

AGENDA

Pearl City Community Unit School District #200
Pearl City, IL 61062

Wednesday, January 20, 2021
6:30 P.M. – High School Cafeteria

Pursuant Executive Order 2020-44, issued on June 26th, signed by Gov. Pritzker, Pearl City School District may conduct all or portions of this meeting by use of telephonic or electronic means without a physical quorum present in the boardroom. Regular meeting time: 6:30pm

Public access to this meeting may be either in-person or through Google Meet and is available as follows:
Phone number- Dial phone number and then follow directions to enter the PIN number.

Phone Numbers

+1 318-596-1169

PIN: 852 833 117#

Individuals wishing to speak during public forum may make their public comment during the public comment section in-person, at the regular scheduled meeting or they must submit a request to address the School Board no later than 4:00 p.m. on the day of the meeting to jsheffey@pcwolves.net. Please provide first and last name and topic you would like to address along with the information you would like to address.

A. Call to Order

B. Roll Call of Members

C. Approve the Agenda

D. Recognition of Guests & Public Comment

E. Consent Agenda

1. Approval of December 16, 2020 Regular & Closed Session Board Meeting Minutes
2. Approval of December 16, 2020 Public Hearing Minutes
3. Approval of Bills and Payroll through January 15, 2021

F. Communications

G. New Business

1. Approval of Bid for Roof Construction – Potential Action Item
2. Approval of Destruction of Closed Session Tapes prior to July 2019 – Potential Action Item
3. Approval of new or amended policies: 3:40- Superintendent; 4:10- Fiscal and Business Management; 4:55- Use of Credit and Procurement Cards; 4:80- Accounting and Audits; 4:90- Student activity and Fiduciary Funds; 4:150- Facility Management and Building Programs; 4:175- Convicted Child Sex Offender; Screening; Notifications; 5:30- Hiring Process and Criteria; 5:190- Teacher Qualifications; 5:270- Employment At-Will, Compensation, and Assignment; 6:15- School Accountability; 6:20- School Year Calendar and Day; 6:40- Curriculum Development; 6:280- Grading and Promotion; 6:300- Graduation Requirements; 6:310- High School Credit for Non-District Experiences; Course Substitutions; Re-entering students; 6:315- High School Credit for Students in Grade 7 or 8; 6:320- High School Credit for Proficiency; 6:340- Student testing and Assessment Program; 7:100- Health, Eye, and Dental Examinations, Immunizations, and Exclusion of Students; 7:140- Search and Seizure; 7:300- Extracurricular Athletics; 7:325- Student Fundraising Activities – Potential Action Item

H. Closed Session

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District or legal counsel for the District, including hearing testimony

on a complaint lodged against an employee or against legal counsel for the District to determine its validity 5 ILCS 120/2(c)(1), amended by P.A. 99-646, and

2. Collective negotiating matters between public body and its employees or their representatives or deliberations concerning salary schedules for one or more classes of employees.

I. Potential Items from Closed Session

1. Approval of Elementary Paraprofessional – Potential Action Item
2. Approval of JH Volleyball Coach Resignation – Potential Action Item

J. Adjourn

***Copies of the agenda and public documents can be picked up at the District Administrative Office at 100 S. Summit St, Pearl City, IL 61062 during its regular business hours.

BOARD OF EDUCATION DISTRICT #200
PUBLIC HEARING

December 16, 2020

Mr. Bremmer, President, called the public hearing to order at 6:20 p.m. Roll call found the following members present: Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey. Also present were Superintendent Schiffman, Secondary Principal Ben Asche, Elementary Principal Brent Chrisman, Katelyn Pickard and two phone attendees.

Mr. Bremmer asked for any public comment. No public comments were made.

Superintendent Schiffman gave a brief overview of the levy.

Mr. Pauley motioned to adjourn the public hearing 6:23 p.m. Mrs. Sheffey seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

REGULAR BOARD MEETING

Mr. Bremmer, President, called the regular board meeting to order at 6:30 p.m. Roll call found the following members present: Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey. Also present were Superintendent Schiffman, Secondary Principal Ben Asche, Elementary Principal Brent Chrisman, Katelyn Pickard and two phone attendees.

Mrs. Keltner motioned to approve the agenda. Mr. Johnson seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

The board recognized guests and public comments were allowed. No public comments were made.

Mr. Johnson motioned to approve the consent agenda. Mr. Crackenberger seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

During communications, three FOIA requests were shared with the board.

Mr. Pauley motioned to approve the FY21 Tax Levy. Mrs. Keltner seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mr. Johnson motioned to approve the Park District Service Agreement. Mrs. Sheffey seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mrs. Sheffey motioned to approve the Parking Lot Construction low bid by Helm for the amount of \$122,650 and to also include the alternate bid for \$9,400 for the playground area. Mr. Crackenberger seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mr. Pauley motioned to approve the FMLA for Phil Sieber for medical reasons until March 1, 2021. Mr. Johnson seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

The board held a first reading of new or amended policies: 3:40- Superintendent; 4:10- Fiscal and Business Management; 4:55- Use of Credit and Procurement Cards; 4:80- Accounting and Audits; 4:90- Student activity and Fiduciary Funds; 4:150- Facility Management and Building Programs; 4:175- Convicted Child Sex Offender; Screening; Notifications; 5:30- Hiring Process and Criteria; 5:190- Teacher Qualifications- 5:270- Employment At-Will, Compensation, and Assignment; 6:15- School Accountability; 6:20- School Year Calendar and Day; 6:40 Curriculum Development; 6:280- Grading and Promotion; 6:300 Graduation Requirements; 6:310- High School Credit for Non-District Experiences; Course Substitutions; Re-entering students; 6:315- High School Credit for Students in Grade 7 or 8; 6:320- High School Credit for Proficiency; 6:340- Student testing and Assessment Program; 7:100- Health, Eye, and Dental Examinations, Immunizations, and Exclusion of Students; 7:140- Search and Seizure; 7:300- Extracurricular Athletics; 7:325- Student Fundraising Activities.

Mrs. Lieb motioned to enter closed session at 6:47 p.m. Mr. Johnson seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mr. Pauley motioned to enter open session at 7:26 p.m. Mr. Crackenberger seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mrs. Sheffey motioned to approve the resignation of Linda Kempel as an Elementary Paraprofessional. Mr. Pauley seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mr. Crackenberger motioned to approve the resignation of Cole Miller as a JH Football Coach. Mr. Johnson seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mr. Pauley motioned to approve Tyler Oakley as a HS Football Coach for the 2020-2021 season. Mr. Johnson seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mr. Johnson motioned to approve Addison Keltner as a Volunteer Football Coach for the 2020-2021 season. Mr. Pauley seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey. Mrs. Keltner abstained from voting.

Mrs. Sheffey motioned to approve the move to \$11.00 an hour minimum wage as mandated by the State of Illinois. Mrs. Lieb seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Mr. Pauley motioned to adjourn the meeting at 7:30 pm. Mr. Johnson seconded the motion. Voting aye was: Mr. Bremmer, Mr. Crackenberger, Mr. Johnson, Mrs. Keltner, Mrs. Lieb, Mr. Pauley, and Mrs. Sheffey.

Respectfully submitted,

Janis Sheffey, Recording Secretary

Chad Bremmer, Board President

 **RICHARD L. JOHNSON
ASSOCIATES | ARCHITECTS**

January 13, 2021

Mike Schiffman
Pearl City Community Unit School District #200
100 South Summit
Pearl City, Illinois 61062

Re: Roofing Replacement Project at Pearl City School for
Pearl City Community Unit School District #200 (RLJA# 20-051)

Dear Mike:

On Wednesday, January 13, 2021, bids were received for the Roofing Replacement Project. Bids were received from four Contractors. The low Base Bid was \$563,365.00 and was submitted by McDermaid Roofing, Rockford Illinois.

Attached is the Bid Tab which shows the bids.

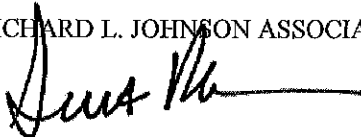
Our estimate for the project was \$636,000.00

We have worked with McDermaid Roofing on successful projects in the past.

We recommend awarding the project to McDermaid Roofing contingent upon the Board's review and approval of the funds available. We will prepare a Letter To Proceed and Owner/Contractor Agreement upon receiving the Board's approval.

If you have any questions regarding the above information, please contact me at your convenience.
Sincerely,

RICHARD L. JOHNSON ASSOCIATES, INC.



Scott R. Johnson, AIA, LEED AP
Project Architect
cc: 20-051 file

**Reroofing Project @ Pearl City School
for Pearl City CUSD #200**

Bid Date: January 13, 2021

RLJA #20-041

BIDDERS	BID GUAR.	ADDM RCPT.	SITE INSPCT	CRIMINAL BKGRND	BASE BID
Distinctive Roofing 1555 New Milford School Road Rockford, IL 61109	5%	3	Yes	Yes	\$570,173
Freeport Industrial Roofing 3507 IL Rte 26 Freeport, IL 61032	5%	3	Yes	Yes	\$649,250
McDermaid Roofing 1229 Kishwaukee St. Rockford, IL 61104	5%	3	Yes	Yes	\$563,365
Roofing Systems 1825 Windsor Road Loves Park, IL 61111	5%	3	Yes	Yes	\$661,600

General School Administration

Superintendent 1

Duties and Authority

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

Qualifications

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must have and maintain a Professional Educator License with a superintendent endorsement issued by the Illinois State Educator Preparation and Licensure Board.⁴

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

¹ State law controls this policy's content. Unless the district has only one school with fewer than four teachers, the board must employ a superintendent or a chief executive officer as allowed under specific circumstances. 105 ILCS 5/10-214, amended by P.A. 99-846. This statute assigns some specific duties to the superintendent including to: (1) make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of teachers and all other employees, the selection of textbooks, instructional material, and courses of study; (2) report to the board, Ill. State Board of Education (ISBE), and chief administrative official any employee named in an abused child report; and (3) keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him/her. 105 ILCS 5/10-16 requires boards to direct, through policy, the superintendent, in his or her charge of the district's administration.

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

² See 2:250-B2, *Immediately Available District Public Records and Web-Posted Reports and Records*, for an annotated list of documents and reports that must be posted on the district's website, if the district has a website. While not comprehensive, see the IASB's *Annual School Calendar* for the required reports that do not need web-posting, available on the IASB website at: www.iasb.com/pdf/schoolcal.pdf

³ This paragraph strengthens the policy's connection to the IASB's *Foundational Principles of Effective Governance*. See www.iasb.com/principles.cfm. It allows the superintendent broad delegation authority even when a policy fails to specifically provide for delegation.

⁴ 105 ILCS 5/21B-20 and 5/21B-25 govern Professional Educator Licenses and superintendent endorsements. See also 23 Ill. Admin. Code §§25.355 (superintendent endorsement), amended at 42 Ill. Reg. 9913 (endorsements on or after 9-1-16), 25.360 (through 8-31-19), and 29.100 (Ill. Professional School Leader Standards), and 29.130 (Superintendent Standards).

Evaluation

The Board will evaluate, at least annually, the Superintendent's performance and effectiveness, using standards and objectives developed by the Superintendent and Board that are consistent with the Board's policies and the Superintendent's contract.⁵ A specific time should be designated for a formal evaluation session with all Board members present. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

The Superintendent shall annually present evidence of professional growth through attendance at educational conferences, in-service training, or similar continuing education pursuits.⁶

Compensation and Benefits⁷

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

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 29.130.25.355.

Commented [DJ1]: Repealed section.

CROSS REF: 2:20 (Powers and Duties of the School Board, Indemnification), 2:130 (Board-Superintendent Relationship), 2:240 (Board Policy Development), 3:10 (Goals and Objectives)

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⁵ 105 ILCS 5/10-16.7 requires a board to evaluate the superintendent. See *The Superintendent Evaluation Process* at: www.lash.com/training/superintendent-evaluation-process.pdf. While greater detail may be added to this paragraph (e.g., a timeline, self-evaluation provision, and discussion requirements), a board must be sure that the policy and the superintendent's contract are consistent.

⁶ The reporting requirements in this paragraph are optional, but school boards must require evaluators to participate in an in-service training on the evaluation of licensed personnel provided or approved by ISBE prior to undertaking any evaluation and at least once during each license renewal cycle." 105 ILCS 5/24A-3.

⁷ According to 105 ILCS 5/10-23.8, a superintendent must be employed under either: (1) a one-year contract, in which case he or she gains and retains tenure rights; or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights but does not lose any previously acquired tenure credit with the district. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators; see 3:40-B, *Checklist for the Superintendent Employment Contract Negotiation Process*. Residency requirements, if desired, should be included in a superintendent's employment contract.

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

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

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

**IASB POLICY REFERENCE MANUAL
TABLE OF CONTENTS
SECTION 4 - OPERATIONAL SERVICES**

Fiscal and Business

4:10	Fiscal and Business Management
4:15	Identity Protection
4:15-AP1	Administrative Procedure - Protecting the Privacy of Social Security Numbers
4:15-AP2	Administrative Procedure - Treatment of Personally Identifiable Information Under Grant Awards
4:15-E1	Exhibit - Letter to Employees Regarding Protecting the Privacy of Social Security Numbers
4:15-E2	Exhibit - Statement of Purpose for Collecting Social Security Numbers
4:15-E3	Exhibit - Statement for Employee Manual or District Website Describing the District's Purpose for Collecting Social Security Numbers
4:20	Fund Balances
4:30	Revenue and Investments
4:40	Incurring Debt
4:40-AP	Administrative Procedure - Preparing and Updating Disclosures
4:45	Insufficient Fund Checks and Debt Recovery
4:45-AP1	Administrative Procedure - Insufficient Fund Checks
4:45-AP2	Administrative Procedure - Local Debt Recovery Program Implementation Procedures
4:45-E1	Exhibit - Cover Page Documenting the Process to Seek Offset from the Illinois Office of the Comptroller
4:45-E2	Exhibit - Notice of Claim and Intent to Seek Debt Recovery; Challenge; and Response to Challenge
4:50	Payment Procedures
4:50-E	Exhibit - School District Payment Order
4:55	Use of Credit and Procurement Cards
4:55-AP	Administrative Procedure - Controls for the Use of District Credit and Procurement Cards
4:55-E	Exhibit - Cardholder's Statement Affirming Familiarity with Requirements for Using District Credit and/or Procurement Cards
4:60	Purchases and Contracts
4:60-AP1	Administrative Procedure - Purchases
4:60-AP2	Administrative Procedure - Third Party Non-Instructional Contracts

4:60-AP3	Administrative Procedure - Criminal History Records Check of Contractor Employees
4:60-AP4	Administrative Procedure -- Federal and State Award Procurement Procedures
4:60-AP4, E1	Exhibit - Internal Procedures for Procurement Transactions
4:60-E	Exhibit - Notice to Contractors
4:70	Resource Conservation
4:70-AP	Administrative Procedure - Resource Conservation
4:80	Accounting and Audits
4:80-AP1	Administrative Procedure - Checklist for Internal Controls
4:80-AP2	Administrative Procedure - Fraud, Waste, and Abuse Awareness Program
4:80-AP3	Administrative Procedure - Inventory Management for Federal and State Awards
4:90	Student Activity and Fiduciary Funds
4:100	Insurance Management
<u>Operations</u>	
4:110	Transportation
4:110-AP1	Administrative Procedure - School Bus Post-Accident Checklist
4:110-AP2	Administrative Procedure - Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments
4:110-AP3	Administrative Procedure - School Bus Safety Rules
4:110-E	Exhibit - Emergency Medical Information for Students Having Special Needs or Medical Conditions Who Ride School Buses
4:120	Food Services
4:120-AP	Administrative Procedure - Food Services; Competitive Foods; Exemptions
4:130	Free and Reduced-Price Food Services
4:130-E	Exhibit - Free and Reduced-Price Food Services; Meal Charge Notifications
4:140	Waiver of Student Fees
4:140-AP	Administrative Procedure - Fines, Fees, and Charges - Waiver of Student Fees
4:140-E1	Exhibit - Application for Fee Waiver
4:140-E2	Exhibit - Response to Application for Fee Waiver, Appeal, and Response to Appeal
4:140-E3	Exhibit - Resolution to Increase Driver Education Fees
4:150	Facility Management and Building Programs
4:160	Environmental Quality of Buildings and Grounds

4:160-AP Administrative Procedure - Environmental Quality of Buildings and Grounds
Safety and Security

4:170 Safety

4:170-AP1 Administrative Procedure - Comprehensive Safety and Security Plan

4:170-AP1, E1 Exhibit - Accident or Injury Form

4:170-AP1, E2 Exhibit - Memo to Staff Members Regarding Contacts by Media About a Crisis

4:170-AP2 Administrative Procedure - Routine Communications Concerning Safety and Security

4:170-AP2, E1 Exhibit - Letter to Parents/Guardians Regarding Student Safety

4:170-AP2, E2 Exhibit - Letter to Parents/Guardians Regarding the Dangers of Underage Drinking

4:170-AP2, E3 Exhibit - Letter to Parents/Guardians About Disruptive Social Media Apps; Dangers

4:170-AP2, E4 Exhibit - Letter to Parents/Guardians About Preventing and Reducing Incidences of Sexting

4:170-AP3 **OPEN**

4:170-AP4 Administrative Procedure - National Terrorism Advisory System

4:170-AP5 Administrative Procedure - Unsafe School Choice Option

4:170-AP6 Administrative Procedure - Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED

4:170-AP6, E1 Exhibit - School Staff AED Notification Letter

4:170-AP6, E2 Exhibit - Notification to Staff and Parents/Guardians of CPR and AED Video

4:170-AP7 **OPEN**

4:170-AP7, E1 **OPEN**

4:170-AP7, E2 **OPEN**

4:170-AP7, E3 **OPEN**

4:170-AP8 Administrative Procedure - Movable Soccer Goal Safety

4:175 Convicted Child Sex Offender; Screening; Notifications

4:175-AP1 Administrative Procedure - Criminal Offender Notification Laws; Screening

4:175-AP1, E1 Exhibit - Informing Parents/Guardians About Offender Community Notification Laws

4:180 Pandemic Preparedness; Management; and Recovery

4:180-AP1 Administrative Procedure - School Action Steps for Pandemic Influenza or Other Virus/Disease

4:180-AP2 Administrative Procedure - Pandemic Influenza Surveillance and Reporting

4:180-AP3 Administrative Procedure - Grant Flexibility; Payment of Employee Salaries During a Pandemic

4:190 Targeted School Violence Prevention Program

4:190-AP1 Administrative Procedure - Targeted School Violence Prevention Program

4:190-AP1, E1 Exhibit - Targeted School Violence Prevention Program Resources

4:190-AP2 Administrative Procedure - Threat Assessment Team (TAT)

4:190-AP2, E1 Exhibit - Principles of Threat Assessment

4:190-AP2, E2 Exhibit - Threat Assessment Documentation

4:190-AP2, E3 Exhibit - Threat Assessment Key Areas and Questions; Examples

4:190-AP2, E4 Exhibit - Responding to Types of Threats

4:190-AP2, E5 Exhibit - Threat Assessment Case Management Strategies

4:190-AP2, E6 Exhibit - Targeted School Violence Prevention and Threat Assessment Education

DRAFT

Operational Services

Fiscal and Business Management 1

The Superintendent is responsible for the School District's fiscal and business management.² This responsibility includes annually preparing and presenting the District's statement of affairs to the School Board and publishing it before December 1 as required by State law.³

The Superintendent 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*.⁴

Budget Planning

The District's fiscal year is from July 1 until June 30.⁵ The Superintendent shall present to the Board, no later than the first regular meeting in August, a tentative budget with appropriate explanation.⁶ This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District's educational program. The District's budget shall be entered upon the Illinois State Board of Education's *School District Budget Form*.⁷ To the extent possible, the tentative budget shall be balanced as defined by the State Board of Education guidelines. The Superintendent shall complete a tentative deficit reduction plan if one is required by the State Board of Education guidelines.⁸

Preliminary Adoption Procedures

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

1. A public hearing on the proposed budget,⁹ and

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¹ State or federal law controls this policy's content. Article 17 of the School Code controls budgeting, tax levys, and tax warrants.

² Boards are authorized to hire a chief school business official. 105 ILCS 5/10-22.23a. Districts having a chief school business official may want to replace "Superintendent" with "Chief School Business Official" throughout this policy.

³ 105 ILCS 5/10-17.

