THE WINNETKA PUBLIC SCHOOLS DISTRICT 36

A Community of Learners

Informational Memo: Board Policy – 2nd read

TO: School Board

FROM: Trisha Kocanda, Superintendent

November 18, 2014

Recommended Policy Updates – 2nd Read

At its October 21,2014, meeting, the School Board was presented with recommendations for policy updates, which are summarized on the following page. In addition one new policy was recommended for adoption. Policy 8-21 – Community Use of Outdoor Athletic Fields was drafted by the Facilities Subcommittee and provided for a first read. The Board provided no changes or edits to any of the policy recommendations, and therefore these polices are brought back to the Board at this meeting for a 2nd read.

Next Steps

If the Board has no objections or edits to any of the Subcommittee recommendations following this 2nd read, then the Board will be asked, at this meeting, to adopt the policies listed in the consent agenda

Policy Subcommittee Meeting
September 19, 2014
Recommended Updates

2-20	Powers & Duties of School Board;	recommend both updates with option
2-30	School District Elections	update w/customize
2-260	Uniform Grievance Procedure	update staff contact
4-60	Purchases & Contracts	requirement from Public Act 98-716
4-90	Activity Funds	recommend update
4-100	Insurance Management	take changes b/c move student insurance to this policy
4-160	Environment Quality of Bldgs & Grounds	recommend update
4-170	Safety*	recommend update (*administrative procedures in draft form)
4-175	Convicted Child Sex Offender;…	policy created from material relocated that was in policy 4:170
5-10	Equal Employment Oppy & Minority Recruitment	recommend update
5-20	Workplace Harassment	update staff contact
5-30	Hiring Process & Criteria	change related to TB
5-35	Compliance with the Fair Labor Standards Act	update w/customize
5-125	Personal Technology …	recommend update
5-180	Temporary Illness and Temporary Incapacity	recommend update 2 only
5-190	Teacher Qualifications	change from certificated to licensed – recommend update
5-240	Suspension	update w/customize
5-260	Student Teachers	recommend update
5-330	Sick Days, Vacation, Holidays	update w/customize
6-150	Home & Hospital Instruction	recommend update
7-20	Harassment of Students Prohibited	recommend update w/staff contact change
7-70	Attendance & Truancy	recommend update
7-140	Search & Seizure	recommend update (legal opinion received)
7-180	Prevention of and Response to Bullying.	recommend update options 2-4 only (legal opinion received)
7-190	Student Discipline	recommend update (legal opinion received)
7-240	Conduct Code …	recommend update
7-250	Student Support Services	recommend update
8-21	Community Use of Outdoor Athletic Fields	new policy

DRAFT UPDATE

School Board

Powers and Duties of the School Board; Indemnification

Comment [AP1]: This policy is renamed to add emphasis to Indemnification.

Issue 86, August 2014

The major powers and duties of the School Board include, but are not limited to:

1. Organizing the Board after each consolidated election by electing officers and establishing its regular meeting schedule and, thereafter, taking action during lawfully called meetings to faithfully fulfill the Board's responsibilities in accordance with State and federal law.

Comment [AP2]: Update 1: The major powers and duties list was amended.

OPTION: Boards that elect officers for 1-year terms and/or hold organizational meetings yearly, should substitute the following language for #1:
Annually organizing the Board by electing officers and establishing its regular meeting schedule and, thereafter, taking action during lawfully called meetings to faithfully fulfill the Board's responsibilities in accordance with Board policy and State and federal law.

Issue 86, August 2014

~~1.~~2. Formulating, adopting, and modifying Board policies, at its sole discretion, subject only to mandatory collective bargaining agreements and State and federal law.

~~2.~~3. Employing a Superintendent and other personnel, making employment decisions, dismissing personnel, and establishing an equal employment opportunity policy that prohibits unlawful discrimination.

~~3.~~4. Directing, through policy, the Superintendent, in his or her charge of the District's administration.

~~4.~~5. Approving the annual budget, tax levies, major expenditures, payment of obligations, annual audit, and other aspects of the District's financial operation; and making available a statement of financial affairs as provided in State law.

~~5.~~6. Entering contracts using the public bidding procedure when required.

~~1. Indemnifying, protecting, and insuring against any loss or liability of the School District, Board members, employees, and agents as provided or authorized by State law.~~

~~6.~~7. Providing, constructing, controlling, and maintaining adequate physical facilities; making school buildings available for use as civil defense shelters; and establishing a resource conservation policy.

~~7.~~8. Establishing an equal educational opportunities policy that prohibits unlawful discrimination.

~~8.~~9. Approving the curriculum, textbooks, and educational services.

~~9.~~10. Evaluating the educational program and approving School Improvement and District Improvement Plans.

~~10.~~11. Presenting the District report card and School report card(s) to parents/guardians and the community; these documents report District, School and student performance.

~~11.~~12. Establishing and supporting student discipline policies designed to maintain an environment conducive to learning, including deciding individual student suspension or expulsion cases brought before it.

