 7:20, *Harassment of Students Prohibited*, prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
5. 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
6. 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.
7. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the Cooperative's bullying prevention program.
8. 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health needs that impact learning.
9. 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

DATED : February 21, 2017

**Black Hawk Area Sp Ed**

## **7:12 Continuum of Services**

Black Hawk Area Special Education District shall assure that every child/person with a disability over which it has jurisdiction shall have the opportunity to participate in special education programs appropriate in type and degree.

Interdistrict programs shall be established as the vehicle to serve the most severely disabled students within BHASED.

Black Hawk Area Special Education District shall assure that all special education programs over which it has jurisdiction shall meet the minimum standards established by state and federal authorities.

ADOPTED:January 16, 2007

**Black Hawk Area Sp Ed**

## 7:15 Student and Family Privacy Rights

### Surveys

All surveys requesting personal information from students, as well as any other instrument used to collect personal information from students, must advance or relate to the District's educational objectives or assist students' career choices. This applies to all surveys, regardless of whether the student answering the questions can be identified and regardless of who created the survey.

### Surveys Created by a Third Party

Before a school official or staff member administers or distributes a survey or evaluation created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey or evaluation, upon their request and within a reasonable time of their request.

This section applies to every survey: (1) that is created by a person or entity other than a District official, staff member, or student, (2) regardless of whether the student answering the questions can be identified, and (3) regardless of the subject matter of the questions.

### Survey Requesting Personal Information

School officials and staff members shall not request, nor disclose, the identity of any student who completes any survey or evaluation (created by any person or entity, including the District) containing one or more of the following items:

1. Political affiliations or beliefs of the student or the student's parent/guardian.
2. Mental or psychological problems of the student or the student's family.
3. Behavior or attitudes about sex.
4. Illegal, anti-social, self-incriminating, or demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The student's parent(s)/guardian(s) may:

1. Inspect the survey or evaluation upon, and within a reasonable time of, their request, and/or
2. Refuse to allow their child to participate in the activity described above. The school shall not penalize any student whose parent(s)/guardian(s) exercised this option.

### Instructional Material

A student's parent(s)/guardian(s) may inspect, upon their request, any instructional material used as part of their child's educational curriculum within a reasonable time of their request.

The term "instructional material" means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

### Physical Exams or Screenings

No school official or staff member shall subject a student to a non-emergency, invasive physical

examination or screening as a condition of school attendance. The term “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

The above paragraph does not apply to any physical examination or screening that:

1. Is permitted or required by an applicable State law, including physical examinations or screenings that are permitted without parental notification.
2. Is administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.).
3. Is otherwise authorized by Board policy.

#### Selling or Marketing Students’ Personal Information Is Prohibited

No school official or staff member shall market or sell personal information concerning students (or otherwise provide that information to others for that purpose). The term “personal information” means individually identifiable information including: (1) a student or parent’s first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) a telephone number, (4) a Social Security identification number or (5) driver’s license number or State identification card.

The above paragraph does not apply: (1) if the student’s parent(s)/guardian(s) have consented; or (2) to the collection, disclosure or, use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following:

1. College or other postsecondary education recruitment, or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary schools and secondary schools.
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.
5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

Under no circumstances may a school official or staff member provide a student’s “personal information” to a business organization or financial institution that issues credit or debit cards.

#### Notification of Rights and Procedures

The Director or designee shall notify students’ parents/guardians of:

1. This policy as well as its availability upon request from the general administration office.
2. How to opt their child out of participation in activities as provided in this policy.
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled.
4. How to request access to any survey or other material described in this policy.

This notification shall be given parents/guardians at least annually, at the beginning of the school year, and within a reasonable period after any substantive change in this policy.

The rights provided to parents/guardians in this policy transfer to the student when the student turns 18 years old, or is an emancipated minor.

LEGAL REF.:

Protection of Pupil Rights, 20 U.S.C. §1232h.

Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/1 et seq.

105 ILCS 5/10-20.37.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:220 (Instructional Materials Selection and Adoption), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student Rights and Responsibilities)

ADOPTED: February 20, 2018

**Black Hawk Area Sp Ed**



## 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

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.

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.

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

4670-11<sup>th</sup> St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

**Complaint Managers:**

Christan Schrader

Dawn Swanson

4670-11<sup>th</sup> St., East Moline, IL 61244

4670-11<sup>th</sup> St., East Moline, IL 61244

cschrader@bhased.org

dswanson@bhased.org

309-796-2500

309-796-2500

The Director shall use reasonable measures to inform staff members and students of this policy by including:

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

Investigation Process

Supervisors, Building Principals, or administrators 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

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: January 21, 2020

**Black Hawk Area Sp Ed**

## 7:50 School Admissions/Eligibility for Services

Special education services shall be available to identified children with disabilities between the ages of three (3) and twenty-one (21) years who are enrolled in any program organized and implemented under the auspices of the District. The special education student who becomes twenty-one (21) years of ages during the school year shall be allowed to finish the school year and extended school year if so determined by the IEP team.

The student who has successfully completed a secondary program shall be granted a diploma by the student's resident school district and all eligibility for public school education is terminated. The parent, and, if appropriate, the student shall participate in the decision to terminate public school responsibility prior to age twenty-one (21) by accepting a high school diploma.

### LEGAL REF.:

Family Educational Rights and Privacy Act, 20 U.S.C. §1232.

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

Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. §1101.

Individuals With Disabilities Education Improvement Act, 20 U.S.C. §1400 et seq.

Rehabilitation Act, Section 504, 29 U.S.C. §794.

105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2, 5/27-8.1, 10/8.1, 45/, and 70/.

325 ILCS 50/ and 55/.

410 ILCS 315/2e.

20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School Registration.

23 Ill.Admin.Code Part 226, Special Education.

23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 6:140 (Education of Homeless Children), 6:300 (Graduation Requirements), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:340 (Student Records)

Adopted: November 20, 2018

**Black Hawk Area Sp Ed**

## 7:60 Residence

### Member Districts

Students who are residents of Member Districts may participate in the programs available through the Black Hawk Area Special Education District.

### Non-Member Districts

BHASED will consider admission of non-member district students to an inter-district program upon application by a non-member school district based upon the following criteria:

1. The non-member district cannot develop the necessary program within a reasonable period of time (one school year) of the student's enrollment in the non-member district.
2. The transportation of the student to the inter-district program can be accomplished by bus within one hour.
3. The non-member district will assume all costs and responsibility for the transportation of the student to the inter-district program.
4. The non-member district will enter into a contract with the BHASED or a member district of BHASED as appropriate. Said contract shall contain provisions implementing this policy and shall include, but not be limited to, the following provisions:
  - a. The non-member district shall assume full and complete financial responsibility for all IEP required services and equipment and transportation to and from the program consistent with inter-district program calendar requirements.
  - b. The non-member district shall assume full and complete financial responsibility for any and all claims, liabilities, losses, costs, and expenses including reasonable attorney's fees which may be sustained by the BHASED or any of its member districts which arise from (i) any act of the student or (ii) any judicial or administrative proceedings regarding the services rendered to the student and his or her parents.
  - c. Either party may terminate the contract with a thirty-day notice.
  - d. Tuition for said students shall be calculated at 110% of both the actual cost of the instructional program for the inter-district program being considered plus any and all additional services as required by the student's Individual Education Plan.
5. Discussion between the inter-district program team including the inter-district program administrator, the Director or designee from the member district administering the inter-district program, the BHASED Assistant assigned to any member district the student resided in immediately prior to his/her referral to the inter-district program and the BHASED Director.
6. Space exists within the BHASED inter-districts program for the student without displacing or denying placement in the same program to a student residing in one of the member districts.
7. Any exceptions to the above criteria must be approved by the BHASED Director on a case-by-case basis in conjunction with the inter-district program administrator and the Superintendent or designee of the district administering the inter-district program.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.