⁴ See exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Authorization for Access to the District's Electronic Networks*. Use of electronic networks in the curriculum is covered in policy 6:235, Access to Electronic Networks.

⁵ The board sets the fiscal year (105 ILCS 5/17-1) and this sentence should reflect that local decision.

⁶ The board must designate a person(s) to prepare a tentative budget. 105 ILCS 5/17-1. The purpose of this policy's directive for the superintendent to present a tentative budget "no later than the first regular meeting in August" is to ensure that the budget can be adopted by September 30 (see *fn* 134). A board may amend this directive to give the superintendent additional flexibility by requiring him or her to present a tentative budget "during a regular Board meeting in August."

⁷ Required by 105 ILCS 5/17-1. The budget instructions from ISBE detail when a deficit reduction plan must be completed.

⁸ State law requires the budget to be balanced and, if not, a three-year deficit reduction plan must be developed. 105 ILCS 5/17-1.

⁹ At least one public hearing must be held before final action on the budget. 105 ILCS 5/17-1.

2. The proposed budget to be available to the public for inspection. ¹⁰

The 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.¹¹ 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 Board. ¹²

Final Adoption Procedures

The Board adopts a budget before the end of the first quarter of each fiscal year, September 30, or by such alternative procedure as State law may define.¹³ 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 three years according to State Board of Education requirements. ¹⁴

The Board adopts the budget by roll call vote. The budget resolution shall be incorporated into the meeting's official minutes. Board members' names voting *yea* and *nay* shall be recorded in the minutes. ¹⁵

The Superintendent 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; notify parents/guardians that it is posted and provide the website's address. ¹⁶
2. File a certified copy of the budget resolution and an estimate of revenues by source anticipated to be received in the following fiscal year, certified by the District's Chief Fiscal Officer, with the County Clerk within 30 days of the budget's adoption. ¹⁷
3. Make all preparations necessary for the Board to timely file its Certificate of Tax Levy, including preparations to comply with the Truth in Taxation Act; file the Certificate of Tax Levy with the County Clerk on or before the last Tuesday in December. The Certificate lists the amount of property tax money to be provided for the various funds in the budget.
4. 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. ¹⁸

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

¹⁰ The tentative budget must be conveniently available for public inspection for at least 30 days before final action on the budget. 105 ILCS 5/17-1.

¹¹ 105 ILCS 5/17-1 makes the board secretary responsible for this public notice at least 30 days before the hearing. If there is no newspaper published in the district, notice must be given by posting notices in five public places. 105 ILCS 5/17-1.

¹² State law does not address what transpires during the budget hearing.

¹³ Required by 105 ILCS 5/17-1 and 5/17-3.2.

¹⁴ Required by 105 ILCS 5/17-1. See f/n 8.

¹⁵ Required by 105 ILCS 5/10-7.

¹⁶ Required by 105 ILCS 5/17-1.2, *only if* the district has a website. Do not add this sentence unless the district has a website.

¹⁷ Required by 35 ILCS 200/18-50, which refers to "appropriation and budget ordinances or resolutions." School districts adopt budgets by board resolution. The budget serves as the district's appropriation.

¹⁸ Required by 105 ILCS 5/17-1.

Any amendments to the budget or Certificate of Tax Levy shall be made as provided in the School Code and Truth in Taxation Act. ¹⁹

Budget Amendments

The Board may amend the budget by the same procedure as provided for in the original adoption. ²⁰

Implementation

The Superintendent or designee shall implement the District's budget and provide the 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 Board.

The Board shall act on all interfund loans²¹, interfund transfers²², transfers within funds²³, and transfers from the working cash fund or abatements of it, if one exists. ²⁴

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)

ADMIN. PROC.: 6:235-AP1, E1 (Student Authorization for Access to the District's Electronic Networks), 6:235-AP1, E2 (Staff Authorization for Access to the District's Electronic Network Access)

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

¹⁹ 105 ILCS 5/17-11 and 35 ILCS 200/18-55 et seq.

²⁰ 105 ILCS 5/17-1; 23 Ill.Admin.Code Part 100.

²¹ 105 ILCS 5/10-22.33, 5/20-4, 5/20-5, 5/20-8, and 5/20-10 and 23 Ill.Admin.Code §100.50. If the district loans money from the working cash fund to another fund, Section 5/20-10 requires the district to maintain a credit to the working cash fund (meaning that borrowing fund must repay the working cash fund).

²² 105 ILCS 5/17-2A contains the requirements for a permanent transfer. P.A.s 99-713 and 100-465 101-643 extended the time period during which a district may transfer money from specified funds for any purpose through June 30, 2021 to July 1, 2020.

²³ Transfers between the various items in any fund may not exceed in the aggregate ten percent of the total of such fund as set forth in the budget. If the aggregate exceeds ten percent 10%, the board must amend the budget. 105 ILCS 5/17-1.

²⁴ The purpose of the working cash fund is to enable the school district "to have in its treasury at all times sufficient money to meet demands for expenses." 105 ILCS 5/20-1. School officials, including board members, are liable "for any sum that may be unlawfully diverted from the working cash fund" 105 ILCS 5/20-6.

105 ILCS 5/20-10 codified a long-held practice and understanding of Ill. school districts. A district may abate (reduce the funds) money from the working cash fund at any time and transfer it to any district fund or funds most in need of the money, provided that the district maintains an amount to the credit of the working cash fund. This was a legislative overturn of a case concluding that any permanent transfer, including abatements, of the working cash fund should be transferred only to the education fund. See *G.I.S. Venture v. Novak*, 388 Ill.App.3d 184 (2nd Dist. 2009); *G.I.S. Venture v. Novak*, 385 Ill.Dec. 430 (2nd Dist. 2014). Abolishments (deplete all funds) of the working cash fund must still be transferred to the education fund only.

Operational Services

Use of Credit and Procurement Cards¹

The Superintendent and employees designated by the Superintendent 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.² 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 Superintendent 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 Superintendent 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:³

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.⁴

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¹ If district employees or board members are issued credit and/or procurement cards, an ISBE rule requires this subject matter to be covered in policy and specifies its content (23 Ill. Admin. Code §100.70(d)). Add the following optional new paragraph if the district issues credit cards to board members:

The District may from time-to-time issue and/or authorize Board members to use District credit cards to simplify the payment of actual and necessary expenses as authorized in Board policy 2:125, *Board Member Compensation; Expenses*. The Board will determine whether a Board member's use of a District credit card is appropriate through the expense approval process and the annual audit. All other components of this policy apply to a Board Member's use of a District credit card.

See fn 19 in policy 2:125, *Board Member Compensation; Expenses* and ensure both policies are consistent in their treatment of this issue.

² The Local Government Travel Expense Control Act (50 ILCS 150/-, added by P.A. 99-604, eff. 1-1-17) requires districts to regulate the reimbursement of all travel, meal and lodging expenses of board members and employees. (50 ILCS 150/10). Consult the board attorney about how the Act affects the use of credit and procurement cards.

³ The policy's restrictions, numbered 1-10, correspond to the items that ISBE requires to be covered. Each item may be customized as long as the following items are covered as per 23 Ill. Admin. Code §100.70(d):

1. Identifies the allowable types of purchases;
2. Provides for the issuing bank to block the cards' use at unapproved merchants;
3. Limits the amount a cardholder can charge in a single purchase or within a given month;
4. Provides specific guidelines on purchases via telephone, fax, and the Internet;
5. Indicates the consequences for unauthorized purchases;
6. Requires cardholders to sign a statement affirming that they are familiar with the board's credit card policy;
7. Requires review and approval of purchases by someone other than the cardholder or user;
8. Requires submission of original receipts to document purchases; and
9. Forbids the use of a card to make purchases in a manner contrary to the requirements of Section 10-20-21 of the School Code [105 ILCS 5/10-20.21].
10. Indicates how financial or material rewards or rebates are to be accounted for and treated.

⁴ This limitation is from the introductory sentence in 23 Ill. Admin. Code §100.70(d).

2. The Superintendent or designee shall instruct the issuing bank to block the cards' use at unapproved merchants.
3. Each cardholder, other than the Superintendent, may charge no more than \$500 in a single purchase and no more than \$1000 within a given month without prior authorization from the Superintendent. ⁵
4. The Superintendent 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. ⁶
7. The Superintendent 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 Superintendent 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 (Student Activity and Fiduciary Funds), 5:60 (Expenses)

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⁵ The dollar caps are at the local board's discretion. An alternative follows: "The Superintendent 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."

⁶ See exhibit 4:55-E, *Cardholder's Statement Affirming Familiarity with Requirements for Using District Credit and/or Procurement Cards*.

Operational Services

Accounting and Audits ¹

The School 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 Superintendent, 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 ²

At the close of each fiscal year, the Superintendent 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 Superintendent. The Superintendent shall annually, on or before October 15, submit an original and one copy of the audit to the Regional Superintendent of Schools.

Annual Financial Report ³

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

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¹ State or federal law controls this policy's content. A board policy or resolution is required concerning revolving funds and petty cash. 23 Ill.Admin.Code §100.70. This policy is intended to facilitate the board's fiscal oversight role. The last sentence of the first paragraph should be modified to align with local conditions. The *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing* at 23 Ill.Admin.Code Part 100 replaced 23 Ill.Admin.Code Part 110, *Program Accounting Manual* and 23 Ill.Admin.Code Part 125, *Student Activity Funds and Convenience Accounts*.

² Audit requirements are found in 105 ILCS 5/3-7 and 5/3-15.1, and 23 Ill.Admin.Code §100.110. The federal Single Audit Act adds audit requirements for federal programs. 31 U.S.C. §7501 et seq.

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

The following optional sentence establishes an audit committee: "The Board will annually establish an audit committee to help the Board select an external auditor, confer with the auditor regarding the audit's scope, and oversee the audit process." **Note:** All board committees are subject to the Open Meetings Act (5 ILCS 120/).

The following optional sentence establishes a competitive process for selecting the external auditor; it prevents a long-term relationship with an auditor and reduces the possibility of audits being too routine or friendly: "The Board will annually advertise a request for proposals to perform the external audit." Substitute "periodically" for "annually" if desired.

³ Requirements for the annual financial report are found in 105 ILCS 5/2-3.27 and 5/3-15.1; 23 Ill.Admin.Code §100.100. The last sentence of this section should be modified to align with local conditions.

Inventories ⁴

The Superintendent 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.⁵ The Superintendent shall establish procedures for the management of property acquired by the District under grant awards that comply with federal and State law. ⁶

Capitalization Threshold ⁷

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 ⁸

The Superintendent 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

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⁴ The Ill. Program Accounting Manual (IPAM) was repealed and replaced with the *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing*. While these rules contain much of the IPAM information, the information about inventories was not included. That information is still useful and may be found at www.isbe.net/Documents/ipam.pdf. The last sentence of this section should be modified to align with local conditions.

⁵ 2 C.F.R. §200.313. The uniform federal rules that govern federal grant awards in 2 C.F.R. Part 200 apply to State grant awards through the Grant Accountability Transparency Act (GATA) (30 ILCS 708/), unless exempted in whole or in part by the Governor's Office of Management of Budget, 30 ILCS 708/55. See www.isbe.net/gata for further information about the scope of GATA's application to federal awards and State-funded grant programs administered by the Ill. State Board of Education (ISBE). See 4:80-AP3, *Inventory Management for Federal and State Awards*. ISBE guidance is available at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf and www.isbe.net/Pages/Audit-and-Monitoring-Review-Requirements-and-Tools.aspx.

⁶ *Id.* In connection with ISBE's grant monitoring function, ISBE published a *Checklist for Equipment and Inventory Review* which requires an approved policy (or procedure) related to the management of equipment at www.isbe.net/Pages/Audit-and-Monitoring-Review-Requirements-and-Tools.aspx.

⁷ Optional. 23 Ill. Admin. Code §100.60 requires school boards to adopt a capitalization threshold, which can be done through policy. The capitalization threshold is a dollar figure above which the cost of an item will be included on financial statements and depreciated. A minimum threshold of \$5,000 and useful life greater than one year complies with the definition of *equipment* under federal grant rules, but may be adjusted, and/or multiple thresholds can be established, for different categories of capital assets. 2 C.F.R. §§200.33 and 200.313(e). The Government Accounting Standards Board (GASB) Statement No. 34 at para. 115(e) states that a government should disclose its policy "for capitalizing assets and for estimating the useful lives of those assets." See GASB Statement 34 and *Guide to Implementation of GASB Statement 34 on Basic Financial Statements* (p.28), both available at www.gasb.org. There are no specific requirements for such policies; however, district auditors may require or recommend a district have a more comprehensive capitalization policy and/or procedure. Such an accounting policy or procedure should be developed in consultation with the district's accounting professional(s) and tailored to reflect local conditions.

⁸ The requirements in this section are specified in 105 ILCS 5/5-22 (allowing property constructed or renovated by students as part of a curricular program to be sold through the services of a licensed real estate broker subject to certain requirements), 5/10-22.8; and 2 C.F.R. §200.313(e) for federal awards and State awards governed by GATA. See fn 5, above, regarding grant award requirements. A board that desires to act on the disposition of property having *any* value should use the following alternative to this section's last sentence: "Notwithstanding the above, the Superintendent or designee may unilaterally dispose of worthless personal property."

The recipient (through either sale or donation) of any discarded school bus must immediately: (1) remove, cover, or conceal the "SCHOOL BUS" signs and any other insignia or words indicating the vehicle is a school bus; (2) render inoperable or remove entirely the stop signal arm and flashing signal system; and (3) paint the school bus a different color from those under Sec. 12-801 of the Ill. Vehicle Code. 625 ILCS 5/12-806(b), added by P.A. 100-277.

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 Superintendent or designee may unilaterally dispose of personal property of a diminutive value. The Superintendent shall establish procedures for the disposition of property acquired by the District under grant awards that comply with federal and State law.

Taxable Fringe Benefits⁹

The Superintendent 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 Cash¹⁰

Revolving funds and the petty cash system are established in Board policy 4:50, *Payment Procedures*. The Superintendent 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. Bank accounts for revolving funds are limited to a maximum balance of \$500.00. 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 Superintendent 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.

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⁹ The intent of this optional section is twofold: (1) to control personal use of district property and equipment; and (2) to ensure compliance with IRS rules. As to the first point, allowing personal use of district property or equipment is arguably prohibited by the Ill. Constitution, Art. VIII, Sec. 1 which states: "Public funds, property or credit shall be used only for public purposes." As to the second point, any fringe benefit an employer provides is taxable and must be included in the recipient's pay unless the law specifically excludes it. See Publication 15-B (2019), *Employer's Tax Guide to Fringe Benefits*, www.irs.gov/pub/irs-pdf/p15b.pdf.

¹⁰ 105 ILCS 5/10-20.19(2); 23 Ill.Admin.Code §100.70. This paragraph's contents are mandatory, except for the \$500 cap on the maximum balance of revolving funds. The cap amount may be changed or the following alternative used: "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."

The School Code defines petty cash as a type of revolving fund. *Id.* It and other revolving funds carry a standard balance and are regularly reimbursed to maintain the standard balance amount (generally referred to as an *imprest system* of financial accounting). In practice, petty cash is paid out of a de minimis cash amount maintained by a fund custodian. Disbursement from a revolving fund other than petty cash is typically made against an imprest checking account, by an authorized signor who is readily available in the district, e.g., a superintendent or building principal. The authorized signor manages the revolving fund and requests the board to reimburse the fund for expenses incurred to bring the imprest account back to its standard balance.

Control Requirements for Checks 11

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. All checks issued by the School District must be signed by either the Treasurer or Board President, except that checks from ~~an~~ accounts containing student activity funds or fiduciary funds and checks from revolving accounts may be signed by their respective account custodians.

Internal Controls 12

The Superintendent 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

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¹¹ This section is largely up to the local board's discretion; additional controls may be added. The following alternative to the second sentence will mandate two signatories for checks:

Two of the following individuals: the Treasurer, Board President, and/or Board Vice-President, shall sign all checks issued by the School District, except that checks from ~~an~~ accounts containing student activity funds or fiduciary funds and checks from revolving accounts may be signed by their respective account custodians.

See policy 4:90, *Student Activity and Fiduciary Funds*, for more information about a board's responsibilities for *student activity funds and fiduciary funds*. A board must comply with State law requirements concerning the use of facsimile or electronic signatures on checks. The Secretary of State, Index Department, maintains certified manual signatures of officers authorized to sign checks. Uniform Facsimile Signature of Public Officials Act, 30 ILCS 320/. Electronic records and signatures are governed by the Electronic Commerce Security Act, 5 ILCS 175/5. Attorneys disagree about the applicability of these laws to school districts.

¹² This section is largely up to the local board's discretion. The annual audit must include a "review and testing of the internal control structure." 23 Il.Admin.Code §100.110. This review's limited scope means that boards should not rely on it to reveal uncontrolled financial risks. The board's responsibility is to establish policy to safeguard the district's financial condition. Indeed, the oath of office includes this promise: "I shall respect taxpayer interests by serving as a faithful protector of the school district's assets." In this sample policy, the board sets the control objectives and the superintendent is responsible for developing an internal controls system. In addition, ISBE has issued guidance on internal controls pursuant to its administration of the Grant Accountability and Transparency Act (GATA) 30 ILCS 708/. See the *Fiscal Procedures Handbook*, at: www.isbe.net/Documents/fiscal_procedure_handbk.pdf, which states that "to establish a strong control environment, grantees must...[d]esign internal controls that are in compliance with guidance in *Standards for Internal Control in the Federal Government* issued by the Comptroller General of the United States" (a free resource, available at: www.gao.gov/assets/670/665712.pdf) or the *Internal Control Integrated Framework* issued by the Committee of Sponsoring Organizations of the Treadway Commission (a fee-based resource, available at: www.coso.org/Pages/ic.aspx <https://www.coso.org/Pages/default.aspx>). Boards that wish to take a larger oversight role regarding internal controls may list the numbered sentences in the IASB sample administrative procedure 4:80-AP1, *Checklist for Internal Controls*, as required inclusions in the superintendent's program for internal controls. This alternative, for insertion at the end of this section's first paragraph, follows:

The District's system of internal controls shall include the following:

1. All financial transactions must be properly authorized and documented.
2. Financial records and data must be accurate and complete.
3. Accounts payable must be accurate and punctual.
4. District assets must be protected from loss or misuse.
5. Incompatible duties should be segregated, if possible.
6. Accounting records must be periodically reconciled.
7. Equipment and supplies must be safeguarded.
8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.
9. Any unnecessary weaknesses or financial risks must be promptly corrected.

fraud, waste, and abuse,¹³ as well as employee error, misrepresentation by third parties, or other imprudent employee action.

The Superintendent 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 (Student Activity and Fiduciary Funds)

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¹³ Unless specifically exempted, grantees receiving funds from any State agency, including ISBE, must comply with GATA and annually complete a *Fiscal and Administrative Internal Controls Questionnaire (ICQ)*. The ICQ covers a number of different topics related to internal controls. Districts that are identified as having one or more areas of elevated risk based on their answers to the ICQ are required to develop and implement corrective action to address the area(s). Districts that fail to take necessary corrective action to address weak areas of internal control put their grant funding at risk. One of the sections of the ICQ addresses a grantee's internal controls for fraud, waste, and abuse, including whether the grantee has a *fraud awareness program*. See 4:80-AP1, *Checklist for Internal Controls*, and 4:80-AP2, *Fraud, Waste, and Abuse Awareness Program*, which incorporate ISBE-recommended practices related to fraud, waste, and abuse.

Operational Services

Student Activity and Fiduciary Funds 1

The School Board, upon the Superintendent or designee's recommendation, establishes student activity funds to be managed by student organizations under the guidance and direction of a staff member for educational, recreational, or cultural purposes.² The Board, upon the Superintendent or designee's recommendation, also establishes fiduciary funds to be supervised by the Superintendent or designee. The District has custodial responsibilities for fiduciary funds but no direct involvement in the management of such funds.³

Student Activity Funds

The Superintendent or designee shall be responsible for supervising student activity funds in accordance with Board policy 4:80, *Accounting and Audits*; State law; and the Illinois State Board of Education (ISBE) rules for student activity funds. The Board will appoint a treasurer for each fund to serve as the fund's sole custodian and be bonded in accordance with the School Code.⁴ The treasurer shall have all of the responsibilities specific to the treasurer listed in the Illinois State Board of Education ISBE rules for school activity funds, including the authority to make loans between activity funds.⁵

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

¹ State law controls this policy's content. See 105 ILCS 5/10-20.19 and 23 Ill.Admin.Code §§100.80, 100.85. Due to their decentralized nature, student activity funds have historically been an area ripe for fraud, waste, and abuse. This policy supports a board member's fulfillment of his or her fiduciary duty and calls to protect the assets of the district by directing the proper maintenance and control of student activity and fiduciary funds. 105 ILCS 5/10-16.5; see policy 2:80, Board Member Oath and Conduct. Adoption of this policy also aligns with mandatory board member training on fiduciary and financial oversight responsibilities. 105 ILCS 5/10-16a(b).