~~12.~~13. Establishing attendance units within the District and assigning students to the schools.

~~13.~~14. Establishing the school year.

~~14.~~15. Requiring a moment of silence to recognize veterans during any type of school event held at a District school on November 11.

~~15.~~16. Providing student transportation services~~.~~ pursuant to State law.

~~16.~~17. Entering into joint agreements with other boards to establish cooperative educational programs or provide educational facilities.

DRAFT UPDATE

~~17.~~18. Complying with requirements in the Abused and Neglected Child Reporting Act. Specifically, each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in the Act, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse.

~~18.~~19. Communicating the schools' activities and operations to the community and representing the needs and desires of the community in educational matters.

Indemnification

To the extent allowed by law, the Board shall defend, indemnify, and hold harmless School Board members, employees, volunteer personnel (pursuant to 105 ILCS 5/10-22.34, 10-22.34a and 10-22.34b), mentors of certified staff (pursuant to 105 ILCS 5/2-3.53a, 2-3.53b, and 105 ILCS 5/21A-5 et. seq.), and student teachers who, in the course of discharging their official duties imposed or authorized by law, are sued as parties in a legal proceeding. Nothing herein, however, shall be construed as obligating the Board to defend, indemnify, or hold harmless any person who engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

Comment [AP3]: Update 2: The Indemnification section was pulled out of the above list and expanded for emphasis.

Issue 86, August 2014

LEGAL REF.: 105 ILCS 5/2-3.25d, 5/10, 5/17-1, and 5/27-1.
115 ILCS 5/.
325 ILCS 5/4.

CROSS REF.: 1:10 (School District Legal Status), 1:20 (District Organization, Operations, and Cooperative Agreements), 2:10 (School District Governance), 2:80 (Board Member Oath and Conduct), 2:140 (Communications To and From the Board), 2:210 (Organizational School Board Meeting), 2:240 (Board Policy Development), 4:60 (Purchases and Contracts), 4:70 (Resource Conservation), 4:100 (Insurance Management), 4:110 (Transportation), 4:150 (Facility Management and Building Programs), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 6:10 (Educational Philosophy and Objectives), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment and Intra-District Transfer), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 8:10 (Communication and Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

ADOPTED: ~~April 29, 2014~~

DRAFT UPDATE

School Board

School District Elections

School District elections are non-partisan, governed by the general election laws of the State, and include the election of School Board members, various public policy propositions, and advisory questions. Board members are elected at the consolidated election held on the first Tuesday in April in odd-numbered years. If, however, that date conflicts with the celebration of Passover, the consolidated election is postponed to the first Tuesday following the last day of Passover. The canvass of votes is conducted by the election authority within 21 days after the election.

~~The Board's election duties are:~~

~~1.~~ The Board, by proper resolution, may ~~place~~cause to be placed public policy propositions on the ballot.

~~2. The Board President, Secretary, and the member with the longest continuous service, whose nominating petition is not being challenged, compose the Education Officers Electoral Board to hear and rule on objections to candidate nominating petitions and voter petitions.~~

~~3. The Board Secretary or clerk serves as the local election official, assisted by designated representatives appointed by the Board.~~ The Board Secretary serves as the local election official. He or she receives petitions for the submission of a public question to referenda and forwards them to the proper election officer ~~and otherwise provides information to the community concerning District elections~~.

Recording

LEGAL REF.: 10 ILCS 5/1-3, 5/2A-1.1 et seq., 5/10-9, 5/22-17, 5/22-18, and 5/28-1 et seq.
105 ILCS 5/9-1 et seq.

CROSS REF.: 2:40 (Board Member Qualifications), 2:50 (Board Member Term of Office), 2:210 (Organizational School Board Meeting)

ADOPTED: ~~November 6, 2012~~

Comment [AKL1]:
Policy is updated to comply with new legislation that provides that nominating petitions are now filed with the county clerk or the county board of election commissioners as applicable. Objections to nominating petitions or to petitions for a public question are now submitted to the county officers electoral board. Simultaneous filing of nominating petitions and withdrawal from nomination are now submitted to the county clerk or county board of election commissioners.

The board secretary or clerk is still the *local election official* (105 ILCS 5/9-2 and 10 ILCS 5/1-3). 10 ILCS 5/28-6 provides that any petition for the submission of a public question to referenda must be filed with the *local election official*, i.e., the board secretary or clerk.

Issue 84, February 2014

Formatted: Indent: Left: 0.5", No bullets or numbering

Comment [AKL2]: OPTION: If the district is not going to require the board secretary to provide this service, delete the phrase: "and otherwise provides information to the community concerning District elections."

Issue 84, February 2014

School Board

Uniform Grievance Procedure

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

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)
7. Bullying, 105 ILCS 5/27-23.7
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
9. Curriculum, instructional materials, and/or programs
10. Victims' Economic Security and Safety Act, 820 ILCS 180
11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students
13. Illinois Whistleblower Act, 740 ILCS 174/.
14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.)
15. Employee Credit Privacy Act, 820 ILCS 70/.