105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.

105 ILCS 45/ and 70/.

23 Ill.Admin.Code §1.240.

Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High School Dist. 200, 601 N.E.2d 1264 (Ill.App.1, 1992).

Joel R. v. Board of Education of Manheim School District 83, 686 N.E.2d 650 (Ill.App.1, 1997).

Kraut v. Rachford, 366 N.E.2d 497 (Ill.App.1, 1977).

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

ADOPTED:January 16, 2007

**Black Hawk Area Sp Ed**

## 7:70 Attendance and Truancy

### Compulsory School Attendance

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age. Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because his or her religion forbids secular activity on a particular day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student as determined by the Board, voting pursuant to policy 7:90, *Release During School Hours* (10 ILCS 5/7-42 and 5/17-15), other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical health or safety, or other reason as approved by the Director or designee.

### Absenteeism and Truancy Program

The Director or designee shall manage an absenteeism and truancy program in accordance with the School Code and Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Director or designee is authorized to determine when the student's absence is justified.
2. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran.
3. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings.
4. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification.
5. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in 105 ILCS 5/26-2a.
6. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem.
7. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, or information about community agency services. See Board policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*.
8. A process for a 17 year old resident to participate in the District's various programs and resources for truants. The student must provide documentation of his/her dropout status for the previous 6 months. A request from an individual 19 years of age or older to re-enroll after having dropped out of school is handled according to provisions in 7:50, *School Admissions and*

*Student Transfers To and From Non-District Schools.*

9. Reasonable efforts to provide ongoing professional development to teachers, administrators, Board members, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement.
10. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered.
11. A protocol for cooperating with non-District agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records.
12. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student.
13. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Director believes qualifies.
14. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student.

LEGAL REF.:

105 ILCS 5/26-1 through 16.

705 ILCS 405/3-33.5, Juvenile Court Act of 1987.

23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:90 (Release During School Hours), 7:190 (Student Behavior), 7:340 (Student Records)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**



## **7:80 Release Time for Religious Instruction/Observance**

### Religious Observance

A student shall be released from school, as an excused absence, for the purpose of observing a religious holiday. The parent(s)/guardian(s) must give written notice to the District five days before the student's anticipated absence.

The parent(s)/guardian(s)'s written notification of the student's anticipated absence shall satisfy the District's requirement for a written excuse when the student returns to school.

The Director shall develop and distribute to teachers appropriate procedures regarding student absences for a religious holiday which include a list of religious holidays on which students shall be excused from attendance, how teachers are notified of a student's impending absence, and the State law requirement that teachers provide the student an equivalent opportunity to make up any examination, study, or work requirement.

### Religious Instruction

A student shall be released from school for a day or portion of a day for the purpose of religious instruction. A letter, requesting the student's absence and written by the student's parent(s)/guardian(s), must be given to the Building Principal at least five days before the day the student is to be absent.

LEGAL REF.:Religious Freedom Restoration Act, 775 ILCS 35/.

105 ILCS 5/26-1 and 5/26-2b.

CROSS REF.:7:70 (Attendance and Truancy)

ADOPTED:August 30, 2012

**Black Hawk Area Sp Ed**

## **7:90 Release During School Hours**

For safety and security reasons, a prior written or oral consent of a student's custodial parent/guardian is required before a student is released during school hours: (1) at any time before the regular dismissal time or at any time before school is otherwise officially closed, and/or (2) to any person other than a custodial parent/guardian.

### Early Dismissal Announcement

The Director or designee shall make reasonable efforts to issue an announcement whenever it is necessary to close school early due to inclement weather or other reason.

### Voting

The Director or designee shall specify the hours during which students who are entitled to vote at a primary, general, or special election, or any election at which propositions are submitted to a popular vote in Illinois, may be absent from school for a period of two hours to vote. Students are entitled to be absent from school to vote beginning the 15th day before the primary, general, or special election, or any election at which propositions are submitted to a popular vote in Illinois, or on the day of such election.

### LEGAL REF.:

10 ILCS 5/7-42(b) and 5/17-15(b), Election Code.

CROSS REF.: 4:170 (Safety)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

## 7:100 Health, Eye, and Dental Examinations, Immunizations, and Exclusion of Students

### Required Health Examinations and Immunizations

A student's parent(s)/guardian(s) shall present proof that the student received a health examination, with proof of the immunizations against, and screenings for, preventable communicable diseases, as required by the Illinois Department of Public Health (IDPH), within one year prior to:

1. Entering kindergarten or the first grade;
2. Entering the sixth and ninth grades; and
3. Enrolling in an Illinois school, regardless of the student's grade (including nursery school, special education, Head Start programs operated by elementary or secondary schools, and students transferring into Illinois from out-of-state or out-of-country).

Proof of immunization against meningococcal disease is required for students in grades 6 and 12.

As required by State law:

1. The required health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician authorizing the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by a supervising physician.
2. A diabetes screening is a required part of each health examination; diabetes testing is not required.
3. Beginning with the 2017-2018 school year, an age-appropriate developmental screening and an age-appropriate social and emotional screening are required parts of each health examination. A student will not be excluded from school due to his or her parent/guardian's failure to obtain a developmental screening or a social and emotional screening.
4. Before admission and in conjunction with required physical examinations, parent(s)/guardian(s) of children between the ages of one and seven years must provide a statement from a physician that their child was *risk-assessed* or screened for lead poisoning.
5. The IDPH will provide all students entering sixth grade and their parent(s)/guardian(s) information about the link between human papillomavirus (HPV) and HPV-related cancers and the availability of the HPV vaccine.
6. The District will provide informational materials regarding influenza, influenza vaccinations, meningococcal disease, and meningococcal vaccinations developed, provided, or approved by the IDPH when it provides information on immunizations, infectious diseases, medications, or other school health issues to students' parent(s)/guardian(s).