ISBE's rules in Part 125 (Student Activity Funds and Convenience Accounts) were in effect only through 6-30-08 after which they were replaced by Part 100. The rules in Part 100 do not provide for *convenience accounts*. The rules in Part 100 were subsequently amended to recognize fiduciary funds separately from student activity funds in response to Governmental Accounting Standards Board Statement No. 84, available at: www.gasb.org. Another Policy, 7:325, Student Fundraising Activities, contains the elements required by State law for a policy on student fund-raising activities.

² Student activity funds are established to account for money used to support the activities of student organizations and clubs, e.g., homeroom, yearbook, class year, choral or band group, class projects, student clubs, student council, and student-sponsored bookstore. 23 Ill.Admin.Code §100.20. The Student activity funds are under the school board's control, giving it a fiduciary responsibility to safeguard them along with district assets. In contrast to fiduciary funds (see fn 7, below) the board, superintendent, or other district employees have direct involvement in how student activity funds are spent or attained. And, unlike fiduciary funds, student activity funds must be reported as part of a district's Educational Fund for its annual financial reporting and budget, in accordance with Governmental Accounting Standards Board Statement No. 84, 23 Ill.Admin.Code §§100.80(e), 100.85.

³ See fn 7, below.

⁴ 105 ILCS 5/8-2. A board's insurance carrier can assist the board with obtaining bonds for these individuals.

⁵ See 23 Ill.Admin.Code §100.80(c) for the treasurer's duties. ISBE's rule permits the activity fund treasurer to make loans between funds "if and as authorized by the board's policy." 23 Ill.Admin.Code §100.80. A board that does not want to allow loans between activity funds should choose one of these alternatives:

Alternative 1: The treasurer shall have all of the authority and responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer is not authorized to make loans between activity funds.

Unless otherwise instructed by the Board, a student activity fund's balance will carry over to the next fiscal year. An account containing student activity funds that is inactive for 12 consecutive months shall be closed and its funds transferred to another student activity fund or authorized fund with a similar purpose. ⁶

Fiduciary Funds ⁷

The Superintendent or designee shall be responsible for supervising fiduciary funds in accordance with Board policy 4:80, *Accounting and Audits*; State law; and ISBE rules for fiduciary funds. The Board will appoint a treasurer for each fund to serve as the fund's sole custodian and be bonded in accordance with the School Code.⁸ The treasurer shall have all of the responsibilities specific to the treasurer listed in the ISBE rules for fiduciary funds. ⁹

LEGAL REF.: 105 ILCS 5/8-2 and 5/10-20.19.
23 Ill.Admin.Code §§100.20, ~~and~~ 100.80, and 100.85.

CROSS REF.: 4:80 (Accounting and Audits), 7:325 (Student Fundraising Activities)

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Alternative 2: The treasurer shall have all of the authority and responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer must have the Board's approval before making a loan between activity funds.

⁶ The authority for this paragraph's first sentence is 23 Ill.Admin.Code §100.80(c)(7); the second sentence is up to the local board's discretion. The following option may be inserted after the first sentence: "However, money remaining in any Senior Class fund after graduation will automatically transfer to the next year's class."

⁷ Fiduciary funds are funds "received from an independent, outside source in which the school board is acting in an administrative capacity." 23 Ill.Admin.Code §100.20, e.g., outside, independent scholarship funds in which the district has no authority to decide how the funds are attained or awarded. Id. Unlike student activity funds, where "[t]he school board, superintendent, or district employees have direct involvement with the decisions of how the funds are spent or attained," a district has no control over how fiduciary funds are spent or raised. 23 Ill.Admin.Code §§100.20, 100.80, and 100.85. See 23 Ill.Admin.Code §100.85 for the specific characteristics and permitted activities of a fiduciary fund. Boards must take a number of specific actions for fiduciary funds that are delegated to the superintendent or designee in this policy and align with IASB's *Foundational Principles of Effective Governance*, at www.iasb.com/principles_popup.cfm. 23 Ill.Admin.Code §100.85(b). Boards should consult their local auditors for guidance on whether a particular fund should be classified as a student activity fund or fiduciary fund.

⁸ See fn 4, above.

⁹ See 23 Ill.Admin.Code §100.85(d) for the treasurer's duties.

Operational Services

Facility Management and Building Programs 1

The Superintendent shall manage the District's facilities and grounds as well as facility construction and building programs in accordance with the law, the standards set forth in this policy, and other applicable School Board policies. The Superintendent or designee shall facilitate: (1) inspections of schools by the Regional Superintendent and State Fire Marshal or designee, (2) review of plans and specifications for future construction or alterations of a school if requested by the relevant municipality, county (if applicable), or fire protection district, and (3) compliance with the 10-year safety survey process required by the School Code.²

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¹ Each district with a school having 50 or more students must have a green school cleaning policy. Green Cleaning School Act, 105 ILCS 140/10. See policy 4:160, *Environmental Quality of Buildings and Grounds*, which fulfills the requirement to have a procedure on compliance with the Chemical Safety Acts, 105 ILCS 5/10-20.49. Many other State and federal laws control facility management and building programs. Good subjects for administrative procedures include management of custodial services, security, and green cleaning, among others.

The federal rules implementing the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101 et seq.) prohibit discrimination on the basis of disability in services and facilities, 28 C.F.R. Parts 35 and 36. The 2010 ADA Standards for Accessible Design (28 C.F.R. Part 36, Appendix) are available from a link on the ADA home page, www.ada.gov/. Consult the board attorney about how these standards apply to alterations and new construction.

The Prevailing Wage Act (PWA) is generally applicable to all construction projects, 820 ILCS 130/, amended by P.A. 100-1177. It requires, among other things, that: (1) all workers on a public works project be paid no less than the prevailing hourly rate (820 ILCS 130/1); (2) the district specify in all public works contracts that the prevailing rate must be paid (820 ILCS 130/4(e), amended by P.A. 100-1177); and (3) until such time as the Ill. Dept. of Labor activates an electronic database for certified payrolls, all contractors must submit certain employment records, including certified payrolls, to the Ill. Dept. of Labor (IDOL) through its online portal (www2.illinois.gov/idol/Laws-Rules/CONMED/Pages/Prevailing-Wage-Portal.aspx)~~district~~, and, since the activation of the IDOL database in April 2020, the district must the PWA no longer requires districts to keep these records for past or future public works projects, as required by law (820 ILCS 130/5, amended by P.A. 100-1177). However, districts may still need to maintain employment records received from public works contractors prior to the IDOL database activation to comply with the Local Records Act (50 ILCS 205/). Consult the board attorney for guidance in this area.

105 ILCS 5/10-20.63, added by P.A. 100-163, requires school districts to make feminine hygiene products (defined as tampons and sanitary napkins for use in connection with the menstrual cycle) available, at no cost to students, in the bathrooms of school buildings serving students in grades 6 through 12. Note: The statute does not delineate between types of bathrooms (student, staff, girls, boys, unisex, etc.). Consult with the board attorney about implementing this law.

410 ILCS 35/25, added by P.A. 101-165, eff. 1-1-20, requires schools to identify all single-occupancy restrooms as all-gender and designated for use by no more than one person at a time or for family or assisted use. ~~Eff. 1-1-20, a~~ All single-occupancy restrooms must have an exterior sign that marks it as a restroom and does not indicate any specific gender, e.g., signage which reads *all genders*. *Id.* at 35/20 and 35/25. It is unclear if this law will apply only to those restrooms made available to members of the public in schools, or if it will also include facilities designated as employee-only. The Ill. Dept. of Public Health enforces this requirement and may issue regulations to address this issue.

² 105 ILCS 5/2-3.12, 105 ILCS 5/3-14.20, and 5/3-14.21, amended by P.A. 100-465.

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

105 ILCS 5/2-3.12 and 23 Ill. Admin. Code Part 180 contain the school building code and Health/Life and Safety Code for Public Schools (HLS Code), respectively. The board must hire a licensed architect or engineer to conduct a decennial inspection of its school buildings and produce a ten-year safety survey report, which is submitted to the Regional Superintendent (ROE) or Intermediate Service Center (ISC) and the State Superintendent for approval. The board must also report to the ROE or ISC annually on its completion of the report recommendations to comply with the HLS Code. See the Health Life Safety Handbook at www.isbe.net/Pages/Health-and-Life-Safety.aspx for more information about the safety survey process.

Standards for Managing Buildings and Grounds

All District buildings and grounds shall be adequately maintained in order to provide an appropriate, safe, and energy efficient physical environment for learning and teaching. The Superintendent or designee shall provide the Board with periodic reports on maintenance data and projected maintenance needs that include cost analysis. Prior Board approval is needed for all renovations or permanent alterations to buildings or grounds when the total cost will exceed \$12,500, including the cost equivalent of staff time.³ This policy is not intended to discourage efforts to improve the appearance of buildings or grounds that are consistent with the designated use of those buildings and grounds.

Standards for Green Cleaning ⁴

For each District school with 50 or more students, the Superintendent or designee shall establish and supervise a green cleaning program that complies with the guidelines established by the Illinois Green Government Coordinating Council.

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³This provision is optional and the amount may be changed. The \$12,500 spending limit is one-half of the bidding threshold for purchases or contracts. 105 ILCS 5/10-20.21. This provision's intent is to ensure that the board is kept informed about significant renovations and permanent alterations. A board should discuss this provision with its superintendent before including it in the policy.

⁴ Required by the Green Cleaning School Act (105 ILCS 140/) and Green Cleaning for Elementary and Secondary Schools (23 Ill.Admin.Code Part 2800). The Ill. Green Government Coordinating Council established *Guidelines and Specifications for the Green Cleaning Schools Act* which state: "While not mandatory, schools should implement the practices set forth in the Recommendations section of these guidelines where applicable and appropriate." See *Guidelines and Specifications for the Green Cleaning Schools Act* at: www.newsystemonline.com/wp-content/uploads/2014/05/Illinois-GreenCleanFinalGuidelines.pdf.

Standards for Facility Construction and Building Programs ⁵

As appropriate, the Board will authorize a comprehensive study to determine the need for facility construction and expansion. On an annual basis, the Superintendent or designee shall provide the Board with projected facility needs, enrollment trends, and other data impacting facility use. Board approval is needed for all new facility construction and expansion.

When making decisions pertaining to design and construction of school facilities, the Board will confer with members of the staff and community, the Ill. State Board of Education, and educational and architectural consultants, as it deems appropriate. The Board's facility goals are to:

1. Integrate facilities planning with other aspects of planning and goal-setting.
2. Base educational specifications for school buildings on identifiable student needs.
3. Design buildings for sufficient flexibility to permit new or modified programs.
4. Design buildings for maximum potential for community use.
5. Meet or exceed all safety requirements.
6. Meet requirements on the accessibility of school facilities to disabled persons as specified in State and federal law.
7. Provide for low maintenance costs, energy efficiency, and minimal environmental impact.

Naming Buildings and Facilities ⁶

Recognizing that the name for a school building, facility, or ground or field reflects on its public image, the Board's primary consideration will be to select a name that enhances the credibility and stature of the school or facility. Any request to name or rename an existing facility should be

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⁵ The inclusion and identification of the facility goals listed in the second paragraph are at the board's discretion.

After 1-1-15, all "new school building construction" must include a storm shelter that meets or exceeds the ICC/NSSA Standard for the Design and Construction of Storm Shelters (ICC-500) published jointly by the International Code Council and the National Storm Shelter Association. 105 ILCS 5/2-3.12(c-5); 23 Ill.Admin.Code §180.60(b)(3). Any facility project for which the design contract is executed after 7-1-16 must meet standards of the 2015 International Building Code and its subcodes. 23 Ill.Admin.Code §180.60(a).

The Ill. Environmental Barriers Act (IEBA) (410 ILCS 25/) and the Ill. Accessibility Code (IAC) (71 Ill.Admin.Code Part 400) ensure that "the built environment in the State of Illinois is designed, constructed, and altered to be accessible to and usable by all, including individuals with disabilities." 71 Ill.Admin.Code §400.110(a). **Note:** Press boxes constructed on school property do not have to comply with the IAC if the press boxes are in bleachers that have points of entry at only one level, and the aggregate area of the press box is no more than 500 square feet. 105 ILCS 5/10-20.51; 23 Ill.Admin.Code 180.60(b)(4).

A building intended for classroom or instructional use may be constructed only after voter approval at a referendum unless the building is: (1) leased by the district, or (2) purchased with funds from the sale or disposition of other buildings or structures, or with funds received as a grant under the School Construction Law or as a gift, provided that no funds (other than lease payments) are derived from the district's bonded indebtedness or its tax levy. 105 ILCS 5/10-22.36, amended by P.A. 101-455.

A district may levy a tax for "fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes." 105 ILCS 5/17-2.11. An expedited process may be available in emergency situations. 105 ILCS 5/17-2.11(a). A district may levy a tax or issue bonds if it determines: (1) it is necessary for school security purposes and the protection and safety of students and staff to hire a school resource officer, or that personnel costs for school counselors, mental health experts, or school resources officers are necessary; and (2) it does not need funds for any other purpose set forth in 105 ILCS 5/17-2.11(d), amended by P.A. 101-455. A board may, subject to certain notice requirements, transfer surplus life safety taxes and interest earnings on them to the Operations and Maintenance Fund for building repair work until June 30, 2020. 105 ILCS 5/17-2.11(f), amended by P.A.s 100-465 and 101-643.

The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements. 20 ILCS 3130/. Waivers may be granted by the Capital Development Board in certain situations. 20 ILCS 3130/15(c). For environmental impact laws, see policy 4:160, *Environmental Quality of Buildings and Grounds*.

⁶ This section is optional and its contents are at the board's discretion.

submitted to the Board. When a facility is to be named or renamed, the Board President will appoint a special committee to consider nominations and make a recommendation, along with supporting rationale, to the Board.⁷ The Board will make the final selection. The Superintendent or designee may name a room or designate some area on a school's property in honor of an individual or group that has performed outstanding service to the school without using the process in this policy.

LEGAL REF.: 42 U.S.C. §12101 *et seq.*, Americans with Disabilities Act of 1990, implemented by 28 C.F.R. Parts 35 and 36.
20 ILCS 3130/, Green Buildings Act.
105 ILCS 5/2-3.12, 5/10-20.49, 5/10-22.36, 5/10-20.63, and 5/17-2.11.
105 ILCS 140/, Green Cleaning Schools Act.
105 ILCS 230/, School Construction Law.
410 ILCS 25/, Environmental Barriers Act.
410 ILCS 35/25, Equitable Restrooms Act.
820 ILCS 130/, Prevailing Wage Act.
23 Ill.Admin.Code Part 151, School Construction Program; Part 180, Health/Life Safety Code for Public Schools; and Part 2800, Green Cleaning for Elementary and Secondary Schools.
71 Ill.Admin.Code Part 400, Ill. Accessibility Code.

CROSS REF.: 2:150 (Committees), 2:170 (Procurement of Architectural, Engineering, and Land Surveying Services), 4:60 (Purchases and Contracts), 8:70 (Accommodating Individuals with Disabilities)

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⁷ ~~If the board may want wants~~ to include criteria for the committee, ~~in which case insert~~ the following ~~is an option~~:
"The committee will:

- ~~The committee will e~~Encourage input from the community, staff members, and students.
- ~~Give c~~Consideration ~~will be given~~ to names of local communities, neighborhoods, streets, landmarks, history ~~of the area~~ ~~and~~ ~~historical~~ ~~considerations~~, and individuals who have made a contribution to the District, community, State, or nation.
- ~~Ensure that t~~The name will not duplicate or cause confusion with the names of existing facilities in the District."

Operational Services

Convicted Child Sex Offender; Screening; Notifications 1

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:²

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 School Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent or designee shall supervise a child sex offender whenever the offender is in a child's vicinity.³ If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school.⁴

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¹ The topic covered by this policy was previously a part of 4:170, *Safety*.

² 720 ILCS 5/11-9.3 contains these requirements concerning a child sex offender's presence on school property. An Illinois federal court denied a father's request to enjoin a school's policy that prohibited him, as a child sex offender, from attending his children's school activities in *Doe v. Paris Union School Dist.*, 2006 WL 44304 (C.D.Ill. 2006). See also 8:30, *Visitors to and Conduct on School Property*.

³ 720 ILCS 5/11-9.3(a). The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent or designee to supervise a child sex offender whenever the offender is in a child's vicinity. See also 8:30, *Visitors to and Conduct on School Property*.

⁴ Aside from rumor and notoriety, there are three ways that school officials may learn that an enrolled student is a sex offender or a violent offender against youth:

1. By being informed by the student or the student's parent/guardian.
2. Through the Ill. Dept. of State Police (ISP) Sex Offender Registry, www.isp.state.il.us/sor. A juvenile sex offender is listed there after the juvenile becomes 17 years old and will be listed for the remaining registration period. 730 ILCS 150/2. The database is updated daily and allows searching by name, city, county, zip code, compliance status, or any combination thereof.
3. By receiving notification from a law enforcement agency that a juvenile sex offender or juvenile violent offender against youth is enrolled in a school. The law enforcement agency having jurisdiction to register the juvenile must provide a copy of the offender registration form to the building principal and guidance counselor designated by the principal; the school must keep the registration form separately from the student's school records. 730 ILCS 152/121(b).

Screening⁵

The Superintendent 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.⁶

Notification to Parents/Guardians

The Superintendent 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

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If a sex offender is enrolled in a school, guidelines for managing the sex offender's presence in school should be prepared. The components will depend on the situation but generally should include asking the parent/guardian of a sex offender below the age of 17 years for permission to share the information with certain staff for the protection of both the student and other students. In addition, the guidelines should include a supervision plan providing supervision for the student during all aspects of his or her school day. Finally, the guidelines must respect the privacy of juvenile records and comply with the Ill. School Student Records Act (105 ILCS 10/). The board attorney should be consulted.

⁵ The law is silent with regard to screening volunteers and individuals in the proximity of a school. Screening and fingerprint-based criminal history records checks are different. See procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*, for further distinctions.

The School Code requires school districts to perform a fingerprint-based criminal history records check through (a) the ISP for an individual's Criminal History Records Information (CHRI) and (b) the Federal Bureau of Investigation's national crime information databases. 105 ILCS 5/10-21.9(a), (a-5) and (a-6), amended by P.A. 101-531.

Screening only involves checking an individual's name and address against publicly-available databases and information provided for local law enforcement like the: (1) Illinois Sex Offender Registry, www.isp.state.il.us/sor/, and (2) the Violent Offender Against Youth Registry maintained by the ISP, www.isp.state.il.us/cmvo/. Screening must be done for employment applicants and repeatedly at least once every five years that an individual remains employed by the district. 105 ILCS 5/10-21.9(a-5) and (a-6), amended by P.A. 101-531. See policy 5:30, *Hiring Process and Criteria*; procedure 5:30-AP2, *Investigations*; policy 6:250, *Community Resource Person and Volunteers*; and procedure 6:250-AP, *Securing and Screening Resource Persons and Volunteers*.

⁶ If permitted by federal or State law, when a fingerprint-based criminal history records check returns a conviction of a crime set forth in 105 ILCS 5/21B-80 or when a screening finds a registration for an individual licensed by the Ill. State Board of Education (ISBE), the superintendent or regional superintendent must notify the ISBE Superintendent in writing within 15 business days. 105 ILCS 5/10-21.9(e), amended by P.A.s 101-531 and 101-643. Contact the board attorney for guidance regarding disclosures permitted by federal or State law.

By comparison, when a fingerprint-based criminal history records check returns a pending criminal charge for an offense set forth in 105 ILCS 5/21B-80, the superintendent, regional office of education, or entity that provides background checks, must notify the ISBE Superintendent within 10 days. Id. 105 ILCS 5/10-21.9(e), amended by P.A. 101-643, does not state whether the notice requirement is calendar days or business days. Support for it being business days is found later in 105 ILCS 5/10-21.9(e), which requires that notice for convictions be provided within 15 business days. Additionally, while notice for pending criminal charges is not required to be "in writing," for ease of use, consistency in administration, alignment with the requirement to provide written notice for convictions, and best practices this sample text states the State Superintendent will also be notified of pending criminal charges in writing. Consult the board attorney for further guidance.