The Complaint Manager will attempt to resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. All deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

Filing a Complaint

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

Investigation

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

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

Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with the following section of this policy. The Superintendent will keep the Board informed of all complaints.

Decision and Appeal

Within 5 school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant by U.S. mail, first class, as well as to the Complaint Manager.

Within 10 school business days after receiving the Superintendent's decision, the Complainant may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board. Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within 5 school business days of the Board's decision, the Superintendent shall inform the Complainant of the Board's action.

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

Appointing Nondiscrimination Coordinator and Complaint Managers

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

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint 2 Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

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

Nondiscrimination Coordinator:

Dr. Maureen Hager

Director Human Resources
Name
1235 Oak Street
Address
Winnetka, IL 60093

847/446-9400
Telephone

Complaint Managers:

Dr. Maureen Hager

Director Human Resources
Name
1235 Oak Street
Address
Winnetka, IL 60093

847/446-9400
Telephone

Dr. Daniel Ryan

Principal Hubbard Woods School
Name
1110 Chatfield Road
Address
Winnetka, IL 60093

847/446-0920
Telephone

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
Equal Pay Act, 29 U.S.C. §206(d).
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.
Illinois Genetic Information Privacy Act, 410 ILCS 513/.
Illinois Whistleblower Act, 740 ILCS 174/.
Illinois Human Rights Act, 775 ILCS 5/.
Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280.
Equal Pay Act of 2003, 820 ILCS 112.
Employee Credit Privacy Act, 820 ILCS 70/.
23 Ill.Admin.Code §§1.240 and 200-40.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 6:140 (Education of Homeless Children), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public Suggestions and Concerns)

ADOPTED: December 17, 2013

DRAFT UPDATE

Operational Services

Purchases and Contracts

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

Standards for Purchasing and Contracting

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

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law.

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

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

1. Supplies, materials, or work involving an expenditure in excess of $25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of $1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21. The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget.
6. Each contractor with the District is bound by each of the following:
   a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/21B-80 to have direct, daily contact at a District school or school-related activity with one or more student(s); and (2) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her.
   b. In accordance with 105 ILCS 5/24-5: (1) concerning each employee who begins providing services in the District after June 16, 2014, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease if the employee will have direct, daily contact with one or more student(s); and (2) require any new or existing employee who has and will have direct, daily contact with one or more student(s) to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis

Comment [AP1]: This policy is updated in response to P.A. 98-716, which requires that all new employees present evidence of physical fitness to perform duties assigned and freedom from communicable disease. It also adds the restrictions on contractor's employees who have a specified criminal conviction (previously in 4:170, *Safety*).

Issue 86, August 2014

screening, as required by the Illinois Department of Public Health rules or order of a local health official.

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

LEGAL REF.: 105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-21.9, 5/10-22.34c, ~~and~~5/19b-1 et seq., and 5/24-5.
820 ILCS 130/.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:150 (Facility Management and Building Programs), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screening; Notifications)

ADOPTED: ~~November 6, 2012~~

DRAFT UPDATE

Operational Services

Activity Funds

The School Board, upon the Superintendent or designee's recommendation, maintains activity funds to be managed by the District's administration for educational, recreational, or cultural purposes.

The Superintendent or designee shall be responsible for supervising activity funds in accordance with Board policy, 4:80, *Accounting and Audits*; State law; and the Illinois State Board of Education rules for student activity funds.

Unless otherwise instructed by the Board, an 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.

Comment [AKL1]: After its 5-year review, the policy is edited to add authorized funds.

Issue 86, August 2014

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

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

ADOPTED: ~~November 6, 2012~~

DRAFT UPDATE

Operational Services

Insurance Management

The Superintendent shall annually recommend an insurance program that provides the broadest and most complete coverage available at the most economical cost, consistent with sound insurance principles.

The insurance program shall include each of the following:

1. Liability coverage to insure against any loss or liability of the School District and the listed individuals against civil rights damage claims and suits, constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed in the scope of employment or under the Board's direction or related to any mentoring services provided to the District's certified staff members; School Board members; employees; volunteer personnel authorized by 105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b; mentors of certified staff members authorized in 105 ILCS 5/21A-5 et seq. (new teacher), 105 ILCS 5/2-3.53a (new principal), and 2-3.53b (new superintendents); and student teachers.

2. Catastrophic accident insurance at the mandated benefit level for student athletes in grades 9 through 12 who sustain an accidental injury while participating in school-sponsored or school-supervised interscholastic athletic events sanctioned by the Illinois High School Association that results in medical expenses in excess of $50,000.

~~2.~~3. Comprehensive property insurance covering a broad range of causes of loss involving building and personal property. The coverage amount shall normally be for the replacement cost or the insurable value.