Unless an exemption or extension applies, the failure to comply with the above requirements by October 15 of the current school year will result in the student's exclusion from school until the required health forms are presented to the District. New students who register after October 15 of the current school year shall have 30 days following registration to comply with the health examination and immunization regulations. If a medical reason prevents a student from receiving a required immunization by October 15, the student must present, by October 15, an immunization schedule and a statement of the medical reasons causing the delay. The schedule and statement of medical reasons must be signed by the physician, advanced practice nurse, physician assistant, or local health department responsible for administering the immunizations.

A student transferring from out-of-state who does not have the required proof of immunizations by October 15 may attend classes only if he or she has proof that an appointment for the required vaccinations is scheduled with a party authorized to submit proof of the required vaccinations. If the

required proof of vaccination is not submitted within 30 days after the student is permitted to attend classes, the student may no longer attend classes until proof of the vaccinations is properly submitted.

### Eye Examination

Parent(s)/guardian(s) are encouraged to have their children undergo an eye examination whenever health examinations are required.

Parent(s)/guardian(s) of students entering kindergarten or an Illinois school for the first time shall present proof before October 15 of the current school year that the student received an eye examination within one year prior to entry of kindergarten or the school. A physician licensed to practice medicine in all of its branches or a licensed optometrist must perform the required eye examination.

If a student fails to present proof by October 15, the school may hold the student's report card until the student presents proof: (1) of a completed eye examination, or (2) that an eye examination will take place within 60 days after October 15. The Director or designee shall ensure that parent(s)/guardian(s) are notified of this eye examination requirement in compliance with the rules of the IDPH. Schools shall not exclude a student from attending school due to failure to obtain an eye examination.

### Dental Examination

All children in kindergarten and the second, sixth, and ninth grades must present proof of having been examined by a licensed dentist before May 15 of the current school year in accordance with rules adopted by the IDPH.

If a child in the second, sixth, or ninth grade fails to present proof by May 15, the school may hold the child's report card until the child presents proof: (1) of a completed dental examination, or (2) that a dental examination will take place within 60 days after May 15. The Superintendent or designee shall ensure that parent(s)/guardian(s) are notified of this dental examination requirement at least 60 days before May 15 of each school year.

### Exemptions

In accordance with rules adopted by the IDPH, a student will be exempted from this policy's requirements for:

1. Religious grounds, if the student's parent(s)/guardian(s) present the IDPH's Certificate of Religious Exemption form to the Superintendent or designee. When a Certificate of Religious Exemption form is presented, the Superintendent or designee shall immediately inform the parent(s)/guardian(s) of exclusion procedures pursuant to Board policy 7:280, *Communicable and Chronic Infectious Disease* and State rules if there is an outbreak of one or more diseases from which the student is not protected.
2. Health examination or immunization requirements on medical grounds, if the examining physician, advanced registered practice nurse, or physician assistant provides written verification.
3. Eye examination requirement, if the student's parent(s)/guardian(s) show an undue burden or lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or a licensed optometrist.
4. Dental examination requirement, if the student's parent(s)/guardian(s) show an undue burden or a lack of access to a dentist.

### Homeless Child

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable

to produce immunization and health records normally required for enrollment. School Board policy 6:140, *Education of Homeless Children*, governs the enrollment of homeless children.

LEGAL REF.:

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

105 ILCS 5/27-8.1 and 45/1-20.

410 ILCS 45/7.1 and 315/2e.

23 Ill.Admin.Code §1.530.

77 Ill.Admin.Code Part 665.

77 Ill.Admin.Code Part 690.

CROSS REF.:6:30 (Organization of Instruction), 6:140 (Education of Homeless Children), 6:180 (Extended Instructional Programs), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:280 (Communicable and Chronic Infectious Disease)

Adopted: March 19, 2019

**Black Hawk Area Sp Ed**

## 7:130 Student Rights and Responsibilities

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, are not sponsored, promoted, or endorsed in any manner by the school or any school employee. *Noninstructional time* means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends.

LEGAL REF.:

20 U.S.C. §7904.

105 ILCS 20/5.

Tinker v. Des Moines Independent Governing Board, 89 S.Ct. 733 (1969).

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:190 (Student Behavior)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

## 7:140 Search and Seizure

To maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects. "School authorities" includes school liaison police officers.

### School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as lockers, desks, and parking lots), as well as personal effects left there by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there. This paragraph applies to student vehicles parked on school property. In addition, Building Principals shall require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle, and personal effects therein, without notice and without suspicion of wrongdoing.

The Director may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs.

### Students

School authorities may search a student and/or the student's personal effects in the student's possession (such as purses, wallets, knapsacks, book bags, lunch boxes, etc.) when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the student's age and sex, and the nature of the infraction.

When feasible, the search should be conducted as follows:

1. Outside the view of others, including students;
2. In the presence of a school administrator or adult witness; and
3. By a certificated employee or liaison police officer of the same sex as the student.

Immediately following a search, a written report shall be made by the school authority who conducted the search, and given to the Director.

### Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

### Notification Regarding Student Accounts or Profiles on Social Networking Websites

The Director or designee shall notify students and their parents/guardians of each of the following in accordance with the Right to Privacy in the School Setting Act, 105 ILCS 75/:

1. School officials may not request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student's account or profile on a social networking website.
2. School officials may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social

networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to allow school officials to make a factual determination.

LEGAL REF.:105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.

Right to Privacy in the School Setting Act, 105 ILCS 75/.

Cornfield v. Consolidated High School Dist. No. 230, 991 F.2d 1316 (7th Cir., 1993).

People v. Dilworth, 661 N.E.2d 310 (Ill., 1996), *cert. denied*, 116 S.Ct. 1692 (1996).

People v. Pruitt, 662 N.E. 2d 540 (Ill.App.1, 1996), *app. denied*, 667 N.E. 2d 1061 (Ill.App.1, 1996).

T.L.O. v. New Jersey, 105 S.Ct. 733 (1985).

Vernonia School Dist. 47J v. Acton, 115 S.Ct. 2386 (1995).

Safford Unified School Dist. No. 1 v. Redding, 129 S. Ct. 2633 (2009).

CROSS REF.:7:130 (Student Rights and Responsibilities), 7:150 (Agency and Police Interviews), 7:190 (Student Behavior)

ADOPTED:March 15, 2016

**Black Hawk Area Sp Ed**



## 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. Recognize individual student rights and privacy,
2. Recognize the potential impact an interview may have on an individual student,
3. Minimize potential disruption,
4. Foster a cooperative relationship with public agencies and law enforcement, and
5. 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 or designee will:
  - 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.

### 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: January 21, 2020

**Black Hawk Area Sp Ed**

## **7:160 Student Appearance**

Student dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Director.

LEGAL REF.:105 ILCS 5/10-22.25b.

Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

CROSS REF.:7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior)

ADOPTED:August 30, 2012

**Black Hawk Area Sp Ed**

## **7:170 Vandalism**

The Board will seek restitution from students and their parents/guardians for vandalism or other student acts that cause damage to school property.