If an indicated report by the Ill. Dept. of Children and Family Services or by a child welfare agency of another jurisdiction is found, the board must consider the individual's status as a condition of student teaching or employment. 105 ILCS 5/10-21.9(c) and (g), amended by P.A. 101-531. The statute does bar an individual with an indicated finding from student teaching; however, that is the most logical interpretation.

Violent Offender Against Youth Community Notification Law.⁷ The Superintendent or designee shall serve as the District contact person for purposes of these laws. The Superintendent 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.⁸ This notification must occur during school registration and at other times as the Superintendent 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)

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⁷ Sex Offender Community Notification Law, 730 ILCS 152/; Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-154/105. Law enforcement officials must notify school districts of the names, addresses, and offenses of registered offenders residing in their respective jurisdictions who have committed sex offenses and violent offenses against youth. 730 ILCS 152/120 and 154/95. These laws are silent with regard to what, if anything, districts do with the information. The Sex Offender Community Notification Law, however, provides immunity for "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law." 730 ILCS 152/130.

Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person, and boards may wish to have a contact person from each building. See administrative procedure 4:175-API, *Criminal Offender Notification Laws; Screening*, for implementing procedures.

Upon arrest after commencement of a prosecution for a sex offense against an individual known to be a school employee, the State's Attorney must provide the superintendent or school administrator of the employing school with a copy of the complaint, information, or indictment. 725 ILCS 5/111-1(e), added by P.A. 101-521.

⁸ 730 ILCS 152/120(g) State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. In an effort to keep this policy aligned with good governance practices, the responsibility is given to the superintendent and building principal to manage. While State law allows the notification to be made during registration or parent-teacher conferences, the sample policy makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

General Personnel

Hiring Process and Criteria 1

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

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

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

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

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

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

⁴ An additional optional sentence follows:

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

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

For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, amended by P.A.s 101-531 and 101-643, see f/n's 5 and 6 in policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

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

Job Descriptions

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

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

Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is

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

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

Any employer that asks applicants to record video interviews and uses an artificial intelligence analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/, added by P.A. 101-260, Eff. 1-1-20.

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

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

⁸ Job descriptions will become the basis for categorizing a teacher into one or more positions that the teacher is qualified to hold for reduction in force (RIF) dismissal and recall purposes. 105 ILCS 5/24-12(b), amended by P.A. 101-643. A board should consult with its attorney to review its current list of job descriptions and discuss the district's specific responsibilities.

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

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

performed on each applicant as required by State law.⁹ When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure that these checks are completed.¹⁰ The Superintendent or designee, or if the applicant is a successful superintendent candidate, then the Board President shall notify an applicant if the applicant is identified in either database.¹¹ The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, the Ill. Dept. of State Police and/or Statewide Sex Offender Database.¹² 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.

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⁹ The policy's requirements on criminal records checks for applicants for employment are mandated by 105 ILCS 5/10-21.9, amended by P.A.s 101-72, and 101-531, and 101-643. See administrative procedure 5:30-AP2, *Investigations*, for the process and positions requiring criminal background investigation. The Statewide Sex Offender Database (a/k/a Sex Offender Registry) is available at: www.isp.state.il.us/sor. The Statewide Murderer and Violent Offender Against Youth Database is available at: www.isp.state.il.us/cmvo/. For more discussion regarding criminal history records checks and screenings required by 105 ILCS 5/10-21.9, amended by P.A.s 101-531 and 101-643, see f/n 5 in policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*. See policy 4:60, *Purchases and Contracts*, for requirements concerning criminal background checks of employees or contractors who have direct, daily contact with students.

¹⁰ *Id.* If a board wants to require additional background inquiries beyond the fingerprint-based criminal history records information check required by 105 ILCS 5/10-21.9, amended by P.A.s 101-72, and 101-531, and 101-643, including the federal *Rap Back Service* (20 ILCS 2630/3.3, added by P.A. 100-718) and/or checks through consumer reporting agencies regulated by the Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.), consult the board attorney. For more detailed information, see the laws listed in sample exhibit 340-B, *Checklist for the Superintendent Employment Contract Negotiation Process*, under the checklist item entitled *Conditions of Employment in the Other Background Check Laws* row.

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

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

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

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

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

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

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. ¹⁴

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following: ¹⁵

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position. ¹⁶
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. ¹⁷
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. ¹⁸

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

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

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

¹⁵ As an alternative to describing the prohibited investigations, a board may substitute this sentence:

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

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

¹⁶ Employee Credit Privacy Act, 820 ILCS 70/10. This Act allows inquiries into an applicant's credit history or credit report or ordering or obtaining an applicant's credit report from a consumer reporting agency when a satisfactory credit history is an *established bona fide occupational requirement* of a particular position. The Act identifies circumstances that permit a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more.

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

¹⁸ *Id.*

4. The District does not request or require an applicant to disclose wage or salary history as a condition of employment. ¹⁹
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. ²⁰
6. The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act. ²¹
7. The District does not request of an applicant or employee access in any manner to his or her personal online account, such as social networking websites, including a request for passwords to such accounts. ²²
8. The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

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

¹⁹ *Id.*

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

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

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

²¹ Right to Privacy in the Workplace Act, 820 ILCS 55/10(a).

²² *Id.* at 55/10(b)(6)(B) (commonly known as the *Facebook Password Law*). A *personal online account* is defined as an online account used primarily by a person for personal purposes. *Personal online account* does not include an account created, maintained, used, or accessed for the business purpose of a person's employer or prospective employer. *Id.* at 55/10(b)(5). Bracketed explanations follow the statutory language:

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

(A) an employer supplies or pays; or

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

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

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

Physical Examinations 23

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

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity.²⁴ 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. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

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

²³ 105 ILCS 5/24-5, amended by P.A.s 100-513, 100-855, and 101-81. According to this statute, "[a] new or existing employee or substitute teacher employee may be subject to additional health examinations, including tuberculosis screening, as required by rules adopted by the Ill. Dept. of Public Health or by order of a local public health official." The Ill. Dept. of Public Health does not require school employees to be screened for tuberculosis other than workers in child day care and preschool settings. 77 Ill. Admin. Code §696.140(a)(3).

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

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

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

²⁴ The State law (105 ILCS 5/24-5, amended by P.A.s 100-513, 100-855, and 101-81) allowing boards to require physicals of current employees "from time to time," is been superseded by the ADA, (42 U.S.C. §12112(d)(4)). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program. *Id.* Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level. 42 U.S.C. §12113; 29 C.F.R. Part-§1630.2(r). See ¶n 8 for an explanation regarding the ADA.

See the ¶n 23 for a discussion of examinations by spiritual leaders/practitioners.

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 Superintendent), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and Neglected Child Reporting), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Educational Support Personnel - Duties and Qualifications)

DRAFT

Professional Personnel

Teacher Qualifications 1

A teacher, as the term is used in this policy, refers to a District employee who is required to be licensed under State law.² The following qualifications apply:

1. Each teacher must:³
 - 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.
 - c. On or before September 1 of each year, unless otherwise provided in an applicable collective bargaining agreement, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
 - d. Notify the Superintendent 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.⁴

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

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

² 105 ILCS 5/21B *et seq.*, amended by P.A. 100-596; 23 Ill.Admin.Code §1.610 *et seq.*, §1.705 *et seq.*, Part 25, amended at 42 Ill.Reg. 8830, and; 105 ILCS 5/27-24.2, amended by P.A. 101-450; and 23 Ill.Admin.Code Part 252 (contracted driver education teacher).

School boards may participate in the Illinois Teacher Corps, however, as of 9-1-11 individuals may no longer be admitted to Illinois Teacher Corps programs. 105 ILCS 5/21-11.4, repealed in 2013 on 6-30-13.

³ Subparagraph 1a is required for all teachers by 105 ILCS 5/21B-15 (qualifications of educators). Four types of educator licenses are listed in 105 ILCS 5/21B-20, amended by P.A.s 100-596 and 101-643: (1) Professional Educator License; (2) Educator License with Stipulations (including endorsements for alternative provisional educator, alternative provisional superintendent, career and technical educator, provisional career and technical educator, transitional bilingual educator, language, visiting international educator, paraprofessional educator, chief school business official, provisional in-state educator, school support personnel intern, and special education area); (3) Substitute Teaching License; and (4) until 6-30-23, Short-Term Substitute Teaching License. Districts may not require an individual who holds a valid Professional Educator License or Educator License with Stipulations to seek or hold a Substitute Teaching License to teach as a substitute teacher. 105 ILCS 5/21B-20(3), added by P.A. 100-596. See also 23 Ill.Admin.Code §1.610 *et seq.*, §1.705 *et seq.*, and Part 25, amended at 42 Ill.Reg. 8830 (per §25.100, teachers are no longer endorsed in any course subjects in which they earn grades lower than a "C" in college). The Ill. State Board of Education's (ISBE) *Educator Licensure Information System* (ELIS) is a web-based system that allows educators, administrators, and the public to access licensure information. See www.isbe.net/Pages/Educator-Licensure-Information-System.aspx.

Subparagraph 1b and 1c are required of all teachers by 105 ILCS 5/24-23. Some boards add the word "official" to the phrase, "complete official transcript of credits."

Subparagraph 1d is optional but informs the superintendent when a teacher may be eligible to change lanes on the salary schedule.

⁴ The *highly qualified* teacher requirement of the No Child Left Behind Act, formerly found in §6319 of the Elementary and Secondary Education Act (ESEA, 20 U.S.C. §6319), was repealed by the Every Student Succeeds Act (ESSA, Pub. L. 114-95, eff. 12-10-15). ESEA federal implementing regulation 34 C.F.R. §200.55 was updated on 7-7-17 (82 Fed. Reg. 31706), however State implementing regulations at 23 Ill. Admin.Code Part 25, Appendix D have not been updated yet. In *Every Student Succeeds Act (ESSA) Frequently Asked Questions* (8-12-16) (www.isbe.net/Documents/ESSA-faq.pdf), ISBE advised that districts did not need to comply with the *highly qualified* teacher requirement during the 2016-17 school year.

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately licensed; ⁵
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; and
3. Ensure parents/guardians of students in schools receiving Title I funds are notified of their right to request their students' classroom teachers' professional qualifications. ⁶

LEGAL REF.: 20 U.S.C. §6312(e)(1)(A).
105 ILCS 5/10-20.15, 5/21-11.4, 5/21B-15, 5/21B-20, 5/21B-25, and 5/24-23.
23 Ill. Admin. Code §1.610 et seq., §1.705 et seq., and Part 25.

CROSS REF.: 6:170 (Title I Programs)

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ESEA, as amended by ESSA, requires that each state plan contain assurances that the state educational agency will ensure that all teachers and paraprofessionals meet state certification/licensure requirements. 20 U.S.C. §6311(g)(2)(J).

⁵ See the ISBE webpage on educator licensure approval requirements at www.isbe.net/Pages/educator-licensure-approvals.aspx.

ESEA, as amended by ESSA, requires districts to provide parents timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. 20 U.S.C. §6312(e)(1)(B)(ii). For a sample notice, see 5:190-E2, *Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements*.

⁶ 20 U.S.C. §6312(e)(1)(A).

Educational Support Personnel

Employment At-Will, Compensation, and Assignment 1

Employment At-Will ²

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.³ Nothing in School 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

The Board will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. An employee covered by the overtime

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

A collective bargaining agreement may contain provisions that supersede this policy, in which case, the policy might state: "Please refer to the current bargaining agreement between the Educational Support Personnel and the School Board."

While the term *educational support personnel* is not defined in the School Code, at least one appellate court and one circuit court decision found in dicta that the term refers to nonlicensed employees, such as clerical workers, custodians, cafeteria workers, bus drivers, and teachers' aides. *Laukhuf v. Congerville-Eureka-Goodfield School Dist.*, 2003 WL 23936148 (Ill. 11th Cir., 2003) (non-precedential); *Buckelley v. Georgetown-Ridge Farm Community Unit School Dist.*, 575 N.E.2d 556 (Ill.App.4, 1991); *Ill.App.3d 506* (4th Dist. 1991).

² Illinois law does not specifically create a protected property interest in continued employment for nonlicensed employees, except in a reduction in force. However, whether an employee is actually employed at-will depends on the specific facts. This determination is important because the dismissal of an employee having a protected property right in continued employment requires a notice and hearing. *Cleveland Bd of Educ. v. Loudermill*, 405 S.Ct. 1487 (1985). See also *Griggsville-Perry Community Unit School Dist. v. Ill. Educ. Labor Relations Bd.*, 984 N.E.2d 440 (Ill. Dec. 494 (Ill-2013)) (upheld an arbitrator's finding that the requirement to provide a pre-discharge written notice was drawn from the essence of the agreement).

Even with this policy, it is safest to presume that all nonlicensed employees are at least employed annually. This is a good assumption because districts routinely assure next-year employment so that the employee will not qualify for summer unemployment. In addition, annual employment may be created through a collective bargaining agreement, past practice, an employees' handbook, personnel policy manual, or an oral promise. *Arneson v. Bd of Trustees, McKendree College*, 569 N.E.2d 252 (Ill.App.3d 844 (Ill.App.5th Dist., 1991)). Moreover, there are several exceptions to at-will including prohibitions against discrimination and retaliatory discharge (*Michael v. Precision Alliance Group*, 952 N.E.2d 682 (Ill. Dec. 820 (Ill.App.5th Dist., 2011)) (common law recognizes a cause of action for retaliatory discharge when the employee engaged in protected activity). Consult the board attorney for help determining whether an employee is employed *at-will*.

A district, by policy or handbook, may not take away a previously given property interest in continued employment to current employees; only those employees hired afterwards could be affected. *Duldulao v. St. Mary of Nazareth Hospital*, 483 N.E.2d 956 (Ill.App.3d 763 (Ill.App.1st Dist., 1985)); *Kaiser v. Dixon*, 468 N.E.2d 822 (Ill.App.3d 251 (Ill.App.2nd Dist., 1984)).

For a discussion of prohibited dismissal reasons, see 5:10, *Equal Employment Opportunity and Minority Recruitment*. Volunteer firefighters may not be fired for responding to an emergency, (50 ILCS 748/).

³ 105 ILCS 5/10-23.5. For more information on RIF, see policy 5:290, *Employment Termination and Suspensions*.

provisions in State or federal law shall not work overtime without the prior authorization from the employee's immediate supervisor.⁴ Educational support personnel are paid twice a month.⁵

Assignment

The Superintendent is authorized to make assignments and transfers of educational support personnel.

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)

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

⁴ For information regarding overtime, see policy 5:35, *Compliance with the Fair Labor Standards Act*.

⁵ 820 ILCS 115/3. However, the wages of employees who are *exempt* as defined in the Fair Labor Standards Act (FLSA); (29 U.S.C. §201 *et seq.*); may be paid once a month. For a discussion of the FLSA, see 5:35, *Compliance with the Fair Labor Standards Act*.

Instruction

School Accountability 1

According to the Illinois General Assembly, the primary purpose of schooling is the transmission of knowledge and culture through which students learn in areas necessary to their continuing development and entry into the world of work.² To fulfill that purpose, the Ill. State Board of Education (ISBE) prepared *State Goals for Learning* with accompanying *Illinois Learning Standards*.³

The School Board gives priority in the allocation of resources, including funds, time, personnel, and facilities, to fulfilling this purpose.

Quality Assurance

The Board continuously monitors student achievement and the quality of the District's work. The Superintendent shall supervise the following quality assurance components, in accordance with State law and ISBE rules, and continuously keep the Board informed:

1. Prepare each school's annual recognition application and quality assurance appraisal, whether internal or external, to assess each school's continuous school improvement.⁴
2. Continuously assess the District's and each school's overall performance in terms of both academic success and equity. This includes, without limitation, a thorough analysis of ISBE's balanced accountability measure and each school's *Multiple Measure Index* and corresponding *Annual Measurable Objective* provided by ISBE.⁵

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

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

² 105 ILCS 5/27-1.

³ 23 Ill.Admin.Code §1, Appendix D.

⁴ 105 ILCS 5/2-3.25 - 2-3.25b, amended by P.A. 100-1046; 23 Ill.Admin.Code §§1.10(a) and 1.20.

⁵ 105 ILCS 5/2-3.25a, amended by P.A.s 99-193, 99-657, and 100-1046; 5/2-3.64a-5, amended by P.A.s 100-1046 and 101-643. First, 105 ILCS 5/2-3.25a, amended by P.A. 99-193, significantly revised the system of standards for school districts and schools. Next, 105 ILCS 5/2-3.25a, amended by P.A. 99-657, delayed certain implementation dates by one school year. Finally, 105 ILCS 5/2-3.25a, amended by P.A. 100-1046, further revised the system of standards for school districts and schools. Annual state assessments required by 105 ILCS 5/2-3.64a-5(c), amended by P.A.s 100-1046 and 101-643, are not required if ISBE receives a waiver from the administration of assessments from the U.S. Dept. of Education. 105 ILCS 5/2-3.64a-5(c), as amended by P.A. 101-643. ISBE must establish recognition standards for student performance and school improvement for all districts and their individual schools. ISBE must outline accountability measures in its State plan that it submits to the U.S. Dept. of Education under the Every Student Succeeds Act (ESSA) (Pub. L. 114-95). If ESSA ceases to require a state plan, then ISBE must develop a written plan in consultation with the Ill. Balanced Accountability Measure (IBAM) Committee. 105 ILCS 5/2-3.25a, amended by P.A.s 99-193, 99-657, and 100-1046.

3. If applicable, develop District and School Improvement Plans, present them for Board approval, and supervise their implementation. ⁶
4. Prepare a school report card, present it at a regular Board meeting, and disseminate it as provided in State law. ⁷
5. In accordance with 105 ILCS 5/2-3.153, annually administer a climate survey on the instructional environment within the school to, at minimum, students in grades 4 through 12 and teachers. ⁸

LEGAL REF.: 105 ILCS 5/2-3.25, 5/2-3.25a, 5/2-3.25b, 5/2-3.25c, 5/2-3.25d-5, 5/2-3.25e-5, 5/2-3.25f, 5/2-3.25f-5, 5/2-3.63, 5/2-3.64a-5, 5/2-3.153, 5/10-21.3a, and 5/27-1, 23 Ill.Admin.Code Part 1, Subpart A: Recognition Requirements.

CROSS REF.: 6:170 (Title I Programs), 6:340 (Student Testing and Assessment Program), 7:10 (Equal Educational Opportunities)

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

⁶ The requirements around district and school improvement plans are unknown until ISBE revises its rules at 23 Ill.Admin.Code Part 1, Subpart A: Recognition Requirements following P.A.s 99-193 and 100-1046. P.A. 99-193 deleted the requirements concerning improvement plans as well as the sanctions for failing to make adequate yearly progress contained in 105 ILCS 5/2-3.25d, but then P.A. 100-1046 repealed 105 ILCS 5/2-3.25d in its entirety. 105 ILCS 5/2-3.25f(a) continues to state that ISBE "shall provide technical assistance to assist with the development and implementation of School and District Improvement Plans" and that schools or districts "that fail to make reasonable efforts to implement an approved Improvement Plan may suffer loss of State funds by school district, attendance center, or program as the State Board of Education deems appropriate."

⁷ 105 ILCS 5/10-17a, amended by P.A.s 100-807, 100-1121, and 101-68, ~~eff. 4-1-20~~. Districts must present the report card at a regular board meeting, post it on the district's website, make it available to newspapers of general circulation in the district, notify parents/guardians of its availability on the district's website, provide it to parents/guardians on request, submit it to the regional superintendent or appropriate Intermediate Service Center, and otherwise disseminate it as required by State law. See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

⁸ Required by 105 ILCS 5/2-3.153, amended by P.A. 100-1046, and 23 Ill.Admin.Code §1.97. The State Superintendent must publicly report on the survey indicators of learning conditions resulting from the administration of the instrument at the individual school, district, and State levels. A district may use an alternate learning instrument approved by the State Superintendent at its own cost. These survey instruments are authorized by July 1 each year and posted at: www.isbe.net/Pages/5Essentials-Survey.aspx, 23 Ill.Admin.Code §1.97(g)(1)-(2). To use an alternate survey instrument, the district must submit a form developed for this purpose and posted at www.isbe.net/Pages/5Essentials-Survey.aspx to the State Superintendent on or before a date established by the State Superintendent each year. *Id.*

Insert the following sentence for districts that administer an alternate survey of learning conditions at their own cost: "The District has elected to use an alternate climate survey of learning conditions instrument."