~~3.~~4. Workers' Compensation to protect individual employees against financial loss in case of a work-related injury, certain types of disease, or death incurred in an employee-related situation.

Student Insurance

The Board shall annually ~~designate a company to~~ offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company.

LEGAL REF.: Consolidated Omnibus Budget Reconciliation Act, P. L. 99-272, ¶ 1001, 100 Stat. 222, 4980B(f) of the I.R.S. Code, 42 U.S.C. §300bb-1 et seq.
105 ILCS 5/10-20.20, 5/10-22.3, 5/10-22.3a, 5/10-22.3b, 5/10-22.3f, 5/10-22.34, 5/10-22.34a, ~~and~~ 5/10-22.34b, ~~XXXXXXX~~
215 ILCS 5/.
750 ILCS 75/.
820 ILCS 305/.

ADOPTED: ~~November 6, 2012~~

Comment [AKL1]: New legislation requires each school district having grades 9 through 12 to maintain catastrophic insurance coverage for student athletes participating in interscholastic athletic events sanctioned by IHSA. The minimum level of coverage must provide aggregate benefit levels of $3 million or 5 years, whichever comes first, for injuries with total medical expenses exceeding $50,000. The law authorizes IHSA to promulgate a plan of coverage under a group policy that provides the necessary coverage. If a district opts out of IHSA's group policy, it must offer alternative coverage and submit to IHSA a certificate from the provider stating that the insurance complies with the plan of coverage approved by IHSA.
NOTE: This item should not be adopted if the district: (1) does not maintain grades 9-12, or (2) qualifies for an exemption from the mandatory coverage (contact IHSA or the board attorney for information about claiming an exemption).
OPTIONS A and B. 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. If so, the following may be *added to* item #2 (for unit districts) or may *replace* item #2 (for elementary districts): "Accident and/or health insurance on a group or individual basis for students in grades kindergarten through 8 participating in any school-sponsored athletic activity." If item #2 is deleted and the option is not used, the board should omit the citation to catastrophic accident insurance (5/22-15) in the legal references.
NOTE: Elementary districts that do not want option A should not adopt this policy update.
Issue 83, October 2013

Comment [AP2]: This material has been relocated from policy 4:170, *Safety*, to keep insurance matters together. This section is optional.

Issue 85, May 2014

DRAFT UPDATE

Operational Services

Environmental Quality of Buildings and Grounds

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

LEGAL REF.: 29 C.F.R. ~~Part~~§1910.1030, Occupational Exposure to Bloodborne Pathogens, as adopted by the Illinois Department of Labor, 56 Ill.Admin.Code §350.300(c).
29 C.F.R. §1910.1200, Occupational Safety and Health Administration Hazard Communication Standards, as adopted by 820 ILCS 255/1.5, Toxic Substances Disclosure to Employees Act.
20 ILCS 3130/, Green Buildings Act.
105 ILCS 5/10-20.17a; 5/10-20.48; 135/; and 140/, Green Cleaning School Act.
225 ILCS 235/, Structural Pest Control Act.
415 ILCS 65/, Lawn Care Products Application and Notice Act.
820 ILCS 255/, Toxic Substances Disclosure to Employees Act. (*inoperative*)
23 Ill.Admin.Code §1.330, ~~Hazardous~~Toxic Materials Training.
~~56 Ill.Admin.Code Part 205, Toxic Substances Disclosure To Employees.~~

CROSS REF.: 4:150 (Facility Management and Building Programs), 4:170 (Safety)

ADOPTED: ~~November 6, 2012~~

Comment [AP1]: This policy is unchanged. The Legal References are significantly updated to recognize that the Toxic Substances Disclosure to Employees Act is inoperative and its impending rules were repealed. Therefore, school districts must follow the federal disclosure and training requirements set forth in the Occupational Safety and Health Administration *Hazard Communication Standards*.

Issue 85, May 2014

DRAFT UPDATE

Operational Services

Safety

Safety ~~Programa~~nd Security

All District operations, including the education program, shall be conducted in a manner that will promote the safety and security of everyone on District property or at a District event. The Superintendent or designee shall develop ~~and~~, implement, and maintain a comprehensive safety and ~~crisis~~security plan ~~incorporating both avoidance and management guidelines. The comprehensive safety and crisis plan shall specifically include provisions for: injury prevention; bomb threats, weapons, and explosives on campus;~~ that includes, without limitation:

1. An emergency operations plan(s) addressing prevention, preparation, response, and recovery for each school;
2. Provisions for a coordinated effort with local law enforcement and fire officials, emergency medical services personnel, and the Board Attorney;
3. A school safety drill ~~program; tornado protection; instruction~~plan;
4. Instruction in safe bus riding practices; ~~emergency aid; post crisis management;~~ and~~, responding to medical emergencies at an indoor and outdoor physical fitness facility. The term "physical fitness facility" excludes any activity or program organized by a private or not for profit organization and organized and supervised by a person or persons other than the employees of the school.~~

~~1.~~5. A clear, rapid, factual, and coordinated system of internal and external communication.