LEGAL REF.:

740 ILCS 115/.

CROSS REF.:7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline)

Adopted: October 15, 2019

**Black Hawk Area Sp Ed**

## 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 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:**

Christan Schrader

4670-11<sup>th</sup> St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

### **Complaint Managers:**

Christan Schrader

4670-11<sup>th</sup> St., East Moline, IL 61244

cschrader@bhased.org

309-796-2500

Dawn Swanson

4670-11<sup>th</sup> St., East Moline, IL 61244

dswanson@bhased.org

309-796-2500

### **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*. These policies prohibit students from and provide 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: January 21, 2020

## **Black Hawk Area Sp Ed**



## 7:185 Teen Dating Violence Prohibited

Engaging in teen dating violence that takes place at school, on school property, at school-sponsored activities, or in vehicles used for school-provided transportation is prohibited. For purposes of this policy, the term *teen dating violence* occurs whenever a student uses or threatens to use physical, mental, or emotional abuse to control an individual in the dating relationship; or uses or threatens to use sexual violence in the dating relationship.

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

1. Fully implements and enforces each of the following Board policies:
  - a. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on the student's actual or perceived characteristics of sex; sexual orientation; gender identity; and gender-related identity or expression (this policy includes more protected statuses).
  - b. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. This policy prohibits students from engaging in bullying, intimidation, and harassment at school, school-related events and electronically. Prohibited conduct includes threats, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.
2. Encourages anyone with information about incidents of teen dating violence to report them to any of the following individuals:
  - a. Any school staff member. School staff shall respond to incidents of teen dating violence by following the District's established procedures for the prevention, identification, investigation, and response to bullying and school violence.
  - b. The Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager identified in policy 7:20, *Harassment of Students Prohibited*.
3. Incorporates student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
4. Incorporates education for school staff, as recommended by the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager.
5. Notifies students and parents/guardians of this policy.

Incorporated

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

LEGAL REF.:

105 ILCS 110/3.10.

CROSS REF.:2:240 (Board Policy Development), 5:100 (Staff Development Program), 5:230 (Maintaining Student Discipline), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Discipline), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities)

Adopted: March 19, 2019

## **Black Hawk Area Sp Ed**

## 7:190 Student Behavior

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

### When and Where Conduct Rules Apply

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

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

### Prohibited Student Conduct

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

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*).
  - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription.
  - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription.
  - d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*.
  - e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the

student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.

- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form.
- g. *Look-alike* or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy.
- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.

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

- 4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the Weapons section of this policy, or violating the Weapons section of this policy.
- 5. Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.
- 6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
- 7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.
- 8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
- 9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct.
- 10. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
- 11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.
- 12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
- 13. Entering school property or a school facility without proper authorization.
- 14. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school

bus, or at any school activity.

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

For purposes of this policy, the term *possession* includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event.

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

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

### Disciplinary Measures

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary discipline before using out-of-school suspensions or expulsions. School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties. Potential disciplinary measures include, without limitation, any of the following:

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.

5. Return of property or restitution for lost, stolen, or damaged property.
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.
7. After-school study or Saturday study provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules.
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*.
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*. A student who has been suspended shall also be restricted from being on school grounds and at school activities.
12. Expulsion from school and all school activities for a definite time period not to exceed 2 calendar years in accordance with Board policy 7:210, *Expulsion Procedures*. A student who has been expelled shall also be restricted from being on school grounds and at school activities.
13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code.
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), *look-alikes*, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies.

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

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

#### Isolated Time Out, Time Out, and Physical Restraint

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

#### Weapons

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than 2 calendar years:

1. A firearm, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm

Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1).

2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any firearm as defined above.

The expulsion requirement under either paragraph 1 or 2 above may be modified by the Director, and the Director's determination may be modified by the Board on a case-by-case basis. The Director or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.

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

### Re-Engagement of Returning Students

The Director or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit.

### Required Notices

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

### Delegation of Authority

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

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

### Student Handbook

The Director, with input from the parent-teacher advisory committee, shall prepare disciplinary rules

implementing the District's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

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

Incorporated

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

LEGAL REF.:

20 U.S.C. §6081, Pro-Children Act of 1994.

20 U.S.C. §7961 et seq., Gun Free Schools Act.

105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10, 5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/22-33, 5/24-24, 5/26-12, 5/27-23.7, 5/31-3, and 110/3.10.

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

410 ILCS 647/, Powdered Caffeine Control and Education Act.

430 ILCS 66/, Firearm Concealed Carry Act.

23 Ill.Admin.Code §§ 1.280, 1.285.

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

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**



## 7:200 Suspension Procedures

### In-School Suspension

The Director or designee is authorized to maintain an in-school suspension program. The program shall include, at a minimum, each of the following:

1. Before assigning a student to in-school suspension, the charges will be explained and the student will be given an opportunity to respond to the charges.
2. Students are supervised by licensed school personnel.
3. Students are given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit.

### Out-of-School Suspension

The Director or designee shall implement suspension procedures that provide, at a minimum, for each of the following:

1. A conference during which the charges will be explained and the student will be given an opportunity to respond to the charges before he or she may be suspended.
2. A pre-suspension conference is not required, and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. An attempted phone call to the student's parent(s)/guardian(s).
4. A written notice of the suspension to the parent(s)/guardian(s) and the student, which shall:
  - a. Provide notice to the parent(s)/guardian(s) of their child's right to a review of the suspension;
  - b. Include information about an opportunity to make up work missed during the suspension for equivalent academic credit;
  - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend;
  - d. Provide rationale or an explanation of how the chosen number of suspension days will address the threat or disruption posed by the student or his or her act of gross disobedience or misconduct; and
  - e. Depending upon the length of the out-of-school suspension, include the following applicable information:
    - i. For a suspension of 3 school days or less, an explanation that the student's continuing presence in school would either pose:
      - a) A threat to school safety, or
      - b) A disruption to other students' learning opportunities.
    - ii. For a suspension of 4 or more school days, an explanation:
      - a) That other appropriate and available behavioral and disciplinary interventions have been exhausted,
      - b) As to whether school officials attempted other interventions or determined that no other interventions were available for the student, and
      - c) That the student's continuing presence in school would either:

- i) Pose a threat to the safety of other students, staff, or members of the school community, or
  - ii) Substantially disrupt, impede, or interfere with the operation of the school.
  - iii. For a suspension of 5 or more school days, the information listed in section 4.e.ii., above, along with documentation by the Director or designee determining what, if any, appropriate and available support services will be provided to the student during the length of his or her suspension.
- 5. A summary of the notice, including the reason for the suspension and the suspension length, must be given to the Board by the Director or designee.
  - 6. Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board. At the review, the student's parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. Whenever there is evidence that mental illness may be the cause for the suspension, the Director or designee shall invite a representative from the Department of Human Services to consult with the Board. After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate. If the suspension is upheld, the Board's written suspension decision shall specifically detail items (a) and (e) in number 4, above.

LEGAL REF.:105 ILCS 5/10-22.6.

Goss v. Lopez, 95 S.Ct. 729 (1975).