Instruction

School Year Calendar and Day 1

School Calendar

The School Board, upon the Superintendent's recommendation and subject to State regulations, annually establishes the dates for opening and closing classes, teacher institutes and in-services, the length and dates of vacations, and the days designated as legal school holidays.² The school calendar shall have a minimum of 185 days to ensure 176 days of actual student attendance.³

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

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

² State-mandated school holidays are found in 105 ILCS 5/24-2, amended by P.A. 101-642. See policy 5:330, *Sick Days, Vacation, Holidays, and Leaves*, for a holiday listing. The law allows a school board to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on five identified school holidays if: (1) the school board first holds a public hearing on the proposal; and (2) the person or persons honored by the holiday are recognized through instructional activities conducted on the school holiday or on the first school day preceding or following the school holiday. Districts must redo the public hearing process in the event they change plans for use of holidays. See Ill. State Board of Education (ISBE) guidance at: www.isbe.net/Documents/district-holiday-plans13.pdf. This is an item on which collective bargaining may be required, and a board that wishes to implement this law should consult its attorney.

A State mandated school holiday on *Good Friday* is unconstitutional according to *Metz v. Leininger*, 57 F.3d 618 (7th Cir. 1995). Closing school on religious holidays may still be permissible for those districts able to demonstrate, e.g., through surveys, that remaining open would be a waste of educational resources due to widespread absenteeism. Also, districts may be able to close school on Good Friday by adopting a *spring holiday* rationale or ensuring that it falls within spring break. School districts should discuss all of these options, and collective bargaining implications with their board attorneys.

If the county board or board of election commissioners chooses a school to be a polling place, the school district must make the school available. 10 ILCS 5/11-4.1. For the Election Day, the law encourages a school district to either: (1) close the school; or (2) hold a teachers' institute on that day with the students not in attendance. Id. 10 ILCS 5/2B-10 and 105 ILCS 5/24-2, amended by P.A. 101-642, required all government offices, with the exception of election authorities, to be closed, unless authorized to be used as a location for election day services or as a polling place for 2020 General Election Day, and it required schools to be available to an election authority as a polling place for 2020 General Election Day. Id.

³ The school calendar must have a minimum 185 days to ensure 176 days of actual pupil attendance that may include remote learning days, blended remote learning days, and up to five remote and blended remote learning planning days pursuant to 105 ILCS 5/10-30, added by P.A. 101-643, 105 ILCS 5/10-19, amended by P.A. s. 101-12 and 101-643, and 5/24-1; 23 Ill. Admin. Code §1.420. See policy 4:180, *Pandemic Preparedness: Management and Recovery*, for information about remote and/or blended remote learning day plans. Schools must be closed during county institute. 105 ILCS 5/24-3. The school calendar may be a mandatory subject of collective bargaining. The calendar for the school term and any changes must be submitted to and approved by the regional superintendent before the calendar or changes may take effect. 105 ILCS 5/10-19.

E-learning days allow a school district to provide instruction to students electronically while they are not physically present due to inclement weather and other unexpected events. 105 ILCS 5/10-20.56, added by P.A. 101-12 and amended by P.A. 101-643, opens the use of e-learning days from three pilot districts to all districts that meet the requirements of the statute. Before a school district can implement an e-learning program and use e-learning days it must, along with other requirements (1) hold a public hearing on the initial proposal for the e-learning program, (2) obtain verification from the Regional Office of Education (ROE) or Intermediate Service Center (ISC) for the school district that the initial proposal meets the requirements specified in the law, and (3) by resolution adopt a research-based program for district-wide e-learning days. Before implementing an e-learning program, boards must collectively bargain the impact of the program on the wages, hours, terms and conditions of employment with employee representative(s). More information about e-learning, is available at: www.isbe.net/Pages/Electronic-Learning.aspx.

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.⁴ The Board may, from time to time, designate a regular school day as a commemorative holiday.

School Day

The Board establishes the length of the school day with the recommendation of the Superintendent and subject to State law requirements.⁵ The Superintendent or designee shall ensure that observances required by State law are followed during each day of school attendance.⁶

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⁴ 105 ILCS 5/24-2(c) lists the following as commemorative holidays: Jan. 28 (Christa McAuliffe Day commemorating space exploration); Feb. 15 (Susan B. Anthony's birthday); Mar. 29 (Vietnam War Veterans' Day); Sept. 11 (Sept. 11th Day of Remembrance); the school day immediately preceding Veterans' Day (Korean War Veterans' Day); Oct. 1 (Recycling Day); Oct. 7 (Iraq and Afghanistan Veterans Remembrance Day); and Dec. 7 (Pearl Harbor Veterans' Day).

Other commemorative holidays include, but are not limited to: Arbor and Bird Day on the last Friday in April (105 ILCS 5/27-18); Leif Erickson Day on October 9 if a school day and otherwise on a school day nearest the date (105 ILCS 5/27-19); American Indian Day on the 4th Friday of September (105 ILCS 5/27-20); Ill. Law Week during the first full school week in May (105 ILCS 5/27-20.1); Just Say No Day on a school day in May designated by official proclamation of the Governor (105 ILCS 5/20.2); Ronald Reagan Day on Feb. 6 (5 ILCS 490/2); Barack Obama Day on August 4 (5 ILCS 490/3); Indigenous Peoples Day on the last Monday in September (5 ILCS 490/7); Lincoln's Birthday February 12 (5 ILCS 490/60); Martin Luther King, Jr. Birthday the third Monday in January (5 ILCS 490/65); Prairie Week the third full week in September (5 ILCS 490/75); Retired Teachers' Week the fourth week in May (5 ILCS 490/80); Veterans Day November 11 (5 ILCS 490/90); Preventing Loss Potential Day September 19 (5 ILCS 490/141); Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade on March 25 (5 ILCS 490/155); the first full week of January is Emancipation Proclamation Week (5 ILCS 490/160); Mother Mary Ann Bickerdyke Day on the second Wednesday in May (5 ILCS 490/175); and April is Arab American Heritage Month (5 ILCS 490/6, amended by P.A. 100-1150).

⁵ A school day is required to consist of a minimum five clock-hours under the direct supervision of a teacher or non-teaching personnel or volunteer personnel that provides non-teaching or supervisory duties as specified in 105 ILCS 5/10-22.34(a), in order to qualify as a full day of attendance, unless (1) the Governor issues a disaster declaration due to a public health emergency pursuant 20 ILCS 3305/7, and (2) the State Superintendent of Education establishes minimum clock-hour requirements to align with the circumstances of the Governor's disaster declaration. 105 ILCS 5/10-19.05, added by P.A. 101-12 and amended by P.A. 101-643. See www.isbe.net/Documents/SB28Instructional-Day.pdf for ISBE's notice regarding this law. See 105 ILCS 5/10-19.05, added by P.A. 101-12, for additional exceptions to the attendance calculation.

Contrast 105 ILCS 5/18-12, amended by P.A. 100-28. It allows a partial day of attendance to be counted as a full day due to an adverse weather condition, condition beyond the control of the school district that poses a health and safety threat, or use of school facilities by local or county authorities for holding a memorial or funeral service in remembrance of a community member (up to two school days per school year) provided one of following conditions is met: (1) the school district has provided at least one hour of instruction prior to the closure of the school district; (2) a school building has provided at least one hour of instruction prior to the closure of the school building; or (3) the normal start time of the school district is delayed. The law also outlines the process to claim attendance prior to providing any instruction when a school district must close a building or buildings, but not the entire district, after consultation with a local emergency response agency or due to a condition beyond the control of the district. Additionally, 105 ILCS 5/18-12.5 outlines the process for claiming attendance when a school district must close a building or buildings, but not the entire district, specifically because of a public health emergency. Attendance for such days may only be claimed if the school building(s) was scheduled to be in operation on those days.

Alternative education programs may provide fewer than five hours under certain circumstances. 105 ILCS 5/2-3.33a and 5/13B-50.

⁶ 105 ILCS 5/27-3 requires the Pledge of Allegiance to be recited every day in elementary and secondary schools. Note that the Illinois statute does not require every student to recite the Pledge -- that kind of mandatory participation would violate the U.S. Constitution. Schools may not coerce a student into saying the Pledge, nor may they punish students for refusing to participate in any aspect of the flag ritual, including standing, saluting the flag, and reciting the Pledge. West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943); Sherman v. Community Consolidated Sch. Dist. 21 of Wheeling Township, 980 F.2d 437 (7th Cir. 1992). Consider using permissive rather than mandatory language to introduce the recitation of the Pledge, such as, "You may now stand to recite the Pledge." Schools may, of course, require that non-participants maintain order and decorum appropriate to the school environment.

LEGAL REF.: 105 ILCS 5/10-19, 5/10-19.05, 5/10-20.56, 5/10-24.46, 5/10-30, 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 School Board; Indemnification), 4:180 (Pandemic Preparedness; Management; and Recovery), 5:200 (Terms and Conditions of Employment and Dismissal), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 6:60 (Curriculum Content), 6:70 (Teaching About Religions), 7:90 (Release During School Hours)

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The Silent Reflection and Student Prayer Act mandates a *brief period of silence* for all Illinois public school students at the opening of each school day. 105 ILCS 20/1. A student filed a federal lawsuit challenging the constitutionality of this law under the First Amendment, but the law was ultimately upheld by the Appeals Court. Sherman v. Koch, 623 F.3d 501 (7th Cir. 2010), *cert denied* by 565 U.S. 815 (2011). 105 ILCS 5/10-20.46 requires a moment of silence to recognize veterans during any type of event held at a district school on Nov. 11. See f/n 2 above for more discussion.

Instruction

Curriculum Development 1

Adoption 2

The Superintendent shall recommend a comprehensive curriculum that is aligned with:

1. The District's educational philosophy and goals,
2. Student needs as identified by research, demographics, and student achievement and other data,
3. The knowledge, skills, and abilities required for students to become life-long learners,
4. The minimum requirements of State and federal law and regulations for curriculum and graduation requirements,³
5. The curriculum of non-District schools that feed into or from a District school, provided that the necessary cooperation and information is available,⁴
6. The Illinois State Learning Standards and any District learning standards, and
7. Any required State or federal student testing.

The School Board will adopt, upon recommendation of the Superintendent, a curriculum that meets the above criteria.⁵

Experimental Educational Programs and Pilot Projects 6

The Superintendent may recommend experimental educational programs and/or pilot projects for Board consideration. Proposals must include goals, material needs, anticipated expenses, and an evaluation process. The Superintendent shall submit to the Board periodic progress reports for

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

² This section is not dictated by State or federal law, but reflects board work regarding curriculum. Each board should dwell over this section to ensure it articulates the board's intent.

³ State law mandates certain courses of study, but local school boards may set requirements exceeding State law-mandated courses of study. 105 ILCS 5/10-20.8 and 5/27-1 et seq.

⁴ Alternative for unit districts:

5. The curriculum District-wide and articulated across all grade levels.

⁵ The following is an alternative for boards that do not want the sample language's degree of delegation:

The School Board will consider the Superintendent's recommendation and adopt a curriculum that meets the above criteria.

⁶ Experimental educational programs may require the approval of the State Board of Education and an agreement with the affected exclusive bargaining agent. 105 ILCS 5/10-19, amended by P.A.s. 100-465, 101-12, and 101-643. Experimental educational programs may include, but are not limited to, e-learning days as authorized under 105 ILCS 5/10-20.56; self-directed learning; or outside of formal class periods; other programs that comply with the requirements of the School Code for numbers of days of actual pupil attendance and courses of instruction.

Education preparation pilot programs are addressed in State law addresses pilot programs for teachers in relation to clinical schools, restructuring, and providing special assistance and support to beginning teachers. 105 ILCS 5/2-3.52A, amended by P.A. 100-1046.

programs that exceed one year in duration and a final evaluation with recommendation upon the program's completion.

Single-Gender Classes and Activities⁷

The Superintendent may recommend a program of nonvocational⁸ single-gender classes and/or activities to provide diverse educational opportunities and/or meet students' identified educational needs. Participation in the classes or activities must be voluntary, both genders must be treated with substantial equality, and the program must otherwise comply with State and federal law and with Board policy 7:10, *Equal Educational Opportunities*. The Superintendent must periodically evaluate any single-gender class or activity to ensure that: (1) it does not rely on overly broad generalizations about the different talents, capabilities, or preferences of either gender, and (2) it continues to comply with State and federal law and with Board policy 7:10, *Equal Educational Opportunities*.

Development⁹

The Superintendent shall develop a curriculum review program to monitor the current curriculum and promptly suggest changes to make the curriculum more effective, to take advantage of improved teaching methods and materials, and to be responsive to social change, technological developments, student needs, and community expectations.

The Superintendent shall report to the Board as appropriate, the curriculum review program's efforts to:

1. Regularly evaluate the curriculum and instructional program.
2. Ensure the curriculum continues to meet the stated adoption criteria.
3. Include input from a cross-section of teachers, administrators, parents/guardians, and students, representing all schools, grade levels, disciplines, and specialized and alternative programs.
4. Coordinate with the process for evaluating the instructional program and materials.

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⁷ The U.S. Dept. of Education (DOE) amended its regulation implementing Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. §1681) to make it easier for schools to have single-sex classes and extracurricular activities. 34 C.F.R. §106.34. Title IX generally protects students from discrimination on the basis of sex. However, the DOE added flexibility to its rules on single-sex classes and activities, citing research that suggests that some students benefit in single-sex classes. 71 Fed. Reg. 62530 (10-25-06). The rules are very specific and should be reviewed with the board attorney when designing single-sex classes or activities.

Consult the board attorney about accommodation issues for transgender or gender non-conforming students in single sex classes. State law prohibits gender-based discrimination, including transgender and gender non-conforming students. 775 ILCS 5/5-101(A)(11); 775 ILCS 5/1-103(O-1); and 23 Ill.Admin.Code §1.240. Title IX prohibits exclusion and discrimination on the basis of sex. 20 U.S.C. §1681(a). The DOE's Office for Civil Rights has taken varying positions on the application of Title IX to transgender or gender non-conforming students depending upon the administration in office. According to the DOE Office for Civil Rights, Title IX protects lesbian, gay, bisexual, and transgender students from sex discrimination. See www2.ed.gov/about/offices/list/ocr/lgbt.html; 7:10-API, *Accommodating Transgender Students or Gender Non-Conforming Students*.

⁸ 34 C.F.R. §106.34(b)(1).

⁹ The last two sections of this policy provide a process for the board to monitor the extent that its ends for curriculum development are being pursued. However, a board may be concerned that these sections offend the board's efforts to delegate authority to the superintendent to manage the district. If so, these sections should be deleted. See the IASB *Foundational Principles of Effective Governance* at www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/ www.iasb.com/principles-ofn.

Curriculum Guides and Course Outlines

The Superintendent shall develop and provide subject area curriculum guides to appropriate staff members.

LEGAL REF.: 20 U.S.C. §1681, Title IX of the Education Amendments of 1972, implemented by 34 C.F.R. Part 106.
105 ILCS 5/10-20.8 and 5/10-19.

CROSS REF.: 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:70 (Teaching About Religions), 6:80 (Teaching About Controversial Issues) 6:100 (Using Animals in the Educational Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:120 (Education of Children with Disabilities), 6:130 (Program for the Gifted), 6:135 (Accelerated Placement Program), 6:140 (Education of Homeless Children), 6:145 (Migrant Students), 6:150 (Home and Hospital Instruction), 6:160 (English Learners), 6:170 (Title I Programs), 6:180 (Extended Instructional Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights)

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Instruction

Grading and Promotion 1

The Superintendent or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians.² 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.³ A student shall not be promoted based upon age or any other social reason not related to academic performance.⁴ The administration shall determine remedial assistance for a student who is not promoted.⁵

Every teacher shall maintain an evaluation record for each student in the teacher's classroom. A District administrator cannot change the final grade assigned by the teacher without notifying the teacher.⁶ 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.

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

¹ State law requires districts to have a school board policy containing the reasons for which a grade may be changed and prohibiting social promotion. 105 ILCS 5/10-20.9a. State law controls this policy's content.

If a district uses weighted grades for classes by degree of difficulty, it must be reflected in the affected students' class ranking and permanent records. 105 ILCS 5/27-27.

² Absent a court order to the contrary, upon the request of either parent of a student whose parents are divorced, copies of report cards, along with other notices and records, must be furnished to both parents by the district. 105 ILCS 5/10-21.8.

³ 105 ILCS 5/10-20.9a. Each board may determine its own promotion criteria and align the statute's criteria.

105 ILCS 5/2-3.64 contained the State assessment program until it was repealed by P.A. 98-972.

105 ILCS 5/2-3.64a-5(b) requires ISBE to "establish the academic standards that are to be applicable to students who are subject to State assessments." It contains the schedule for assessing students by calendar year and grade. ISBE selects standardized tests for the State assessment and accountability measure. In House Joint Resolution 54 (2015), members of the Ill. House and Senate encouraged school districts to not use results of the *Partnership for Assessment of Readiness for College and Careers* (PARCC) test for the 2014-2015 through the 2017-2018 school years "as a determining factor for making decisions about a student's educational opportunities, the evaluation of educators, and the allocation of resources based on educational achievement on this assessment." Starting in 2019, PARCC was no longer used by ISBE.

105 ILCS 5/2-3.64a-5(c), amended by P.A.s 100-7, and 101-643 requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours. Assessments are not required if ISBE receives a waiver from the administration of assessments from the U.S. Dept. of Education. Id.

105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-222, no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript; however, the scores must still be placed in the student's permanent record. See also 23 Ill.Admin.Code §375.10.

⁴ 105 ILCS 5/10-20.9a(b).

⁵ *Id.*

⁶ The specific reasons and procedure for changing a grade are at the local board's discretion; however, State law provides that no grade may be changed without notification to the teacher concerning the nature and reason for the change. 105 ILCS 5/10-20.9a(a). The person making the change must assume all responsibility and must initial the change. *Id.*

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.: 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

DRAFT

Instruction

Graduation Requirements ¹

To graduate from high school, unless otherwise exempted, each student is responsible for:

1. Completing all District graduation requirements that are in addition to the State requirements. ²
2. Completing all courses as provided in the School Code, 105 ILCS 5/27-22. ³
3. Completing all minimum requirements for graduation as specified in State law by Illinois State Board of Education rule, 23 Ill. Admin. Code §1.440. ⁴
4. Passing an examination on patriotism and principles of representative government, proper use of the flag, methods of voting, and the Pledge of Allegiance. ⁵
5. Participating in State assessments that are required for graduation by State law by the School Code, 105 ILCS 5/2-3.64a-5(e). ⁶

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

¹ State or federal law controls this policy's content. Graduation requirements are often published in student handbooks. The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

In accordance with 105 ILCS 5/2-3.159, amended by P.A. 101-503, eff. 1-1-20, and 23 Ill. Admin. Code §1.442, and 23 Ill. Admin. Code Part 680, a school district may establish a program to recognize high school graduates who attained a high level of proficiency in one or more languages in addition to English by designating on a student's diploma and transcript a State Seal of Bilingual Proficiency. See policy 6:320, *High School Credit for Proficiency*.

² Optional. 23 Ill. Admin. Code §1.440(f). A school board should ensure that all district graduation requirements that are in addition to the State requirements are aligned with the district educational objectives. See policy 6:10, *Educational Philosophy and Objectives*.

³ The escalating graduation requirements in 105 ILCS 5/27-22 had timed-out and were deleted by P.A. 100-443, such that only the final list of required courses in Section 27-22(e), amended by P.A. 101-464, eff. 1-1-20, is applicable. 105 ILCS 5/27-22(e)(3) allows the substitution of an advanced placement computer science course for a year of mathematics, and it further states that a mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path. 105 ILCS 5/27-22(e)(5) requires students entering the 9th grade in the 2016-2017 school year and each year thereafter to complete one semester of civics. For specific requirements, see 6:300-B2, *State Law Graduation Requirements*, and 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-entering Students*. The Ill. State Board of Education (ISBE) may adopt rules modifying graduation requirements for students in grades 9-12 if the Governor has declared a disaster due to a public health emergency under 20 ILCS 3305/7, 105 ILCS 5/27-22(i), added by P.A. 101-643.

⁴ 105 ILCS 5/27-22(e); 23 Ill. Admin. Code §1.440.