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

School Safety Drill Plan

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

1. Three school evacuation drills~~,~~
2. One bus evacuation drill~~;~~
3. One severe weather and shelter-in-place drill~~, and~~
4. One law enforcement drill~~.~~

~~The law enforcement drill must be conducted according to the District's comprehensive safety and crisis plan, with the participation of the appropriate law enforcement agency. This drill may be conducted on days and times that students are not present in the building.~~

Automated External Defibrillator (AED)

The Superintendent or designee shall implement a written plan for responding to medical emergencies at the District's physical fitness facilities in accordance with the Fitness Facility Medical Emergency Preparedness Act. The plan shall provide for an automated external defibrillator (AED) to be available according to State law requirements. This policy does not create an obligation to use an AED nor is it intended to create any expectation that an AED will be present or a trained person will be present and/or able to use an AED.

Comment [AP1]: This policy is significantly streamlined.

Issue 85, May 2014

Comment [AP2]: Update 1: The requirements for a comprehensive safety and security plan are now contained in a vertical list in order to stress and clarify the comprehensive safety and security plan's overarching requirements.

Issue 85, May 2014

Comment [AP3]: Update 2: Subheading added to make this material easier to find.

Issue 85, May 2014

Comment [AP4]: Update 3: Each indoor and outdoor physical fitness facility serving at least 100 individuals must "adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." See the statute and administrative rules for other numerous mandates: 210 ILCS 74/, 77 Ill.Admin.Code Part 527. See also 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED.*

Issue 85, May 2014

DRAFT UPDATE

Soccer Goal Safety

The Superintendent or designee shall implement the Movable Soccer Goal Safety Act in accordance with the guidance published by the Illinois Department of Public Health. Implementation of the Act shall be directed toward improving the safety of ~~moveable~~movable soccer goals by requiring that they be properly anchored.

~~Convicted Child Sex Offender and Notification Laws~~

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

~~1. The offender is a parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or~~

~~2. The offender received permission to be present from the 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 who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.~~

~~If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school.~~

~~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 Child Murderer and Violent Offender Against Youth Community Notification Law. 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. This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.~~

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

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

Comment [AP5]: Update 4: Subheading added to make this material easier to find.

Issue 85, May 2014

Comment [AP6]: This section's content has been relocated to new policy 4:175, *Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications*, in order to make it easier to find.

Issue 85, May 2014

Comment [AP7]: The sample paragraph for any contract with a firm whose employees will have contact with one or more students has been relocated to new administrative procedure 4:60-AP3, *Criminal History Records Check of Contractor Employees*, because it is more closely related to contract management than safety.

Issue 85, May 2014

~~agent is listed on the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry.~~

Unsafe School Choice Option

The unsafe school choice option allows students to transfer to another District school or to a public charter school within the District. The unsafe school choice option is available to:

1. All students attending a persistently dangerous school, as defined by State law and identified by the Illinois State School Board.
2. Any student who is a victim of a violent criminal offense, as defined by 725 ILCS 120/3 that occurred on school grounds during regular school hours or during a school-sponsored event.

The Superintendent or designee shall develop procedures to implement the unsafe school choice option.

~~Student Insurance~~

~~The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company. Students participating in athletics, cheerleading, or pompons must have school accident insurance unless the parents/guardians state in writing that the student is covered under a family health insurance plan.~~

Comment [AP8]: The section on Student Insurance was relocated to policy 4:100, *Insurance Management*, because it is more closely related to insurance management than safety.

Issue 85, May 2014

Emergency Closing

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

Annual Review

The Board or its designee will annually review each school building's safety and security plans, protocols, and procedures, as well as each building's compliance with the school safety drill plan.

Comment [AP9]: **Update 5:** State law requires each school board or its designee to conduct one annual meeting at which it reviews each building's emergency and crisis response plan, protocols, and procedures, and each building's compliance with the school safety drill plan. The statutes 105 ILCS 128/25 and 128/30 contain detailed requirements. ISBE's website contains an annual review checklist and report at www.isbe.net/safety/guide.htm.

Issue 85, May 2014

LEGAL REF.: 105 ILCS 5/10-20.2, 5/18-12, 5/18-12.5, and 128/.
210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act.
~~Adam Walsh Child Protection and Safety Act, P.L. 109-248.~~
~~Uniform Conviction Information Act, 20 ILCS 2635/.~~
~~105 ILCS 5/10-20.28, 5/21B-80, 5/10-21.9, and 128/.~~
~~Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/.~~
~~Ill. Vehicle Code, 625 ILCS 5/12-813.1.~~
~~Criminal Code of 2012, 720 ILCS 5/11-9.3,.~~
~~Unified Code of Corrections, 730 ILCS 152/101 et seq.~~

CROSS REF.: 4:110 (Transportation), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications), 4:180 (Pandemic Preparedness), 5:30 (Hiring Process and Criteria), ~~6:190 (Extracurricular and Co-Curricular Activities), 6:250 (Community Resource Persons and Volunteers), 7:220 (Bus Conduct), 7:300 (Extracurricular Athletics),~~ 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

ADOPTED: ~~December 17, 2013~~

MATERIAL RELOCATED FROM POLICY 4:170

Operational Services

Convicted Child Sex Offender; Criminal Background Check and ~~Notification Laws/or~~ Screen; Notifications

Comment [AP1]: These topics were formerly covered in policy 4:170, *Safety*.