Sieck v. Oak Park River-Forest High School, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

CROSS REF.:5:100 (Staff Development), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:220 (Bus Conduct)

ADOPTED:May 17, 2016

**Black Hawk Area Sp Ed**

## 7:230 Misconduct by Students with Disabilities

### Behavioral Interventions

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The Director will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities.

### Discipline of Special Education Students

The District shall comply with the Individuals With Disabilities Education Improvement Act of 2004 and the Illinois State Board of Education's *Special Education* rules when disciplining special education students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of his or her disability.

LEGAL REF.: Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §§1412, 1413, and 1415.

Gun-Free Schools Act, 20 U.S.C. §7151 et seq.

34 C.F.R. §§300.101, 300.530 - 300.536.

105 ILCS 5/10-22.6 and 5/14-8.05.

23 Ill.Admin.Code §226.400.

Honig v. Doe, 108 S.Ct. 592 (1988).

CROSS REF.: 2:150 (Committees), 6:120 (Education of Children with Disabilities), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:220 (Bus Conduct)

ADOPTED: January 21, 2014

**Black Hawk Area Sp Ed**

## 7:250 Student Support Services

The following student support services may be provided by the Governing Board:

1. Health services supervised by a qualified school nurse. The Director or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease.
2. Educational and psychological testing services and the services of a school psychologist as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.
3. The services of a school social worker. A student's parent/guardian must consent to regular or continuing services from a social worker.
4. Guidance and school counseling services.

The Director or designee shall work in conjunction with each student's resident district to develop protocols for responding to students with social, emotional, or mental health needs that impact learning ability. The District, however, assumes no liability for preventing, identifying, or treating such needs.

This policy shall be implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

### LEGAL REF.:

405 ILCS 49/, Children's Mental Health Act of 2003.

740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.

105 ILCS 5/10-20.58.

CROSS REF.: 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye and Dental Examinations, Immunizations, and Exclusion of Students), 7:280 (Communicable and Chronic Infectious Diseases), 7:340 (Student Records)

Adopted: March 19, 2019

**Black Hawk Area Sp Ed**

## 7:260 Exemption from Physical Education

In order to be excused from participation in physical education, a student must present an appropriate excuse from his or her parent/guardian or from a person licensed under the Medical Practice Act. The excuse may be based on medical or religious prohibitions. An excuse because of medical reasons must include a signed statement from a person licensed under the Medical Practice Act that corroborates the medical reason for the request. An excuse based on religious reasons must include a signed statement from a member of the clergy that corroborates the religious reason for the request.

Alternative activities and/or units of instruction will be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act, prevents their participation in the physical education courses.

State law prohibits a board from honoring parental excuses based upon a student's participation in athletic training, activities, or competitions conducted outside the auspices of the Cooperative.

A student who is eligible for special education may be excused from physical education courses in either of the following situations:

1. He or she (a) is in grades 3-12, (b) his or her IEP requires that special education support and services be provided during physical education time, and (c) the parent/guardian agrees or the IEP team makes the determination; or
2. He or she (a) has an IEP, (b) is participating in an adaptive athletic program outside of the school setting, and (c) the parent/guardian documents the student's participation as required by the Superintendent or designee.

A student requiring adapted physical education must receive that service in accordance with his or her Individualized Educational Program/Plan (IEP).

Students in grades 7 and 8 may submit a written request to the Building Principal to be excused from physical education courses because of his or her ongoing participation in an interscholastic or extracurricular athletic program. The Building Principal will evaluate requests on a case-by-case basis.

The Director or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances, as appropriate.

Students who have been excused from physical education shall return to the course as soon as practical. The following considerations will be used to determine when a student shall return to a physical education course:

1. The time of year when the student's participation ceases;
2. The student's class schedule

### LEGAL REF.:

105 ILCS 5/27-6.

225 ILCS 60/, Medical Practice Act.

23 Ill.Admin.Code §1.420(p) and §1.425(d), (e).

CROSS REF.: 6:60 (Curriculum Content)

Adopted: March 19, 2019

## **Black Hawk Area Sp Ed**

## 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 *SMA Form*. The Superintendent or designee will ensure an Emergency Action Plan is developed for each self-administering student.

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.

The 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. A student's parent/guardian must indemnify and hold harmless the 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, asthma medication, and/or a medication required under a qualifying plan.

### School District Supply of Undesignated Glucagon

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

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 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.
  3. The student him or herself when the self-administration takes place under the direct supervision of a school nurse or administrator.

*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, 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.

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, 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: January 21, 2020

**Black Hawk Area Sp Ed**

## 7:275 Orders to Forgo Life-Sustaining Treatment

Written orders from parent(s)/guardian(s) to forgo life-sustaining treatment for their child must be signed by the student's physician and given to the Building Principal and Director. This policy shall be interpreted in accordance with the Illinois Health Care Surrogate Act. 755 ILCS 40/.

Whenever an order to forgo life-sustaining treatment is received, the Director shall convene a multi-disciplinary team that includes:

1. The student, when appropriate;
2. The student's parent(s)/guardian(s);
3. Other medical professionals, e.g., licensed physician, physician's assistant, or nurse practitioner;
4. Local first responders for the building in which the student is assigned to attend school;
5. The school nurse;
6. Clergy, if requested by the student or his or her parent(s)/guardians(s);
7. Other individuals to provide support to the student or his or her parent(s)/guardian(s); and
8. School personnel designated by the Director.

The team shall determine guidelines to be used by school staff members in the event the child suffers a life-threatening episode at school or a school event. The Director or designee will ensure minutes are taken that summarize the decisions and guidelines made during multi-disciplinary meetings and obtain signatures of the child's parent(s)/guardian(s) on the minutes of each multi-disciplinary meeting. The Director or designee will monitor the effectiveness of the guidelines established during the multi-disciplinary meetings at times the multi-disciplinary team determines are necessary.

The District personnel shall convey orders to forgo life-sustaining treatment to the appropriate emergency or healthcare provider.

### LEGAL REF.:

Health Care Surrogate Act, 755 ILCS 40/.

Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990).

In re C.A., a minor, 236 Ill.App.3d 594 (1st Dist. 1992).

ADOPTED: February 20, 2018

**Black Hawk Area Sp Ed**

## **7:280 Communicable and Chronic Infectious Disease**

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the District's policies. The Director will develop procedures for communicable and chronic infectious diseases for the Board's consideration.

LEGAL REF.:105 ILCS 5/10-21.11.

410 ILCS 315/2a.

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

77 Ill.Admin.Code Part 690.

Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.

Rehabilitation Act, Section 504, 29 U.S.C. §794(a).

ADOPTED:August 16, 2011

**Black Hawk Area Sp Ed**

## 7:290 Suicide and Depression Awareness and Prevention

Youth suicide impacts the safety of the school environment. It also affects the school community, diminishing the ability of surviving students to learn and the school's ability to educate. Suicide and depression awareness and prevention are important Board goals.