⁵ Required by 105 ILCS 5/27-3, amended by P.A. 101-643.

⁶ 105 ILCS 5/2-3.64a-5(c), amended by P.A.s 100-7, and 100-1046, and 101-643, states that "[s]tudents who do not take the State's final accountability assessment or its approved alternate assessment may not receive a regular high school diploma unless the student is exempted." Assessments are not required if ISBE receives a waiver from the administration of assessments from the U.S. Dept. of Education, *Id.*

105 ILCS 5/2-3.64a-5(c), amended by P.A.s 100-7, and 100-1046, and 101-643; 23 Ill. Admin. Code §1.30, Section 2-3.64a-5(c), requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours.

105 ILCS 5/2-3.64a-5(e), amended by P.A.s 100-222 and 100-1046, no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript. The student's final accountability assessment scores, however, must be placed in the student's permanent record. See also 23 Ill. Admin. Code §375.10.

6. ~~Beginning with the 2020-2021 school year, filing~~ one of the following: (1) a Free Application for Federal Student Aid (FAFSA) with the U.S. Dept. of Education, (2) an application for State financial aid, or (3) an Ill. State Board of Education (ISBE) waiver form indicating that the student understands what these aid opportunities are and has chosen not to file an application. If the student is not at least 18 years of age or legally emancipated, the student's parent/guardian must file one of these documents on the student's behalf.

A student is exempt from this requirement if: (1) the student is unable to file a financial aid application or an ISBE waiver due to extenuating circumstances, (2) the Building Principal attests the District made a good faith effort to assist the student or the student's parent/guardian with filing a financial aid application or an ISBE waiver form, and (3) the student has met all other graduation requirements.⁷

The Superintendent or designee is responsible for:⁸

1. Maintaining a description of all course offerings that comply with the above graduation requirements.
2. Notifying students and their parents/guardians of graduation requirements.
3. Developing the criteria for #4 above.
4. Complying with State law requirements for students who transfer during their senior year because their parent(s)/guardian(s) are on active military duty. This includes making reasonable adjustments to ensure graduation if possible, or efforts to ensure that the original (transferor) school district issues the student a diploma.
5. Taking all other actions needed or necessary to implement this policy.

Early Graduation⁹

The Superintendent or designee shall implement procedures for students to graduate early, provided they finish seven semesters of high school and meet all graduation requirements.

Certificate of Completion¹⁰

A student with a disability who has an Individualized Education Program prescribing special education, transition planning, transition services, or related services beyond the student's four years of high school, qualifies for a certificate of completion after the student has completed four years of high school. The student is encouraged to participate in the graduation ceremony of his or her high school graduation class. The Superintendent or designee shall provide timely written notice of this requirement to children with disabilities and their parents/guardians.

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

⁷ 105 ILCS 5/22-85 (final citation pending), added by P.A. 101-180, eff. 6-1-20. See 6:300-E3, *Form for Exemption from Financial Aid Application Completion*. ISBE provides a waiver form, the FAFSA Nonparticipation Form, for a parent/guardian or eligible student to opt of this graduation requirement at www.isbe.net/Documents/FAFSA-Non-Participation-Form.pdf. The Alternative Application for Ill. Financial Aid referenced in that form is intended for use by qualifying undocumented and transgender students, and is available at <https://studentportal.isac.org/alternativeapp>.

⁸ Items #1 and #2 are required by 23 Ill.Admin.Code §1.440(d) and (e), respectively. Item #3 must be addressed because the law leaves many implementation issues unanswered. A comprehensive Student Handbook can provide notice of the district's graduation requirements, conduct rules, and other important information. Item #4 includes discussion of the adjustments required by the Educational Opportunity for Military Children Act, 105 ILCS 70/35(d).

⁹ This is optional. State law and rules are silent regarding early graduation. As an alternative, a board may delete the phrase "finish 7 semesters of high school and."

¹⁰ Required by 105 ILCS 5/14-16.

Service Member Diploma ¹¹

The District will award a diploma to a service member who was killed in action while performing active military duty with the U.S. Armed Forces or an honorably discharged veteran of World War II, the Korean Conflict, or the Vietnam Conflict, provided that he or she (1) resided within an area currently within the District at the time he or she left high school, (2) left high school before graduating in order to serve in the U.S. Armed Forces, and (3) has not received a high school diploma.

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), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:315 (High School Credit for Students in Grade 7 or 8), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

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

¹¹ Optional. 105 ILCS 5/22-27, amended by P.A. 101-131, does not designate a time requirement for when the service member killed in action or veteran "resided within an area currently within the district." Thus, a reasonable interpretation may be adopted locally. The sample policy designates "at the time he or she left high school" as the pertinent time for residence. See 6:300-E1, *Application for a Diploma for a Service Member Killed in Action or for Veterans of WWII, the Korean Conflict, or the Vietnam Conflict*.

Instruction

High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students ¹

Credit for Non-District Experiences ²

A student may receive high school credit for successfully completing any of the listed courses or experiences even when it is not offered in or sponsored by the District:

1. Distance learning course, including a correspondence, virtual, or online course
2. Courses in an accredited foreign exchange program
3. Summer school or community college courses ³
4. College or high school courses offering dual credit at both the college and high school level ⁴

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

¹ State law requires that several of the programs in this policy be covered in policy. State law controls this policy's content. Note that 23 Ill.Admin.Code §1.420(b) requires "[e]very school district [to] have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State." Section 1.460 requires "[e]ach local board of education with a high school [to] adopt a policy which defines the board's position with reference to the awarding of high school credit on the basis of local examinations to pupils who have achieved the necessary proficiencies through independent study, either with or without private tutoring, or for work taken in or from another institution." 23 Ill.Admin.Code §1.460.

Sample policy 6:185, *Remote Educational Program*, provides for educational programs delivered by the district in a location outside of the school.

Sample policy 6:315, *High School Credit for Students in Grade 7 or 8*, allows students enrolled in grade 7 or 8 to enroll in a course required for high school graduation. 105 ILCS 5/27-22.10(a); 23 Ill.Admin.Code §1.440(e)(3).

² Each board may choose for which, if any, of the listed non-district experiences the district will grant high school credit. If a district does not grant credit for any of the listed activities, substitute the following alternative for all text in the entire section: "The District does not grant graduation credit for learning experiences that an enrolled student does not complete through the District."

³ 105 ILCS 5/27-22.1 provides that no fewer than 60 hours of classroom instruction in summer school is required for one semester of high school course credit. Districts may accept courses completed in a community college (CC) toward graduation. 23 Ill.Admin.Code §1.440(f). Superintendents, pursuant to 105 ILCS 5/10-21.4, must annually report to ISBE the number of students enrolled in accredited courses at any CC along with the name(s) and number(s) of the course(s) each student is taking.

⁴ The Dual Credit Quality Act (110 ILCS 27/) defines dual credit as a college course taken by a high school student for credit at both the college and high school level. 110 ILCS 27/5 and 105 ILCS 5/10-20.62(a), amended by P.A. 100-792, eff. 1-1-19. An instructor who teaches a dual credit course does not need the certification required by Article 21 of the School Code but must meet the standards set forth in 110 ILCS 27/20(1), (2), or (3), amended by P.A. 100-1049. Dual credit programs require: (a) a specific partnership agreement between the district and a CC, as long as the district is in the CC's jurisdiction (110 ILCS 27/16, added by P.A. 100-1049), or (b) cooperation between the school district and the institution providing the dual credit courses (see the Higher Education Student Assistance Act at 110 ILCS 947/10 for a definition of *institution*). If the district and CC cannot agree within 180 days of a district's initial request to enter into a partnership agreement, the two parties must use the model partnership agreement located at 110 ILCS 27/19, added by P.A. 100-1049.

5. Foreign language courses taken in an ethnic school program approved by the Illinois State Board of Education ⁵
6. Work-related training at manufacturing facilities or agencies in a Tech Prep Program ⁶
7. Credit earned in a Vocational Academy ⁷

The student must seek approval from the Superintendent or designee to receive graduation credit for any non-District course or experience. The Superintendent or designee shall determine the amount of credit and whether a proficiency examination is required before the credit is awarded. As approval is not guaranteed, students should seek conditional approval of the experience before participating in a non-District course or experience. The student assumes responsibility for any fee, tuition, supply, or other expense. The student seeking credit is responsible for (1) providing documents or transcripts that demonstrate successful completion of the experience, and (2) taking a proficiency examination, if requested. The Superintendent or designee shall determine which, if any, non-District courses or experiences, will count toward a student's grade point average, class rank, and eligibility for athletic and extracurricular activities. This section does not govern the transfer of credits for students transferring into the District.

Substitutions for Required Courses

Vocational or technical education; registered apprenticeship program.⁸ A student in grades 9-12 may satisfy one or more high school courses (including physical education) or graduation

Commented [DJ1]: Text formerly contained in footnote 8 (including part of the first paragraph, second paragraph, and part of the third paragraph), was moved and now appears in footnotes 9 at 10.

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

~~After 1-1-19, out-of-state dual credit contracts are prohibited until a district first offers the CC in the district in which the district is located the opportunity to provide a dual credit course. 110 ILCS 27/17, added by P.A. 100-1049. In addition, a district seeking to enter into an agreement with an out-of-state institution must provide notice to the Ill. State Board of Higher Education (BHE) of its intent to which the BHE will have 30 days to provide the district with a list of in-state institutions that can provide the district an equivalent dual credit opportunity. Id. Agreements between a district and an out-of-state institution that were in effect before 1-1-19 will not be affected. Id. A high school evaluation of a dual credit program must also incorporate the analysis of data from the Ill. State Board of Education's (ISBE) statewide longitudinal data system (see the P-20 Longitudinal Education Data System Act, 105 ILCS 13/, for more information).~~

~~105 ILCS 5/10-26.62, added by P.A. 100-133 and renumbered by P.A. 100-792, requires school boards to require the district's high schools, if any, to inform all 11th and 12th grade students of dual enrollment and dual credit opportunities at public CCs for qualified students. Qualified students may enroll in an unlimited amount of dual credit courses and earn an unlimited amount of academic credits from them if the course(s) are taught by an Ill. instructor, as provided by 110 ILCS 27/17. Id. at (b), amended by P.A. 100-792. In addition, all dual credit coursework completed by a high school student must be transferred to all public institutions in Illinois on the same basis as coursework completed by a public CC student who previously earned a high school diploma in the manner set forth under the Ill. Articulation Initiative Act. Id. at 27/19, added by P.A. 100-1049.~~

~~See *Increasing Postsecondary Opportunities and Success for Students and Youth with Disabilities* at www.sites.ed.gov/idea/idea-files/ga-increasing-postsecondary-opportunities-success-for-students-youth-with-disabilities-supl-17-2019 Letter for information on providing transition services to high school students who have individualized education programs (IEPs), are receiving services under the IDEA, and take courses offered by a community college or other postsecondary education institution program prior to high school graduation.~~

⁵ 105 ILCS 5/2-3.44 and 5/10-22.43a. An ethnic school is a part-time, private school that teaches the foreign language of a particular ethnic group as well as the culture, geography, history, and other aspects of a particular ethnic group. 105 ILCS 5/2-3.44; 23 Ill.Admin.Code §1.465(b). For requirements, see 23 Ill.Admin.Code §1.465.

⁶ The State Superintendent and Board of Higher Education were encouraged by 105 ILCS 5/2-3.115 to establish a program of academic credit for Tech Prep work based learning for secondary school students with an interest in pursuing such career training, which could be instituted by school districts. See also 23 Ill.Admin.Code §1.445.

⁷ Vocational Academics Act, 105 ILCS 433/. The Act's purpose is to "integrate workplace competencies and career and technical education with core academic subjects." School districts are permitted to partner with CCs, local employers, and community-based organizations to establish a vocational academy that functions as a two-year school within a school for grades 10 through 12. Grant funds may be available from ISBE when the vocational academy meets statutory requirements.

requirements by successfully completing related vocational or technical education courses or a registered apprenticeship program if:⁹

1. The Building Principal approves the substitution(s) and the vocational or technical education course is completely described in curriculum material along with its relationship to the required course; and
2. The student's parent/guardian requests and approves the substitution(s) in writing on forms provided by the District.

Registered Apprenticeship Program:¹⁰ The Superintendent or designee will ensure that the District complies with State law requirements for registered apprenticeship programs.¹¹ The opportunities and requirements for registered apprenticeship programs contained in this policy will be posted on the District's website, and parents/guardians and students will also be notified of such opportunities in the appropriate school handbook(s).¹²

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

⁹ Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/27-22.05, amended by P.A. 100-992.

¹⁰ The related requirement is met if the course contains at least 50% of the content of the required course. Id. 23 Ill. Admin. Code §1.445 requires that the vocational or technical education course be completely described in the policy along with its relationship to the required course. The sample policy satisfies these requirements by referring to the courses as described in curricular material.

ISBE requires that the parent/guardian of a student under the age of 18 request the course substitution "on forms that the school district makes available" and that the request must be maintained in the student's temporary record. 23 Ill. Admin. Code §1.445. See 6:310-E, *Class Substitution Request*. There is no parallel recordkeeping requirement in the rules for registered apprenticeships; however, it is best practice to maintain all types of substitution requests as evidence of compliance with the form requirement.

¹¹ Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/2-3.175, added by P.A. 100-992, renumbered by P.A. 101-81; 23 Ill. Admin. Code §255.200. A registered apprenticeship program is an industry-based occupational training program of study with standards reviewed and approved by the U.S. Dept. of Labor that meets characteristics set forth in State law and ISBE rules. The introductory sentence and listed items 1, 3, 4, and 6 are required to be in the policy if a board decides to allow students to participate in registered apprenticeship programs. See 23 Ill. Admin. Code §255.200(b). Item #2 is not required to be stated in policy, but is required to be included in a district website notification (if any) to parents/guardians about registered apprenticeship opportunities. See fn 13, below.

If a board adopts a policy to allow for student participation in registered apprenticeship programs, the policy must be posted on the district's website (if any) for students, parents, and members of the business and industry community to access. 23 Ill. Admin. Code §255.200(c)(1). See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, and fns 12 and 13 below for other related website posting requirements.

¹¹ 105 ILCS 5/2-3.175, added by P.A. 100-992, renumbered by P.A. 101-81; 23 Ill. Admin. Code Part 255. In addition to the requirements listed in the policy, districts allowing for student participation in registered apprenticeship programs must also: (1) submit data on participating students through ISBE's Student Information System, (2) identify and attempt to eliminate any barriers to student participation, and (3) include the program in the Career Pathway Endorsement if the district awards endorsements under the Postsecondary and Workforce Readiness Act (110 ILCS 1487). 23 Ill. Admin. Code §255.200(c)-(f).

¹² 23 Ill. Admin. Code §255.200(c). The Illinois Principals Association maintains a handbook service that coordinates with PRESS and with *Online Model Student Handbook (MSHB)* at: www.ilprincipals.org/resources/model-student-handbook. The notification to students and parents on the district's website must include: (1) a statement that a student may participate in any registered apprenticeship program listed by the district; and (2) a statement that a student may find a registered, but not listed, apprenticeship program with a business or organization, if a registered apprenticeship program is not offered in the district. 23 Ill. Admin. Code §255.200(c)(2). See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. For districts that do not maintain a website, use the following alternative sentence: Parents/guardians and students will be notified of opportunities for registered apprenticeship programs in the appropriate school handbook(s).

A student in grades 9-12 who is 16 years or older may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing a registered apprenticeship program if:

1. The registered apprenticeship program meets all criteria contained in State law;
2. The registered apprenticeship program is listed by the District, or the student identifies a registered (but not listed) apprenticeship program with a business or organization if one is not offered in the District;
3. The student enrolled in a registered apprenticeship program has the opportunity to earn post-secondary credit toward a certificate or degrees, as applicable;
4. The student's parent/guardian requests and approves the substitution(s) in writing on forms provided by the District and on its website;¹³
5. The Building Principal approves the substitution(s); and
6. All non-academic requirements mandated by the School Code for high school graduation that would otherwise prohibit or prevent the student from participating in the registered apprenticeship program are waived.

Advanced placement computer science.¹⁴ The advanced placement computer science course is equivalent to a high school mathematics course. A student in grades 9-12 may substitute the advanced placement computer science course for one year of mathematics, in accordance with Section 27-22 of the School Code. The transcript of a student who completes the advanced placement computer science course will state that it qualifies as a mathematics-based, quantitative course.

Substitutions for physical education. A student in grades 9-12, unless otherwise stated, may submit a written request to the Building Principal to be excused from physical education courses for the reasons stated below.¹⁵ The Superintendent or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances, as appropriate.¹⁶

1. Ongoing participation in a marching band program for credit;¹⁷
2. Enrollment in Reserve Officer's Training Corps (ROTC) program sponsored by the District;¹⁸
3. Ongoing participation in an *Interscholastic or extracurricular athletic program*;¹⁹

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

¹³ 23 Ill. Admin. Code §255.200(b)(4). See 6-310-E, *Class Substitution Request*, and 2-250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. If the district does not maintain a website, do this on its website.

¹⁴ Optional, but allowed by 105 ILCS 5/27-22(e)(3), amended by P.A. 101-464, §§ 1-1, 20 and 5/27-22(f-5).

¹⁵ Optional, but allowed by 105 ILCS 5/27-6(b), amended by P.A. 100-465; 23 Ill. Admin. Code §1.425(e), amended at 42-III-Reg-11542-43. A board that wants to allow any of these P.E. exemptions must include the ones it selects in a policy that excuses students on an individual basis.

¹⁶ 23 Ill. Admin. Code §1.425(e), amended at 42-III-Reg-11542-43.

¹⁷ 23 Ill. Admin. Code §1.425(e)(4)(A), added at 42-III-Reg-11543. This policy excuses students from P.E. only during the marching band season because the statute allows the exemption "for ongoing participation in such marching band program." Thus, if the marching band season is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue until the end of the current grading period.

¹⁸ 23 Ill. Admin. Code §1.425(e)(4)(B), added at 42-III-Reg-11543.

4. Enrollment in academic classes that are required for admission to an institution of higher learning (student must be in the 11th or 12th grade);²⁰ or
5. Enrollment in academic classes that are required for graduation from high school, provided that failure to take such classes will result in the student being unable to graduate (student must be in the 11th or 12th grade).²¹

A student who is eligible for special education may be excused from physical education courses pursuant to 7:260, *Exemption from Physical Education*.

Volunteer service credit.²² A student participating in the District's Volunteer Service Credit Program, if any, may earn credit toward graduation for the performance of community service. The amount of credit given for program participation shall not exceed that given for completion of one semester of language arts, math, science, or social studies.

Re-Entering Students²³

Individuals younger than 21 years of age may re-enter high school to acquire a high school diploma or an equivalency certificate, subject to the limitations in Board policy 7:50, *School Admissions and*

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

¹⁹ 23 Ill. Admin. Code §1.425(e)(2) and (e)(3)(A) added at 42 Ill. Reg. 11542-3. Prior to P.A. 100-465, the statute only allowed students in grades 11 and 12 to be excused from P.E. "for ongoing participation in an interscholastic athletic program." 105 ILCS 5/27-6(b)(1), 105 ILCS 5/27-6(b), amended by P.A. 100-465, now states "on a case-by-case basis, excuse pupils in grades 7 through 12 who participate in an interscholastic or extracurricular athletic program." While the statute no longer requires such participation to be ongoing, 23 Ill. Admin. Code §1.425(e)(3) added at 42 Ill. Reg. 11542, requires ongoing participation. Thus, if the athletic program is over, the student's ongoing participation has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue only until the end of the grading period during which the athletic program is active. 23 Ill. Admin. Code §1.425(e)(2) limits interscholastic and extracurricular athletic programs to those that are sponsored by the school district as defined in school board policy. Boards do not have the "authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district." Id. at §1.425(e)(6).

State statutes do not define interscholastic athletic program or extracurricular athletic program; however, 105 ILCS 5/22-30 defines interscholastic athletic activity as "any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling." 23 Ill. Admin. Code §1.425(e)(2), added at 42 Ill. Reg. 11542, defines interscholastic and extracurricular athletic programs as "those programs that are sponsored by the school district as defined by school district policy." Boards have no authority to honor parental excuses based upon students' participation in athletic training, activities or competition conducted outside the auspices of the school district. 23 Ill. Admin. Code §1.425(e)(6), added at Ill. Reg. 11542.