Issue 85, May 2014

Persons Prohibited on School Property without Prior Permission

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

1. The offender is a parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. The offender received permission to be present from the 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 ~~who is a certified employee~~ shall supervise a child sex offender whenever the offender is in a child's vicinity.

If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school.

Criminal Background Check and/or Screen

Comment [AP2]: This section was added to serve as the central requirement concerning criminal background checks and screens.

Issue 85, May 2014

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

Notification to Parents/Guardians

The 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 Violent Offender Against Youth Community Notification Law. 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. 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), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

ADOPTED:

DRAFT UPDATE

General Personnel

Equal Employment Opportunity and Minority Recruitment

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

Comment [AP1]: A new protected status is added in response to legislation.

Issue 84, February 2014

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

Administrative Implementation

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

DRAFT UPDATE

Nondiscrimination Coordinator:

Ms. ~~Trisha~~ Kocanda, Asst. Supt. of Personnel & Educational ~~Program~~
Name
1235 Oak Street
Address
Winnetka, IL 60093

847/446-9400
Telephone

Dr. Maureen Hager, Director Human Resources

Complaint Managers:

Ms. ~~Trisha~~ Kocanda, Asst. Supt. of Personnel & Educational ~~Program~~	Mr. Mark Ditthardt, Director Pupil Services
Name	Name
1235 Oak Street	~~1235 Oak Street~~ 1110 Chatfield Rd
Address	Address
Winnetka, IL 60093	Winnetka, IL 60093
847/446-9400	~~847/446-9400~~ 847-446-0920
Telephone	Telephone

Dr. Maureen Hager Director. Human Resources

Dr. Daniel Ryan, Principal Hubbard Woods School

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

Minority Recruitment

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

DRAFT UPDATE

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.
Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq., §2000e et seq., and §12101 et seq.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.
Equal Pay Act, 29 U.S.C. §206(d).
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
Pregnancy Discrimination Act, 42 U.S.C. §2000e(k).
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.
Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.
Ill. Constitution, Art. I, §§17, 18, and 19.
105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/40.
Genetic Information Protection Act, 410 ILCS 513/25.
Ill. Whistleblower Act, 740 ILCS 174/.
Ill. Human Rights Act, 775 ILCS 5/1-103 and 5/2-102.
Religious Freedom Restoration Act, 775 ILCS 35/5.
Employee Credit Privacy Act, 820 ILCS 70/.
Ill. Equal Pay Act of 2003, 820 ILCS 112/.
Victims' Economic Security and Safety Act, 820 ILCS 180/30.
23 Ill.Admin.Code §1.230.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; Tobacco Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

ADOPTED: ~~December 17, 2013~~

General Personnel

Workplace Harassment Prohibited

The School District expects the workplace environment to be productive, respectful, and free of unlawful harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex, sexual orientation, age, citizenship status, disability, or other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy 7:20, *Harassment of Students Prohibited*.

Sexual Harassment Prohibited

The School District shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

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

Making a Complaint; Enforcement

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge. An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing bona fide complaints or providing information about harassment is prohibited (see Board policy 2:260, *Uniform Grievance Procedure*).

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

Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board policy 2:260, *Uniform Grievance Procedure*. Employees may choose to report to a person of the employee's same sex. There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

Whom to Contact with a Report or Complaint

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

Nondiscrimination Coordinator:

Dr. Maureen Hager

Director Human Resources
Name
1235 Oak Street
Address
Winnetka, IL 60093

847/446-9400
Telephone

Complaint Managers:

Dr. Maureen Hager	Dr. Daniel Ryan
Director Human Resources	Principal Hubbard Woods School
Name	Name
1235 Oak Street	1110 Chatfield Road
Address	Address
Winnetka, IL 60093	Winnetka, IL 60093
847/446-9400	847/446-0920
Telephone	Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in the appropriate handbooks.

LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq.; 29 C.F.R. §1604.11.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.; 34 C.F.R. §1604.11.
Ill. Human Rights Act, 775 ILCS 5/2-101(E), 5/2-102(D), 5/5-102, and 5/5-102.2.
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).
Crawford v. Metro. Gov't of Nashville & Davidson County, 129 S. Ct. 846 (2009).
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).
Jackson v. Birmingham Board of Education, 125 S.Ct. 1497 (2005).
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).
Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).
Porter v. Erie Foods International, Inc., 576 F.3d 629 (7th Cir. 2009).
Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n, 908 N.E.2d 39 (Ill., 2009).
Vance v. Ball State University, 133 S. Ct. 2434 (2013).