### Suicide and Depression Awareness and Prevention Program

The Director or designee shall develop, implement, and maintain a suicide and depression awareness and prevention program (Program) that advances the Board's goals of increasing awareness and prevention of depression and suicide. This program must be consistent with the requirements of Ann Marie's Law listed below; each listed requirement, 1-6, corresponds with the list of required policy components in the School Code Section 5/2-3.166(c)(2)-(7). The Program shall include:

1. Protocols for administering youth suicide awareness and prevention education to students and staff.
  - a. For students, implementation will incorporate Board policy 6:60, *Curriculum Content*, which implements 105 ILCS 5.2-3.139 and 105 ILCS 5/27-7 (requiring education for students to develop a sound mind and a healthy body).
  - b. For staff, implementation will incorporate Board policy 5:100, *Staff Development Program*, and teacher's institutes under 105 ILCS 5/3-14.8 (requiring coverage of the warning signs of suicidal behavior).
2. Procedures for methods of suicide prevention with the goal of early identification and referral of students possibly at risk of suicide. Implementation will incorporate:
  - a. The training required by 105 ILCS 5/10-22.39 for licensed school personnel and administrators who work with students to identify the warning signs of suicidal behavior in youth along with appropriate intervention and referral techniques, including methods of prevention, procedures for early identification, and referral of students at risk of suicide; and
  - b. Ill. State Board of Education (ISBE)-recommended guidelines and educational materials for staff training and professional development, along with ISBE-recommended resources for students containing age-appropriate educational materials on youth suicide and awareness, if available pursuant to *Ann Marie's Law* on ISBE's website.
3. Methods of intervention, including procedures that address an emotional or mental health safety plan for use during the school day and at school-sponsored events for a student identified as being at increased risk of suicide. Implementation will incorporate paragraph number 2, above, along with:
  - a. Board policy 6:65, *Student Social and Emotional Development*, implementing the goals and benchmarks of the Ill. Learning Standards and 405 ILCS 49/15(b) (requiring student social and emotional development in the Cooperative's educational program);
  - b. Board policy 6:270, *Guidance and Counseling Program*, implementing guidance and counseling program(s) for students, and 105 ILCS 5/10-22.24a and 22.24b, which allow a qualified guidance specialist or any licensed staff member to provide school counseling services.
  - c. Board policy 7:250, *Student Support Services*, implementing the Children's Mental Health Act of 2003, 405 ILCS 49/ (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); and
  - d. State and/or federal resources that address emotional or mental health safety plans for students who are at a potentially increased risk for suicide, if available on the ISBE's

website pursuant to Ann Marie's Law.

4. Methods of responding to a student or staff suicide or suicide attempt. Implementation of this requirement shall incorporate building-level Student Support Committee(s) established through Board policy 7:250, *Student Support Services*.
5. Reporting procedures. Implementation of this requirement shall incorporate Board policy 6:270, *Guidance and Counseling Program*, and Board policy 7:250, *Student Support Services*, in addition to other State and/or federal resources that address reporting procedures.
6. A process to incorporate ISBE-recommended resources on youth suicide awareness and prevention programs, including current contact information for such programs in the Cooperative's Suicide and Depression Awareness and Prevention Program.

#### Illinois Suicide Prevention Strategic Planning Committee

The Director or designee shall attempt to develop a relationship between the Cooperative and the Illinois Suicide Prevention Strategic Planning Committee, the Illinois Suicide Prevention Coalition Alliance, and/or a community mental health agency. The purpose of the relationship is to discuss how to incorporate the goals and objectives of the Illinois Suicide Prevention Strategic Plan.

#### Monitoring

The Board will review and update this policy pursuant to Ann Marie's Law and Board policy 2:240, *Board Policy Development*.

#### Information to Staff, Parents/Guardians, and Students

The Director shall inform each school district employee about this policy and ensure its posting on the Cooperative's website. The Director or designee shall provide a copy of this policy to the parent or legal guardian of each student enrolled in the Cooperative.

#### Implementation

This policy shall be implemented in a manner consistent with State and federal laws, including the Children's Mental Health Act of 2003, 405 ILCS 49/, Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/, and the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

The Cooperative, Board, and its staff are protected from liability by the Local Governmental and Governmental Employees Tort Immunity Act. Services provided pursuant to this policy: (1) do not replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in suicide prevention, assessments and counseling services, (2) are strictly limited to the available resources within the Cooperative, (3) do not extend beyond the school day and/or school-sponsored events, and (4) cannot guarantee or ensure the safety of a student or the student body.

#### LEGAL REF.:

105 ILCS 5/2-3.166, 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.

745 ILCS 10/.

CROSS REF.: 2:240 (Board Policy Development), 5:100 (Staff Development Program), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:120 (Education of Children with Disabilities), 6:270 (Guidance and Counseling Program), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services)

Adopted: March 19, 2019

## **Black Hawk Area Sp Ed**

## 7:310 Restrictions on Publications; Elementary Schools

### School-Sponsored Publications and Web Sites

School-sponsored publications, productions, and web sites are part of the curriculum and are not a public forum for general student use. School authorities may edit or delete material that is inconsistent with the District's educational mission.

All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

### Non-School Sponsored Publications Accessed or Distributed On-Campus

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, CD-ROM, etc.) or online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., data or voice messages delivered by cell phones, tablets, and other hand-held devices).

Creating, distributing and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the School District.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;
2. Violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright;
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and Student Handbooks;
4. Is reasonably viewed as promoting illegal drug use; or
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. Nothing herein shall be interpreted to prevent the inclusion of material from outside sources or the citation to such sources as long as the material to be distributed or accessed is primarily prepared by students.

Accessing or distributing "on-campus" includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school.

### Non-School Sponsored Publications Accessed or Distributed Off-Campus

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing publications that cause: (1) substantial disruption or a foreseeable risk of substantial

disruption to school operations or (2) interferes with the rights of other students or staff members.

### Bullying and Cyberbullying

The Superintendent or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

LEGAL REF.:105 ILCS 5/27-23.7

Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).

Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969).

CROSS REF.:6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:25 (Advertising and Distributing Materials in School Provided by Non-School Related Entities)

ADOPTED:February 21, 2017

**Black Hawk Area Sp Ed**



## 7:315 Restrictions on Publications; High Schools

### Definitions

*School official* means a Building Principal or designee.

*School-sponsored media* means any material that is prepared, substantially written, published, or broadcast by a student journalist, distributed or generally made available to members of the student body, and prepared under the direction of a student media advisor. It does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

*Student journalist* means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

*Student media adviser* means an individual employed, appointed, or designated by the Cooperative to supervise or provide instruction relating to school-sponsored media.

### School-Sponsored Media

School-sponsored publications, productions, and websites are governed by the Speech Rights of Student Journalists Act and the Board policies. Student journalists may not use school-sponsored media that:

1. Is libelous, slanderous, or obscene;
2. Constitutes an unwarranted invasion of privacy;
3. Violates federal or State law, including the Constitutional rights of third parties; or
4. Incites students to:
  - a. Commit an unlawful act;
  - b. Violate any of the Cooperative's policies; or
  - c. Materially and substantially disrupt the orderly operation of the school.