For boards that want to explain the meaning of interscholastic or extracurricular athletic program, insert the following option at the end of #3:

(organized school-sponsored or school-sanctioned activities for students that are not part of the curriculum, not graded, not for credit, generally take place outside of school instructional hours, and under the direction of a coach, athletic director, or band leader)

For unit districts, ensure the definition matches the definition in policy 7:260, *Exemption from Physical Education*.

²⁰ 23 Ill. Admin. Code §1.425(e)(3)(B) added at 42 Ill. Reg. 11542.

²¹ 23 Ill. Admin. Code §1.425(e)(3)(C) added at 42 Ill. Reg. 11542.

²² Optional. The credit given for one semester may not exceed that stated in this policy. 105 ILCS 5/27-22.3. The program may include participation in the organization of a high school or community blood drive or other blood donor recruitment campaign. Id. ISBB must provide assistance to districts opting to offer the program. 105 ILCS 5/2-3.108.

²³ Required by 23 Ill. Admin. Code §1.470(a). While the sample policy does not provide for it, a school board may permit adults 21 years of age or older to re-enter high school. 23 Ill. Admin. Code §1.470(b). Items #4 & #5 are optional, but must be included in a policy if credit will be granted for them. 105 ILCS 5/27-6, 27-22.05.

Student Transfers To and From Non-District Schools. Re-entering students may obtain credit through the successful completion of the following (not all of these may be available at any one time):

1. District courses
2. Non-District experiences described in this policy
3. Classes in a program established under Section 10-22.20 of the School Code, in accordance with the standards established by the Illinois Community College Board
4. Proficiency testing, correspondence courses, life experiences, and other nonformal educational endeavors
5. Military service, provided the individual making the request has a recommendation from the American Council on Education

The provisions in the section **Credit for Non-District Experiences**, above, apply to the receipt of credit for any non-District course.

LEGAL REF.: 105 ILCS 5/2-3.44, 5/2-3.108, 5/2-3.115, 5/2-3.142, 5/2-3.175, 5/10-22.43a, 5/27-6, 5/27-22.3, and 5/27-22.05.
110 ILCS 27/, Dual Credit Quality Act.
23 Ill.Admin.Code §§1.425(e), 1.440(f), and 1.470(c), and Part 255.

CROSS REF.: 6:180 (Extended Instructional Programs), 6:300 (Graduation Requirements), 6:315 (High School Credit for Students in Grade 7 or 8), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:260 (Exemption from Physical Education)

Instruction

High School Credit for Students in Grade 7 or 8¹

The Superintendent or designee may investigate, coordinate, and implement a program for students in grades 7 and 8 to enroll in a course required for a high school diploma.

[The next two paragraphs are only for unit and high school districts; the final paragraph is only for elementary districts.]

If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma when the course is offered by the high school that the elementary student would attend and either of the following is satisfied: (1) the student participates in the course at the high school and the elementary student's enrollment in the course would not prevent a high school student from being able to enroll, or (2) the student participates in the course where the student attends school as long as the course is taught by a teacher who holds a professional educator license with an endorsement for the grade level and content area of the course.²

A student who successfully completes a course required for a high school diploma while in grades 7 and 8 shall receive academic credit for the course.³ That academic credit shall satisfy the requirements of Section 27-22 of the School Code for purposes of receiving a high school diploma, unless evidence about the course's rigor and content show that the course did not address the relevant Illinois learning standard at the level appropriate for the high school grade during which the course is usually taken.⁴ The student's grade in the course shall also be included in the student's grade point average.⁵

[Elementary school districts only]

If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma. Students in grades 7 and 8 who successfully complete a course required for a high school diploma will receive academic credit if permitted by, and in accordance with, the policy of the district where the elementary student will attend high school.

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

¹ While State law controls this policy's content, districts are not required to implement it. The board of any district that maintains any grades 9-12 may adopt a policy for students enrolled in grade 7 or 8 to enroll in a course required for high school graduation. (105 ILCS 5/27-22.10(a); amended by P.A. 99-189, and 23 ILAdmin.Code §1.440(c)(3). The first sentence recognizes that this policy's implementation requires cooperation between school districts, superintendents, building principals, and other administrators.

² A high school board may choose the following alternative if it believes condition (2) would be difficult to manage because its students come from multiple districts having been taught by multiple non-district teachers:

If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma when the course is offered by the high school that the elementary student would attend when the student participates in the course at the high school and the elementary student's enrollment in the course would not prevent a high school student from being able to enroll.

³ 105 ILCS 5/27-22.10(c).

⁴ *Id.* at (c).

⁵ *Id.* at (d).

LEGAL REF.: 105 ILCS 5/10-22.43 and 5/27-22.10.
23 Ill.Admin.Code §1.460.

CROSS REF.: 6:300 (Graduation Requirements), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:320 (High School Credit for Proficiency)

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Instruction

High School Credit for Proficiency

Proficiency Credits¹

Subject to the limitations in this policy and State law, the Superintendent or designee is authorized to establish and approve a program for granting credit for proficiency with the goal of allowing a student who would not benefit from a course because the student is proficient in the subject area to receive credit without having to take the course. A student who demonstrates competency under this program will receive course credit for the applicable course and be excused from any requirement to take the course as a graduation prerequisite. No letter grade will be given for purposes of the student's cumulative grade point average. The Superintendent or designee shall notify students of the availability of and requirements for receiving proficiency credit.

Proficiency credit will be offered in the following subject areas:²

Foreign language - A student is eligible to receive one year of foreign language credit if the student has graduated from an accredited elementary school and can demonstrate proficiency, according to this District's academic criteria, in a language other than English.³ A student who demonstrates proficiency in American Sign Language is deemed proficient in a foreign language and will receive one year of foreign language credit.⁴ A student who studied a foreign language in an approved ethnic school program is eligible to receive appropriate credit according to the level of proficiency reached; the student may be required to take a proficiency examination.⁵

Other proficiency testing - The program for granting credit for proficiency may allow, as the Superintendent deems appropriate, course credit to be awarded on the basis of a local examination to a student who has achieved the necessary proficiency through independent study or work taken in or through another institution.⁶ Proficiency testing may also be used to determine eligible credit for other subjects whenever students enter from non-graded schools, non-recognized or non-accredited schools, or were in a home-schooling program.

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

¹ An ISBE rule requires districts with a high school to have a policy on earning credit through proficiency exams. 23 Ill.Admin.Code §1.460. State law controls this policy's content. Students must *successfully complete* the courses listed in 105 ILCS 5/27-22, amended by P.A. 101-643, in order to receive a high school diploma. See 6:300-E2, *State Law Graduation Requirements*. 105 ILCS 5/27-12.1 no longer allows districts to grant consumer education proficiency credit.

In accordance with 105 ILCS 5/2-3.159, amended by P.A. 101-503, eff. 1-1-20, and 23 Ill.Admin.Code §680.201-442, a school district may establish a program to recognize high school graduates who attain a high level of proficiency in one or more languages in addition to English by designating on a student's diploma and transcript a State Seal of Biliteracy.

² This paragraph should be revised to reflect the actual practice concerning granting proficiency credits. A board may delete all text concerning foreign language proficiency credit and keep only the text in the second indented paragraph without using a subheading.

³ Optional, but permitted by 105 ILCS 5/10-22.43.

⁴ See f/n 2. Required only if the district offers proficiency credit for foreign language. *Id.*

⁵ See f/n 2. Optional, but permitted by 105 ILCS 5/10-22.43a.

⁶ Optional.

LEGAL REF.: 105 ILCS 5/10-22.43, 5/10-22.43a, 5/27-22, and 5/27-24.3.
23 Ill.Admin.Code §1.460 Part 680.

CROSS REF.: 6:300 (Graduation Requirements), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:315 (High School Credit for Students in Grade 7 or 8)

DRAFT

Instruction

Student Testing and Assessment Program 1

The 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 Superintendent or designee shall manage the student assessment program that, at a minimum:

1. ~~Administers to students the State assessment system, known as the Illinois Assessment of Readiness (IAR)~~ all standardized assessments required by the Ill. State Board of Education (ISBE), 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. ²
3. Provides each student's parents/guardians with the results or scores of each State assessment and an evaluation of the student's progress. See policy 6:280, *Grading and Promotion*. ³
4. Utilizes professional testing practices. ⁴

Overall student assessment data on tests required by State law will be aggregated by the District and reported, along with other information, on the District's annual report card.⁵ All reliable assessments

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

¹ State and federal law control this policy's content. 105 ILCS 5/2-3.64a-5(b) requires ISBE to "establish the academic standards that are to be applicable to students who are subject to State assessments." It contains the schedule for assessing students by calendar year and grade. The Ill. State Board of Education (ISBE) selected the *Partnership for Assessment of Readiness for College and Careers* (PARCC) as the State assessment and accountability measure for grades 3-8 through the 2017-2018 school year. Beginning with the 2018-2019 school year, ISBE began transitioning from PARCC to the *Ill. Assessment for Readiness* (IAR), which continues to use "an anchor set of PARCC items." See letter from State Superintendent Tony Smith, 2-8-19, along with other ISBE resource material at www.isbe.net/IAR. In House Joint Resolution 54 (2015), members of the Ill. House and Senate encouraged school districts to not use results of the PARCC test for the 2014-2015 school year through the 2017-2018 school year "as a determining factor for making decisions about a student's educational opportunities, the evaluation of educators, and the allocation of resources based on educational achievement on this assessment."

105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-7 and 101-643, requires that the assessment administered by ISBE for the purpose of student application to or admissions consideration by institutions of higher education be administered on a school day during regular student attendance hours.

105 ILCS 5/2-3.64a-5(d) contains the requirements for assessing students receiving special education services and students determined to be English learners.

105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-222, no longer requires that the scores attained by a student on an assessment that includes a college and career readiness determination be entered on the student's transcript. The scores, however, must be placed in the student's permanent record. See 23 Ill.Admin.Code §375.10.

² Required by 105 ILCS 5/2-3.64a-5(e), amended by P.A. 101-643.

³ 105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-222, requires districts to provide State assessment results/scores to students' parents/guardians. The second part of this provision is optional and may be deleted, i.e., "and an evaluation of the student's progress."

⁴ 105 ILCS 5/2-3.107; 23 Ill.Admin.Code §1.30(b).

administered by the District and scored by entities outside of the District must be (1) reported to ISBE on its form by the 30th day of each school year, and (2) made publicly available to parents/guardians of students.⁶ Board policy 7:340, *Student Records*, and its implementing procedures govern recordkeeping and access issues.⁷

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.: 6:15 (School Accountability), 6:280 (Grading and Promotion), 7:340 (Student Records)

DRAFT

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⁵ Required by 105 ILCS 5/10-17a, amended by P.A.s 99-642, 100-227, 100-807, and 100-1121. School districts must annually, no more than 30 days after receipt from the State Superintendent release their district's and schools' report cards assessing the performance of its schools and students. Districts must: (1) present the report cards at a regular Board meeting, (2) post them on the District's website, (3) make them available to a newspaper of general circulation serving the District, and (4) upon request, send them home to parents/guardians. 105 ILCS 5/10-17a(5). The school report card must describe, among other items, student characteristics, curriculum information, student outcomes and progress, and school environment. The environment report must include indicators from the *school climate survey* approved under 105 ILCS 5/2-3.153 (requires ISBE, in addition to its default school climate survey, to identify two or three alternative school survey instruments from which districts may select).

⁶ 105 ILCS 5/22-82, added by P.A. 99-590, requires every school district to report to ISBE for each of its schools, by the 30th day of each school year, all reliable assessments the district administers that are scored by entities outside of the district. The district must make the report on an ISBE-provided form.

Each school must also make this information publicly available to the parents and guardians of its students through the district's Internet website or distribute the information in paper form. *Id.* at (b). See 2:250, E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. Although not required by law, if a board wants to direct that this information be shared more broadly with the public for greater transparency, add "and to the community" after "parents/guardians of students."

⁷ 105 ILCS 5/2-3.64a-5(e), amended by P.A. 100-222, governs recording assessment results in school student records. See also the Illinois School Student Records Act, 105 ILCS 10/; 23 Ill.Admin.Code §375.10.

Students

Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students 1

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
2. Entering the sixth and ninth grades;³ 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).⁴

Proof of immunization against meningococcal disease is required for students in grades 6 and 12.⁵

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice registered 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.⁶
2. A diabetes screening is a required part of each health examination; diabetes testing is not required.⁷
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

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¹ State or federal law controls this policy's content. The policy restates 105 ILCS 5/27-8.1, amended by P.A. 100-513, 100-977, and 101-643, eff. 1-1-19. Immunization requirements are found in 77 Ill.Admin.Code §665.240, amended by 44 Ill.Reg. 2973. A Tuberculosis skin test is required if the student lives in an area designated by the Ill. Dept. of Public Health (IDPH) as having a high incidence of Tuberculosis. See also *Questions & Answers Regarding School Health Record Issues*, revised May 2013, and available at: www.dhs.state.il.us/onenetlibrary/27897/documents/schoolhealth/faq_2013.pdf.

² 105 ILCS 5/27-8.1(1); 77 Ill.Admin.Code §§665.140 and 665.240 *et seq.*

³ *Id.*

⁴ *Id.* If grade levels are not assigned, examinations must be completed within one year prior to the school year in which the child reaches the ages of five, 11, and 15. 77 Ill.Admin.Code §665.140(b).

⁵ 410 ILCS 315/1.10; 77 Ill.Admin.Code §665.240(l). For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, students must show proof that they have received one dose of meningococcal conjugate vaccine in the school year in which the child reaches age 11 and a second dose in the school year in which the child reaches age 16 (but if the first dose is administered when the child is 16 years of age or older, only one dose is required). Students eligible to remain in public school beyond grade 12 (special education) shall meet the requirements for 12th grade.

⁶ 105 ILCS 5/27-8.1(2), amended by P.A. 100-513; 77 Ill.Admin.Code §665.130 *et seq.*

⁷ *Id.* at fn 6 above and §665.700 *et seq.*; 105 ILCS 5/27-8.1(2); 77 Ill.Admin.Code §665.700 *et seq.*

examination.⁸ 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.⁹

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.¹⁰
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.¹¹
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).¹²

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

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⁸ 105 ILCS 5/27-8.1(2), amended by P.A. 100-513 and 100-101199-927. The IDPH is to develop rules to implement these new screening requirements and revise the Child Health Examination form. Id. The health care provider must only record whether or not the social and emotional screening was completed.

⁹ 105 ILCS 5/27-8.1(2.5), amended by P.A. 99-927. Item #3 may be supplemented with any of the following options:

- Option 1:** If proof of the developmental screening or the social and emotional screening portions of the health examination are not presented, qualified school support personnel may, with a parent/guardian's consent, offer the screenings to the child.
- Option 2:** Once a student presents proof that he or she received a developmental screening or a social and emotional screening, the school may, with a parent/guardian's consent, make available appropriate school personnel to work with the parent/guardian, child, and provider who signed the screening form to obtain any appropriate evaluations and services.
- Option 3:** (The use of both Option 1 and 2.)
- a. If proof of the developmental screening or the social and emotional screening portions of the health examination are not presented, qualified school support personnel may, with a parent/guardian's consent, offer the screenings to the child.
 - b. Once a student presents proof that he or she received a developmental screening or a social and emotional screening, the school may, with a parent/guardian's consent, make available appropriate school personnel to work with the parent/guardian, child, and provider who signed the screening form to obtain any appropriate evaluations and services.

Note: Even if the district does not offer the above optional services, consult the board attorney about whether the presence of developmental or social and emotional screening information on the Child Health Examination form triggers child find obligations under the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

¹⁰ Required by 410 ILCS 45/7.1. Physicians are required to screen children over 7 years of age for lead poisoning when, in the physician's judgment, a child is at risk. 410 ILCS 45/6.2, amended by P.A. 100-513.

¹¹ This sentence restates the requirement in the Communicable Disease Prevention Act regarding HPV-related cancer prevention. 410 ILCS 315/2e, amended by P.A. 100-741, eff. 1-1-19.

¹² 105 ILCS 5/27-8.1(8.5), added by P.A. 100-977, eff. 1-1-19.

required health forms are presented to the District.¹³ 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.¹⁴ 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.¹⁵ The schedule and statement of medical reasons must be signed by the physician, advanced practice registered 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.¹⁶ 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.¹⁷

Eye Examination ¹⁸

Parent(s)/guardian(s) are encouraged to have their children undergo an eye examination whenever health examinations are required.¹⁹

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

¹³ 105 ILCS 5/27-8.1(5), amended by P.A. 100-513, requires compliance by October 15 unless a district establishes an earlier date with 60 days notice. If an earlier date is established, replace "October 15" in this paragraph with the earlier locally established date. During any student's exclusion from school for non-compliance with this policy, the student's parent(s)/guardian(s) shall be considered in violation of 105 ILCS 5/26-1 and subject to any penalty imposed by 105 ILCS 5/26-10, as provided in 105 ILCS 5/27-8.1. 105 ILCS 5/27-8.1(2.5), amended by P.A. 99-927, exempts developmental or social and emotional screenings from the exclusion from school requirement.

Note: 77 Ill. Admin. Code §665.240(n), created by 41 Ill. Reg. 2073, states "It is not the intent of this Part that any child whose parents comply with the intent of this Part, the Act or the School Code should be excluded from a child care facility or school. A child or student shall be considered in compliance with the law if there is evidence of the intent to comply. Evidence may be: 1) a signed statement from a health care provider that he or she has begun, or will begin, the necessary immunization procedures; or 2) the parent's or legal guardian's written consent for the child's participation in a school or other community immunization program." Consult with the board attorney about the impact this new-regulation may have on the district's ability to and procedures for excluding students for non-compliance with this policy.

¹⁴ This sentence is optional. The timeframe of 30 days is a matter of local discretion except that out-of-state transfer students who fail to provide proof of the required vaccinations after 30 days must be excluded until such proof is properly submitted. 105 ILCS 5/27-8.1(5), amended by P.A. 100-513. Consult the board attorney about establishing timeframes other than 30 days.

¹⁵ This sentence and the following sentence restate 105 ILCS 5/27-8.1(5), amended by P.A. 100-513.

¹⁶ *Id.* The special treatment of out-of-state transfer students resulted from the enactment of the Educational Opportunity for Military Children Act, 105 ILCS 70/. There are no more sunset dates in this law, which eliminates its constituents' need to continually revisit the law and extend its effective dates.

¹⁷ 105 ILCS 5/27-8.1, amended by P.A.s 100-513, 100-977, and 101-643.

¹⁸ Required by 105 ILCS 5/27-8.1(1.10), amended by P.A. 101-643, and 5/27-8.1(2). The IDPH's rules are published at 77 Ill. Admin. Code §665.610 *et seq.* §665.150 and 630 prescribe the statewide eye examination report form. It is available at: www.idph.state.il.us/HealthWellness/EyeExamReport.pdf or 77 Ill. Admin. Code §665, Appendix A.

¹⁹ While 105 ILCS 5/27-8.1 requires eye examinations for students entering kindergarten or an Illinois school for the first time, it still encourages parent(s)/guardian(s) to have their children undergo eye examinations at the same points in time as their required health examinations. The IDPH must require that individuals conducting vision screenings give a child's parent/guardian a written notification stating (105 ILCS 5/27-8.1(2)):

Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months.

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 Superintendent 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 ²⁰

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 ²¹

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. ²²
2. Health examination or immunization requirements on medical grounds, if the examining physician, advanced registered-practice registered nurse, or physician assistant provides written verification.

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

²⁰ Required by 105 ILCS 5/27-8.1(1.5), amended by P.A.s 100-829 and 101-643, eff. 1-1-19. The IDPH's rules are published at 77 Ill.Admin.Code §665.410 et seq. §§665.150 and 430 prescribe the statewide dental examination report form. It is available at:

www.idph.state.il.us/HealthWellness/oralHlth/DentalExamProof10.pdf or www.dph.illinois.gov/sites/default/files/forms/dentalexamproof10-0.pdf or 77 Ill.Admin.Code §665, Appendix D.

²¹ Id.; 105 ILCS 5/27-8.1(1.10), amended by P.A. 101-643, and 5/27-8.1(8), as amended by P.A. 100-51399-249.