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

ADOPTED: December 17, 2013

DRAFT UPDATE

General Personnel

Hiring Process and Criteria

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. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. If the Superintendent's recommendation is rejected, the Superintendent must submit another. The Superintendent may select personnel on a short-term basis for a specific project or emergency condition before the Board's approval. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21-80 of the School Code.

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

Job Descriptions

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.

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 performed on each applicant as required by State law. The Superintendent or designee shall notify an applicant if the applicant is identified in either database. The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, appropriate Intermediate Service Center, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, the Department of State Police and/or Statewide Sex Offender Database.

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 5/21B-80 of the School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

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:

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.
2. 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.
3. The District does not request of an applicant or employee access in any manner to his or her social networking website, including a request for passwords to such sites..
4. The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment.*

DRAFT UPDATE

Physical Examinations

~~New employees~~Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease~~, including tuberculosis. All~~. The physical fitness ~~examinations and tests for tuberculosis~~examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a 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 ~~and tuberculin test~~ performed no more than 90 days before submitting evidence of it to the ~~Board~~District.

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

Comment [AP1]: This policy is updated to implement P.A. 98-716. A new or existing 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. As of August 2014, 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.

Issue 86, August 2014

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*.

LEGAL REF.: 105 ILCS 5/10-21.9 and 5/24-5.
Employee Credit Privacy Act, 820 ILCS 70/.
Right to Privacy in the Workplace Act, 820 ILCS 55/.
Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
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 5/24-1 et seq.
820 ILCS 55/ and 70/.
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (Ill.App.1, 1985), *aff'd in part and remanded* 505 N.E.2d 314 (Ill., 1987).
Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2, 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (Ill.App.1, 1945).

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; 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)

ADOPTED: ~~April 29, 2014~~

DRAFT UPDATE

General Personnel

Compliance with the Fair Labor Standards Act

Job Classifications

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

Workweek and Compensation

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

Comment [AP1]: CAUTION: Please review policy language to assure the workweek listed aligns with District practice and all Collective Bargaining Agreements. If necessary, please include edits with your Response Form.

Issue 84, February 2014

Overtime

leave unstrike

~~The School Board discourages overtime work by non-exempt employees.~~ A non-exempt employee shall not work overtime without his or her supervisor's express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked.

Comment [AP2]: This deletion is not intended to encourage overtime. Rather, it is made to align with the realities that districts budget for overtime and that overtime is frequently less expensive than hiring a contractor or a new employee.

Issue 84, February 2014

Suspension Without Pay

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

Implementation

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

LEGAL REF.: 820 ILCS 105/4a.
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions)

ADOPTED: ~~November 6, 2012~~

parents/guardians of former students that employees exercise with current students, parents/guardians and employees.

3. Report instances of abuse or neglect discovered through the use of social media or personal technology pursuant to a teacher's obligations under the *Abused and Neglected Child Reporting Act*.
4. Use such communication in a manner that does not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
5. Not disclose student record information including student work, photographs of students, names of students or any other personally identifiable information about students via electronic communication or social media in compliance with policy 5:130, *Responsibilities Concerning Internal Information*.
6. Refrain from using the District's logos without permission.
7. Follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.
8. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
9. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
10. Assume all risks associated with the use of electronic communications with students, parents/guardians, or other staff members that are not in compliance with this policy
11. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.

The Superintendent shall:

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Board policy 5:120, *Ethics and Conduct*.
2. Develop guidelines for the use of electronic communications with students, parents/guardians, other staff members, and entities related to District 146.
3. Direct Building Principals to annually:
   a. Provide their building staff with a copy of this policy.
   b. Inform their building staff about the importance of maintaining high standards in their school relationships.
   c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
4. Build awareness of this policy with students, parents, and the community.
5. Ensure that no one for the District, or on its behalf, requests of an employee or applicant access in any manner to his or her social networking website or requests passwords to such sites.

DRAFT UPDATE

6. Periodically review this policy and any procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

LEGAL REF.: 105 ILCS 5/21B-75 and 5/21B-80.
Ill. Human Rights Act, 775 ILCS 5/5A-102.
Code of Ethics for Ill. Educators, 23 Ill.Admin.Code §22.20.
Garcetti v. Ceballos, 547 U.S. 410 (2006).
Pickering v. High School Dist. 205, 391 U.S. 563 (1968).
Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:120 (Ethics and Conduct), 5:130 (Responsibilities Concerning Internal Information), 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

ADOPTED: ~~November 6, 2012~~

DRAFT UPDATE

General Personnel

Personal Technology and Social Media; Usage and Conduct

Purpose of this Policy

The School Board recognizes that electronic communication, including communication via social networking sites, may be useful for parent/guardian/student/staff member communication regarding district matters. However, electronic communications also have the potential of creating a disruption in the school environment. This policy is intended to minimize that disruption and ensure that electronic communications between employees and students, employees and parents/guardians or between employees are appropriate and within the goals and policies of the School District.