All school-sponsored media shall comply with the ethics and rules of responsible journalism. Text that fits into numbers one (1) through four (4) above will not be tolerated and school officials and student media advisers may edit or delete such media material.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

No expression made by students in the exercise of freedom of speech or freedom of the press under this policy shall be deemed to be an expression of the District or an expression of Board policy.

### Non-School Sponsored Publications Accessed or Distributed On Campus

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, CD-ROM, etc.) or online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., data or voice messages delivered by cell phones, tablets, and other hand-held devices).

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the Cooperative.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

6. Will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities;
7. Violates the rights of others, including but not limited to material that is libelous, slanderous or obscene, or invades the privacy of others, or infringes on a copyright;
8. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and Student Handbooks;
9. Is reasonably viewed as promoting illegal drug use;
10. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students; or
11. Incites students to violate any Board policies.

Accessing or distributing *on-campus* includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school.

#### Non-School Sponsored Publications Accessed or Distributed Off-Campus

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

#### Bullying and Cyberbullying

The Director or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

LEGAL REF.:105 ILCS 5/27-23.7

Speech Rights of Student Journalists Act, 105 ILCS 80/.

Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).

Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969)

Morse v. Frederick, 551 U.S. 393 (2007).

CROSS REF.:6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:25 (Advertising and Distributing Materials in School Provided by Non-School Related Entities)

ADOPTED:February 21, 2017



## 7:340 Student Records

School student records are confidential. Information from them shall not be released other than as provided by law. A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below:

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school.
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 17 years who has been arrested or taken into custody.

State and federal law grant students and parent(s)/guardian(s) certain rights, including the right to inspect, copy, and challenge school student records. The information contained in school student records shall be kept current, accurate, clear and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The District may release directory information as permitted by law, but parent(s)/guardian(s) shall have the right to object to the release of information regarding their child. However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the students' parent(s)/guardian(s). Upon request, the District discloses school student records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law.

The Director shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records.

### Student Biometric Information Collection

The Director or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention. Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

Before collecting student biometric information, the District shall obtain written permission from the person having legal custody/parental responsibility or the student (if over the age of 18). Upon a student's 18<sup>th</sup> birthday, the District shall obtain written permission from the student to collect student biometric information. Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited.

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from the person having legal custody/parental responsibility of the student or the student (if over the age of 18). Requests to discontinue using a student's biometric information shall be forwarded to the Director or designee.

The Director or designee shall develop procedures to implement this policy consistent with State and federal law.

LEGAL REF.:

20 U.S.C. §1232g, Family Educational Rights and Privacy Act, implemented by 34 C.F.R. Part 99.

50 ILCS 205/7.

105 ILCS 5/10-20.21b, 5/20.37, 5/20.40, and 5/14-1.01 et seq.

105 ILCS 10/, Ill. School Student Records Act.

325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.

750 ILCS 5/602.11, Ill. Marriage and Dissolution of Marriage Act.

23 Ill.Admin.Code Parts 226 and 375.

Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002).

Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 (1st Dist. 2002).

CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct)

Adopted: November 20, 2018

**Black Hawk Area Sp Ed**

**SECTION 8 - COMMUNITY RELATIONS**

**Black Hawk Area Sp Ed**

## **8:20 Community Use of District Facilities**

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

Persons on school premises must abide by the District's conduct rules at all times.

Student groups and District-related organizations and local governments are granted the use of District facilities at no cost. Other organizations granted use of facilities shall pay fees and costs.

The Director shall develop procedures to manage community use of District facilities. Use of District facilities requires the Director's approval and is subject to the procedures.

LEGAL REF.:Boy Scouts of America Equal Access Act, 20 U.S.C. §7905.

10 ILCS 5/19-2.2.

105 ILCS 5/10-20.40, 5/10-22.10, and 5/29-3.5.

Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001).

Lamb's Chapel v. Center Moriches Union Free School District, 113 S.Ct. 2141 (1993).

Rosenberger v. Rector and Visitors of Univ. of Va., 515 U.S. 819 (1995).

CROSS REF.:8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities), 8:30 (Conduct on School Property)

ADOPTED:October 22, 2013

**Black Hawk Area Sp Ed**

## 8:20-AP Administrative Procedure - Phoenix Program - Gym Rental

- A. Rental of the Phoenix Program gymnasium is available for individuals or groups when it is not in use by the Phoenix Program, Phoenix Program related or Phoenix Program approved activities. Only the gymnasium is available for rent. The front restrooms may be used. All other areas of the school are off limits. No telephone or office machinery will be available. Rental of the gym does not include rental of equipment.
- B. All individuals or groups renting the gym must provide either proof of insurance to cover the activity and participants or insurance binder/certificate of insurance (from existing organization).
- C. All individuals or groups who wish to rent the gym must provide the following, in person, at the Phoenix Program, before the rental date:
  - 1. a certificate of insurance through a commercial, general liability policy listing BHASED as an additional insured for a minimum of one million per person and two million of aggregate claim protection;
  - 2. signed Phoenix Program Rental Agreement;
  - 3. signed Phoenix Program Release of Liability.
- D. The contact information of the responsible individual/responsible group is subject to authenticity verification. The responsible individual/responsible group representative must be an adult and must sign the rental agreement in person at the Phoenix Program. The rental may not be assigned or transferred to any other person or group.
- E. Fees must be pre-paid at the time of signing or weekly (before usage) if it is a continuing agreement. The minimum daily rental time period is two (2) hours at a cost of \$60.00. Each additional hour will cost \$30.00. Checks should be made out to BHASED or Black Hawk Area Special Education District. Only cash or checks will be accepted.
- F. Any checks returned for insufficient funds or other non-payment will result in the immediate nullification of the rental agreement and future rental will not be available for those groups or individuals.
- G. The rental time period, both starting and ending, will be strictly enforced. Any additional time will be rounded to the next hour and is payable immediately.
- H. The responsible individual/responsible group is required to collect and remove all trash to the building dumpster in the back of the building. All trash cans must be lined with plastic trash bags provided by the Phoenix Program. The responsible individual/responsible group must clean the gym, restrooms and entrance area to the original condition found upon entry. All cleaning equipment (brooms, mops, buckets, cleaning chemicals, etc.) will be provided by the Phoenix Program.
  - I. Equipment or decorations must be completely removed by the end of the rental period. Street shoes are not allowed on the gym floor. Balls may not be bounded in the hallways.
- J. The responsible individual/responsible group must provide supervision of all persons using the gym and may not allow others to enter the building or loiter on the premises. The responsible individual/responsible group is required to limit access to the building and gym to only those persons involved with their activity. All authorized persons must remain in the agreed upon areas - gym, front entry area, front restrooms.
- K. The responsible individual/responsible group agrees to pay for any additional costs that the Phoenix Program may incur to clean or repair the premises and replace or repair property that is lost or damaged during the course of the rental agreement.
- L. The use of alcohol and tobacco in any form is strictly prohibited in the building and on school grounds. No animals are allowed in the building except for service animals (i.e. seeing eye dogs) that accompany members of the responsible group. Fireworks, incendiaries of any kind, and firearms are prohibited in the building and on the school grounds.
- M. Gym rental is not available for commercial purposes. Commercial purposes are defined as activities whose primary purpose is to collect or make money over the amount considered



reasonable for the gym rental and related costs of the activity.