²² Id.; 77 Ill.Admin.Code §665.510, amended by 41 Ill.Reg. 2973. The Certificate of Religious Exemption form is available on IDPHSBE's website at: www.dph.illinois.gov/sites/default/files/forms/religious-exemption-form-081815-040816.pdf or www.isbe.net/Documents/immun-exam-gdnc-religious-exempt.pdf. To direct parent(s)/guardian(s) to the detailed exclusionary requirements pursuant to 77 Ill.Admin.Code Part 690, see 7:280-E2, *Exhibit - Reporting and Exclusion Requirements for Common Communicable Diseases*. The IDPH maintains a helpful school health communicable diseases chart detailing mode of transmission, symptoms, incubation period, period of communicability, criteria for exclusion from school, reporting requirements, and prevention and control measures at: www.dph.illinois.gov/sites/default/files/publications/commchartschool-032817.pdf.

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.²³ 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)

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

²³ Required by 105 ILCS 45/1-20 (Education for Homeless Children Act). Also required by the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11432(g)(3)(C)(i).

Students

Search and Seizure 1

In order 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. ²

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. ³

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

¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. Consult the board's attorney with questions about implementing this policy and searching students or seizing their possessions.

According to Fourth Amendment cases, a search by the police requires "probable cause" supported by a warrant. However, in a U.S. Supreme Court decision, cited in every student search case, the Court upheld the warrantless search of a student. A search is: (1) justified at its inception when there are reasonable grounds for suspecting the search of a particular student will turn up evidence that the student violated the law or school rules, and (2) permissible in its scope when it is reasonably related to the search's objective and not excessively intrusive. *T.L.O. v. New Jersey*, 469 U.S. 325, 105 S.Ct. 733 (1985).

² The Ill. Supreme Court upheld a search conducted by a school liaison officer, saying: "Decisions ... that involve police officers in school settings can generally be grouped into three categories: (1) those where school officials initiate a search or where police involvement is minimal, (2) those involving school police or liaison officers acting on their own authority, and (3) those where outside police officers initiate a search. Where school officials initiate the search or police involvement is minimal, most courts have held that the reasonable suspicion test [applies]. ... The same is true in cases involving school police or liaison officers acting on their own authority. ... However, where outside police officers initiate a search, or where school officials act at the behest of law enforcement agencies, the probable cause standard has been applied. In the present case, the record shows that Detective Ruettiger was a liaison police officer on staff at the Alternate School, which is a high school student with behavioral disorders. ... We hold that the reasonable suspicion standard applies under these facts." *People v. Dilworth*, 169 Ill.2d 195664 N.E.2d 310 (Ill., 1996).

³ A State statute allows school officials to inspect the personal effects left by a student on property owned or controlled by the school, e.g., lockers, desks, and parking lots, (105 ILCS 5/10-22.6(e)). This law does not mean that school officials have an excuse for unjustifiably opening students' possessions looking for contraband (see footnote 1). See *Doe v. Little Rick Sch. Dist.*, 380 F.3d 349 (8th Cir., 2004) (Searches conducted pursuant to the following policy were unconstitutional: "[B]ook bags, backpacks, purses and similar containers are permitted on school property as a convenience for students," and "if brought onto school property, such containers and their contents are at all times subject to random and periodic inspections by school officials.").

The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. While case law supports that lockers, as school property, may be searched without individualized suspicion of wrongdoing, many cases suggest that in order to search a student's possessions left in the locker, school officials need individualized suspicion of wrongdoing. This paragraph, as well as 105 ILCS 5/10-22.6(e), attempts to avoid Fourth Amendment protection for personal property left by students on school property by telling students not to expect privacy in these places or in their personal property left there. This is an unsettled area of the law and should be reviewed with the school board's attorney.

Option for high school and unit districts, insert the following paragraph:

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 Superintendent 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. ⁴

Students ⁵

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. ⁶ The search itself must be conducted in a manner that is reasonably related to its objective and not excessively intrusive in light of the student's age and sex, and the nature of the infraction. ⁷

When feasible, the search should be conducted as follows: ⁸

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 Superintendent.

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⁴ 105 ILCS 5/10-22.6(e). The sample policy may be amended to name other staff members who are authorized to request law enforcement aid.

⁵ For more information about searches, seizures and interviews of students, see *Guidelines for Interviews of Students at School by Law Enforcement Authorities*, published by the Ill. Council of School Attorneys and available at: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf.

⁶ *TLO*, 405 S. Ct. at 743469 U.S. at 342. An unsubstantiated tip from a student may serve as the grounds for a search. *People v. Pruitt*, 662 N.E.2d 540278 Ill.App.3d 194 (Ill.App.1st. Dist., 1996).

⁷ 105 ILCS 5/10-22.6(e) and *TLO*, 405 S. Ct. at 735469 U.S. at 326.

⁸ Optional; these are practical guidelines that will help to ensure that all searches comply with constitutional requirements. State or federal law requires nothing in this paragraph. For an alternative to intrusive pat-down searches and guidelines on strip searches, see *Cornfield v. Consolidated High Sch. Dist. No. 230*, 991 F.2d 1316 (7th Cir. 1993). There, school officials had reason to believe that a high school student was concealing illegal drugs in his crotch area. Believing a pat down to be excessively intrusive and ineffective at detecting drugs, the school officials required the student to change into his gym clothes in a locked locker room while male school officials observed him. The search was upheld. But see, *Stuczynski v. Bremen High School*, 423 F.Supp.2d 823 (N.D.Ill., 2006) (The requisite individualized, reasonable suspicion to conduct a strip search was missing where the only reason for the strip search was the dean's belief that the students were the last students in a locker room before the money was reported missing.). See also, *Safford Unified School Dist. v. Redding*, 429 S. Ct. 2633557 U.S. 364 (2009) (finding a strip search of student was not justified under the circumstances even though the asst. principal had reasonable suspicion but still awarded qualified immunity to the asst. principal because the law was unclear).

A school district may randomly conduct a mass search by using a metal detector. *People v. Pruitt*, 662 N.E.2d 540278 Ill.App.3d 194 (Ill.App.1st. Dist., 1996). The use of a metal detector must be according to the district's standards for when and how metal detector searches are to be conducted.

The U.S. Supreme Court upheld a random drug testing policy for student athletes and extracurricular participants, (*Vernonia Sch. Dist. 47J v. Acton*, 415 S.Ct. 2386515 U.S. 646 (1995); and *Independent Sch. Dist. of Pottawatomie County v. Earls*, 422 S.Ct. 245595336 U.S. 322 (2002)). The circumstances justifying random drug searches do not exist for the entire student body; thus, random drug tests of the student body would probably not survive constitutional scrutiny.

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.⁹

Notification Regarding Student Accounts or Profiles on Social Networking Websites¹⁰

The Superintendent 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, 169 Ill.2d 195661 N.E.2d 340 (Ill., 1996), *cert. denied*, 116 S.Ct. 1692 (1996).
People v. Pruitt, 278 Ill.App.3d 194662 N.E. 2d 540 (Ill.App.1st Dist., 1996), *app. denied*, 667 N.E. 2d 1061 (Ill.App.1, 1996).
T.L.O. v. New Jersey, 405 S.Ct. 433469 U.S. 325 (1985).
Vernonia School Dist. 47J v. Acton, 445 S.Ct. 2386515 U.S. 646 (1995).
Safford Unified School Dist. No. 1 v. Redding, 429 S. Ct. 2633557 U.S. 364 (2009).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:150 (Agency and Police Interviews), 7:190 (Student Behavior)

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

⁹ See 105 ILCS 5/10-22.6(e).

¹⁰ Right to Privacy in the School Setting Act, 105 ILCS 75/15, amended by P.A. 99-460. This law prohibits school officials from requiring or requesting a student to provide a password or other related account information. It requires districts to provide parents/guardians with notice of the law. The notification must be published in the school's disciplinary rules, policies, or handbook, or communicated by similar means. The Illinois Principals Association maintains a handbook service that coordinates with PRESS material, *Online Model Student Handbook (MSH)*, at: www.ilprincipals.org/resources/model-student-handbook.

Students

Extracurricular Athletics

Student participation in school-sponsored extracurricular athletic activities is contingent upon the following:

1. The student must meet the academic criteria set forth in Board policy 6:190, *Extracurricular and Co-Curricular Activities*. 1
2. A parent/guardian of the student must provide written permission for the student's participation, giving the District full waiver of responsibility of the risks involved. 2
3. The student must present a current certificate of physical fitness issued by a licensed physician, an advanced practice registered nurse, or a physician assistant. The *Pre-Participation Physical Examination Form*, offered by the Illinois High School Association and the Illinois Elementary School Association, is the preferred certificate of physical fitness. 3
4. The student must show proof of accident insurance coverage either by a policy purchased through the District-approved insurance plan or a parent(s)/guardian(s) written statement that the student is covered under a family insurance plan. 4
5. The student must agree to follow all conduct rules and the coaches' instructions.

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

A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The building principal usually develops the Handbook, subject to review and approval by the superintendent and board.

Each board in a district that maintains any of grades 9 through 12 must have a *no pass-no play* policy. (105 ILCS 5/10-20.30). See policy 6:190, *Extracurricular and Co-Curricular Activities*, for complete details.

For purposes of clarity, the IASB uses a curricular-extracurricular dichotomy. All classes are included in the category *curricular* as well as what was formally known as *co-curricular*, e.g., band and choral performances that are a required part of the class. The category *extracurricular* includes all school-sponsored activities that are not a part of a student's educational program as reflected in the student's class schedule. Examples include football, cheerleading, French club, Key Club, and student government. Note that extracurricular activities may be curriculum-related or non-curriculum-related for purposes of determining access to school facilities under the federal Equal Access Act. See PRESS sample IASB-policy 7:330, *Student Use of Buildings - Equal Access*.

2 At a minimum, schools should: (1) fully inform and warn students and their parent(s)/guardian(s) of risks inherent in a sport, (2) assist their understanding and appreciation of these risks, and (3) document the school's efforts. See 7:300-B1, *Agreement to Participate*. This form's provision concerning waiver of liability and hold harmless should be reviewed with the board attorney. The district may not be able to waive gross negligence or recklessness on its part, but the waiver language in the form serves to alert the student and his/her parent(s)/guardian(s) to the seriousness of potential injuries.

3 Students participating in interscholastic athletics must have an annual physical exam. (23 Ill.Admin.Code §1.530(b)). IHSA by-law 2.150 requires schools to have on file for each student participating in interscholastic athletics a certificate of physical fitness issued by a licensed physician, physician assistant, or nurse practitioner not more than 395 days preceding any date of participation; a form is available on the IHSA website at: ihsa.org/Resources/DownloadCenter.aspx.

4 This item ensures that students are covered by insurance for medical expenses up to \$50,000 (before the district's catastrophic accident insurance kicks in) and that students who are not covered by the district's catastrophic insurance are otherwise covered by insurance.

105 ILCS 5/22-15 requires (with limited exceptions) each school district having grades 9-12 to maintain catastrophic insurance coverage for student athletes who sustain an accidental injury while participating in interscholastic athletic events sanctioned by IHSA that results in medical expenses in excess of \$50,000. A district maintaining grades K-8 may, but is not required to, provide accident and/or health insurance on a group or individual basis for students injured while participating in any school-sponsored athletic activity. For more information, see 4:100, *Insurance Management*.

6. The student and his or her parent(s)/guardian(s) must provide written consent to random drug and alcohol testing pursuant to the Extracurricular Drug and Alcohol Testing Program. ⁵
7. The student and his or her parent(s)/guardian(s) must: (a) comply with the eligibility rules of, and complete any forms required by, any sponsoring association (such as, the Illinois Elementary School Association, the Illinois High School Association, or the Southern Illinois Junior High School Athletic Association),⁶ and (b) complete all forms required by the District including, without limitation, signing an acknowledgment of receiving information about the Board's concussion policy 7:305, *Student Athlete Concussions and Head Injuries*. ⁷

The Superintendent or designee (1) is authorized to impose additional requirements for a student to participate in extracurricular athletics, provided the requirement(s) comply with Board policy 7:10, *Equal Educational Opportunities*, and (2) shall maintain the necessary records to ensure student compliance with this policy.

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⁵ Optional; delete if the district does not have such a program. Be sure this provision is consistent with policy 7:240, *Conduct Code for Participants in Extracurricular Activities*, and 7:240-AP2, *Administrative Procedure—Extracurricular Drug and Alcohol Testing Program*. The Seventh Circuit upheld the constitutionality of a high school's random drug testing program for students involved in extracurricular activities in *Todd v. Rush County Schools*, 133 F.3d 984 (7th Cir., 1998).

⁶ Participants in an IHSA-sponsored or sanctioned athletic event are subject to testing for banned substances. For a list of banned substances, the testing program, and other related resources, see the IHSA Sports Medicine website, www.ihsa.org/Resources/SportsMedicine/PerformanceEnhancingDrugsSteroidEducation.aspx.

The sponsoring organization's rules/bylaws/policies control transgender student participation in extracurricular athletic activities. See:

1. IHSA Policy and School Recommendations for Transgender Participation at: www.ihsa.org/documents/handbook/IHSA-Policies.pdf
2. IHSA policy #34, *Policy and School Recommendations for Transgender Participation*, at: www.ihsa.org/About-the-IHSA/Constitution-By-laws-Policies; and
3. SIHSAA *Transgender Participation Policy* at: www.sihsaa.com/images/stories/pdf/TRANSGENDER_PARTICIPATION_POLICY_Revised_10-17-18.pdf

For further information on accommodating transgender students, see PRESS sample procedure 7:10-AP1, *Accommodating Transgender Students or Gender Non-Conforming Students*. See also two Ill. State Board of Education non-regulatory guidance documents entitled *Supporting Transgender, Nonbinary and Gender Nonconforming Students and Sample District Policy and Administrative Procedures*, at:

www.isbe.net/supportallstudents.

⁷ IHSA eligibility information and required forms are available at: www.ihsa.org/Resources/Download-Center.

A district must include information concerning the board's concussion policy in any agreement, contract, code, or other written instrument that the district requires a student athlete and his or her parent(s) or guardian(s) to sign before participating in practice or interscholastic competition, (105 ILCS 5/10-20.54 and 23 Ill.Admin.Code §1.530(b)). The form 7:300-B1, *Agreement to Participate*, contains the requirements in this policy. In addition, the student and student's parent/guardian must sign a form approved by IHSA acknowledging receiving and reading written information on concussions, (105 ILCS 5/22-80(e), added by P.A. 99-245 and amended by P.A. 99-486.)

The IHSA website contains many helpful resources, e.g.:

1. [www.ihsa.org/Resources/Download-Center/IHSA_Sports_Medicine_Acknowledgment_&_Consent_Form_\(Concussion,_PES,_Asthma_Medication\)](http://www.ihsa.org/Resources/Download-Center/IHSA_Sports_Medicine_Acknowledgment_&_Consent_Form_(Concussion,_PES,_Asthma_Medication)) (see consent form under subhead **Sports Medicine Forms**)
2. www.ihsa.org/Resources/SportsMedicine/PerformanceEnhancingDrugsSteroidEducation/IHSAPerformanceEnhancingSubstancePolicy.aspx (performance-enhancing drugs)
3. www.ihsa.org/Resources/SportsMedicine/ConcussionManagement/ConcussionResources.aspx (concussions)

Concussion information is available from the Ill. Elementary School Assoc. at: www.iesa.org/activities/concussion.asp.

LEGAL REF.: 105 ILCS 5/10-20.30, 5/10-20.54, 5/22-80, and 25/2.
23 Ill.Admin.Code §1.530(b).

CROSS REF.: 4:100 (Insurance Management), 4:170 (Safety), 6:190 (Extracurricular and Co-Curricular Activities), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:305 (Student Athlete Concussions and Head Injuries), 7:340 (Student Records)

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Students

Student Fundraising Activities 1

No individual or organization is allowed to ask students to participate in fundraising activities while the students are on school grounds during school hours or during any school activity. Exceptions are:

1. School-sponsored student organizations; and
2. Parent organizations and booster clubs that are recognized pursuant to policy 8:90, *Parent Organizations and Booster Clubs*.

The Superintendent or designee shall manage student fundraising activities in alignment with the following directives: ²

1. Fundraising efforts shall not conflict with instructional activities or programs.
2. For any school that participates in the School Breakfast Program or the National School Lunch Program, fundraising activities involving the sale of food and beverage items to students during the school day while on the school campus must comply with the Ill. State Board of Education rules concerning the sale of competitive food and beverage items. ³
3. Participation in fundraising efforts must be voluntary.
4. Student safety must be paramount. ⁴
5. For school-sponsored student organizations, a school staff member must supervise the fundraising activities and the student activity funds treasurer must safeguard the financial accounts.
6. The fundraising efforts must be to support the organization's purposes and/or activities, the general welfare, a charitable cause, or the educational experiences of students generally.
7. The funds shall be used to the maximum extent possible for the designated purpose.

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¹ State law requires this subject matter be covered by policy. 105 ILCS 5/10-20.19(3) requires districts to have rules governing: (1) "conditions under which school classes, clubs, and associations may collect or acquire funds," and (2) "the safekeeping of such funds for the educational, recreational, or cultural purposes they are designed to serve."

² Except for #2 (see 1/n 3, below), all numbered directives are optional and may be deleted or amended. These directives are intended to comply with 105 ILCS 5/10-20.19(3) by stating the conditions under which funds may be collected and by providing for their safekeeping.

³ Selling popular food items to raise funds is restricted by federal and State rules. ISBE limits the sale of competitive food and beverages sold to students on the school campus of any school that participates in the School Breakfast Program or the National School Lunch Program (*participating schools*), 23 Ill.Admin.Code §305.15(a). *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. 7 C.F.R. §210.11(a)(2); 23 Ill.Admin.Code §305.5. *Participating schools* with grades 8 and below have zero *exempted fundraising days*, and *participating schools* with grades 9-12 may have no more than nine *exempted fundraising days*. 23 Ill.Admin.Code §305.15 (b)(2)(A)-(B). *Exempted fundraising day* means a school day on which foods and/or beverages not meeting the "general nutrition standards for competitive foods" may be sold to students on the school campus. 7 C.F.R. §210.11 (b)(4); 23 Ill.Admin.Code §305.5. See 4:120, *Food Services*; 4:120-AP, *Food Services; Competitive Foods; Exemptions*.

⁴ Two alternatives follow:

- | | |
|----------------|--|
| Alternative 1: | 4. Student safety must be paramount <u>and door-to-door solicitations are prohibited.</u> |
| Alternative 2: | 4. Student safety must be paramount <u>and door-to-door solicitations are discouraged.</u> |

8. Any fundraising efforts that solicit donor messages for incorporation into school property, (e.g., tiles or bricks,) or placement upon school property, (e.g., posters or placards,) must:⁵
- a. Develop viewpoint neutral guidelines for the creation of messages;
 - b. Inform potential donors that all messages are subject to review and approval, and that messages that do not meet the established guidelines must be resubmitted or the donation will be returned; and
 - c. Place a disclaimer on all fundraising information and near the completed donor messages that all messages are "solely the expression of the individual donors and not an endorsement by the District of any message's content."

LEGAL REF.: 105 ILCS 5/10-20.19(3).
23 Ill. Admin. Code Part 305, School Food Service.

CROSS REF.: 4:90 (Student Activity and Fiduciary Funds), 4:120 (Food Services), 8:80 (Gifts to the District), 8:90 (Parent Organizations and Booster Clubs)

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⁵ The issue of soliciting or receiving donor messages is an unsettled area of the law that is frequently litigated because of its many complex legal and practical issues. The U.S. Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate on the basis of viewpoint. Requiring that donor messages go through a thorough review process prior to their permanent placement on any medium can avoid issues that may occur when messages are reviewed after placement and found to be unacceptable. For sample cases discussing the issue of a district's exclusion of donor messages on school property, see Fleming v. Jefferson Cnty. Sch. Dist. R-1, 298 F.3d 918 (10th Cir. 2002), *cert. denied* (school's restriction on the use of religious symbols on tiles that would become a part of the rebuilt school allowed because the messages were school-sponsored speech, and the restrictions had a reasonable relation to legitimate teaching concerns); DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ., 196 F.3d 958 (9th Cir. 1999), *cert. denied* (school district's refusal to post an advertisement featuring the text of the Ten Commandments on its baseball field upheld because the field was a nonpublic forum for a limited purpose); Gernetzke v. Kenosha Unified Sch. Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied* (school district disallowed religious symbols on Bible Club's mural so it would not have to allow speech that would cause a disruption like white supremacists who wanted to display the swastika); and Kiesinger v. Mexico Acad. and Central Sch., 427 F.Supp. 2d 182 (N.D.N.Y. 2006) (school district's removal of bricks inscribed with a donor's religious messages from a walkway in front of a school was viewpoint discrimination because the district allowed messages about God generally, but not a specific religious viewpoint on God).