- N. The BHASED and/or Phoenix administration reserves the right to deny the use of the gym to any individual or group whose message or purpose is inconsistent with the overall mission of the Bethany/Black Hawk Phoenix Program.
- O. The responsible individual/responsible group agrees to accept full responsibility for loss, injury or damage to persons or property. Black Hawk Area Special Education District #865 (BHASED), Bethany for Children and Families, Inc., the Phoenix Program, their administration and their employees/personnel are not liable for any loss, injury, or damage to persons or property.
- P. The violation of any of the above items will result in the immediate nullification of the rental agreement and loss of future rental privileges at the Phoenix Program.

DATED: January 16, 2007

**Black Hawk Area Sp Ed**

## **8:25 Advertising and Distributing Materials in Schools Provided by Non-School Related Entities**

No material or literature shall be posted in District property or distributed to students by non-school related organizations or individuals.

### Commercial Companies and Political Candidates or Parties

No part of the District, including facilities, the name, the staff, and the students, shall be used for advertising or promoting the interests of any commercial company except as authorized by and consistent with administrative procedures and approved by the Board.

Material from candidates and political parties will not be accepted for posting or distribution, except when used as part of the curriculum.

### LEGAL REF.:

Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993).

Berger v. Rensselaer Central Sch. Corp., 982 F.2d 1160 (7th Cir. 1993), *cert. denied*, 113 S.Ct. 2344 (1993).

Sherman v. Community Consolidated Sch. Dist. 21, 8 F.3d 1160 (7th Cir. 1993), *cert. denied*, 8 F.3d 1160 (1994).

Hedges v. Wauconda Community Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 565 U.S. 1036 (2011).

DiLoreto v. Downey Unified Sch. Dist., 196 F.3d 958 (9th Cir. 1999).

CROSS REF.: 7:325 (Student Fundraising Activities), 7:330 (Student Use of Buildings - Equal Access)

Adopted: November 20, 2018

**Black Hawk Area Sp Ed**

## 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, 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 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, 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.
8. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectible, regardless of when and/or where the use occurred.
9. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*.
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:

1. 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

2. 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.

### Exclusive Bargaining Representative Agent

Upon notifying the Building Principal's office, authorized agents of an exclusive bargaining representative will be provided reasonable access to employees in the bargaining unit they represent in accordance with State law. Such access shall be conducted in a manner that will not impede the normal operations of the District.

### 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:

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. 2000).

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

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

115 ILCS 5/3(c), Ill. Educational Labor Relations Act.

410 ILCS 130/, Compassionate Use of Medical Cannabis 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: July 27, 2020

**Black Hawk Area Sp Ed**

## 8:70 Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities and will not be subject to illegal discrimination. When appropriate, the District may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others.

The District will provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, website, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Director or designee is designated the Title II Coordinator and shall:

1. Oversee the District's compliance efforts, recommend necessary modifications to the Board, and maintain the District's final Title II self-evaluation document, update it to the extent necessary, and keep it available for public inspection for at least three years after its completion date.
2. Institute plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the Director or Building Principal if they have a disability that will require special assistance or services and, if so, what services are required. This notification should occur as far in advance as possible of the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Director or designated Title II Coordinator, or by filing a grievance under the Uniform Grievance Procedure.

### LEGAL REF.:

Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq.; 28 C.F.R. Part 35.

Rehabilitation Act of 1973 §104, 29 U.S.C. §794 (2006).

105 ILCS 5/10-20.51.

410 ILCS 25/, Environmental Barriers Act.

71 Ill.Admin.Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure)

Adopted: November 20, 2018

**Black Hawk Area Sp Ed**

## 8:80 Gifts to the Cooperative

The Governing Board appreciates gifts from any education foundation, other entities, or individuals. All gifts must adhere to each of the following:

1. Be accepted by the Board or, if less than \$500.00 in value, the Director or designee. Individuals should obtain a pre-acceptance commitment before identifying the Cooperative, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt.
2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
3. Be consistent with the Cooperative's mandate to provide equal educational and extracurricular opportunities to all students in the Cooperative as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the Cooperative to provide equal treatment for members of both sexes to educational programming, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities.
4. Permit the Cooperative to maintain resource equity among its learning centers.
5. Be viewpoint neutral. The Director or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property.
6. Comply with all laws applicable to the Cooperative including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The Cooperative will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the Cooperative's property. The acceptance of a gift is not an endorsement by the Board, Cooperative, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift.

### LEGAL REF.:

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

105 ILCS 5/16-1.

23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional Materials), 7:10 (Equal Educational Opportunities)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

## **8:95 Parental Involvement**

In order to assure collaborative relationships between students' families and the Governing Board and District personnel, and to enable parent(s)/guardian(s) to become active partners in education, the Director shall develop administrative procedures to:

1. Keep parent(s)/guardian(s) thoroughly informed about their child's school and education.
2. Encourage involvement in their child's school and education.
3. Establish effective two-way communication between all families and the Governing Board and District personnel.
4. Seek input from parent(s)/guardian(s) on significant school-related issues.
5. Inform parents/guardians on how they can assist their children's learning.

CROSS REF.:6:170 (Title I Programs), 6:250 (Community Resource Persons and Volunteers), 8:10 (Connection with the Community), 8:90 (Parent Organizations)

Adopted: March 19, 2019

**Black Hawk Area Sp Ed**



## **8:110 Public Suggestions and Concerns**

The Governing Board is interested in receiving valid suggestions and concerns from members of the community. Any individual may make a suggestion or express a concern by contacting any District or School office. Community members who e-mail the District or any District employee or board member are expected to abide by the standards in Board policy 6:235, *Access to Electronic Networks*, and should, to the extent possible, limit their communications to relevant individuals. All suggestions and/or concerns will be referred to the appropriate level staff member or District administrator who is most able to respond in a timely manner. Each concern or suggestion shall be considered on its merit.

An individual who is not satisfied may file a grievance under Board policy 2:260, *Uniform Grievance Procedure*. The Board encourages, but does not require, individuals to follow the channels of authority prior to filing a grievance. Neither this policy nor the *Uniform Grievance Procedure* create an independent right to a hearing before the Board.

### LEGAL REF.:

115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.

CROSS REF.: 2:140 (Communications To and From the Board), 2:230 (Public Participation at Governing Board Meetings and Petitions to the Board), 2:260 (Uniform Grievance Procedure), 3:30 (Chain of Command), 6:235 (Access to Electronic Networks), 6:260 (Complaints About Curriculum, Instructional Materials and Programs)

Adopted: July 27, 2020

**Black Hawk Area Sp Ed**