Definitions

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

Social media - Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes *Facebook*, *LinkedIn*, *MySpace*, *Twitter*, and *YouTube*.

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

Comment [AP1]: This policy is amended to update the list of personal technology devices.

Issue 84, February 2014

Use of Electronic communications for School-Related Matters

Employees who communicate electronically with students and parents/guardians about school-related matters must use District-approved or District-hosted electronic accounts and applications. This paragraph is not intended to prohibit a teacher (or other staff member) from using his/her personal telephone or mobile phone to speak with a parent/guardian after work hours if the parent/guardian is unavailable for a telephone conference during the teacher's (or other staff member's) work hours.

Usage and Conduct

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

1. Adhere to the high standards for appropriate school relationships ~~in~~ required by policy 5:120, *Ethics and Conduct* at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policy 5:20, *Workplace Harassment Prohibited*; 5:120, *Ethics and Conduct*; 6:235, *Access to Electronic Networks*; 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Exercise the same discretion and high standards in communicating with former students and

DRAFT UPDATE

General Personnel

Temporary Illness or Temporary Incapacity

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

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

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

Any employee may be required to have an examination, at the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervisor to perform health examinations.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12102.
105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.
Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965).
School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987).

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

ADOPTED: ~~November 6, 2012~~

* ONLY EDIT

Comment [AP1]:
Update 1: Until February 2014, this paragraph in the PRESS sample policy applied to all employees. We limited its application to teachers in response to feedback that the paragraph should align with the statute. Section 24-13, which this paragraph implements, applies only to teachers and, thus, we amended the paragraph to make it applicable only to teachers. **This change may trigger a bargaining requirement with a bargaining unit for educational support personnel.**

Important: A district should consult the board attorney before determining that a teacher's temporary illness or incapacity became permanent.

Issue 84, February 2014

Comment [AP2]:
Update 2: This sentence recognizes that the board may take action concerning an employee in situations beyond this policy's scope.

Issue 84, February 2014

DRAFT UPDATE

Professional Personnel

Teacher Qualifications

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

1. Each teacher must:
   a. Have a valid Illinois ~~certificate that legally qualifies~~ Professional Educator License issued by the ~~teacher for~~ State Superintendent of Education with the ~~duties for which~~ required endorsements as provided in the ~~teacher is employed~~ School Code.
   b. Provide the District Office with a complete official 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 an official 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 with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be *highly qualified* for those assignments as determined by State and federal law.

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately ~~certified~~ licensed and *highly qualified* for their assignments;
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: (a) of their right to request their students' classroom teachers' professional qualifications, and (b) whenever their child is assigned to, or has been taught for 4 or more consecutive weeks by, a teacher who is not *highly qualified.*

LEGAL REF.: 20 U.S.C. §6319.
34 C.F.R §200.55, 56, 57, and 61.
105 ILCS 5/10-20.15, 5/21~~-10, 5/21-~~11.4, 5/21B-20, and 5/24-23.
23 Ill.Admin.Code §1.610 et seq., §1.705 et seq., and Part 25.

ADOPTED: ~~November 6, 2012~~

Comment [AP1]: We edited policy language in response to amendments that the Ill. State Board of Education (ISBE) made to 23 Ill.Admin.Code Part 25. Part 25 continues to incorporate P.A. 97-607, which changed teacher certification to educator licensure as of July 1, 2013.

Issue 84, February 2014

DRAFT UPDATE

Professional Personnel

Suspension

Suspension Without Pay

The School Board may suspend without pay: (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for misconduct that is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the School District includes:

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

The Superintendent or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Board or Board-appointed hearing examiner before it is imposed. At the request of the professional employee made within 5 calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the ~~alleged charges and the~~ date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next ~~regularly scheduled~~ meeting.

Comit?

Suspension With Pay

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

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

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

Repayment of Compensation and Benefits

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

Comment [AP1]: The policy is updated in response to feedback. The edits give the superintendent or designee authority to begin proceedings to suspend a professional staff member without pay.

A superintendent or board should consult the board attorney before taking any action to suspend a licensed employee, with or without pay. A difference of opinion exists among attorneys concerning whether a board is permitted to authorize the superintendent to suspend teachers without pay. See the Update Memo for more information.

Issue 84, February 2014

DRAFT UPDATE

LEGAL REF.: 5 ILCS 430 et seq.
105 ILCS 5/24-12.
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487 (1985).
Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill., 1975).
Massie v. East St. Louis School District No.189, 561 N.E.2d 246 (Ill.App.5, 1990).

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

ADOPTED: ~~November 6, 2012~~

DRAFT UPDATE

Professional Personnel

Student Teachers

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. ~~Prior to a student teacher beginning any field experiences in the District, the Superintendent or designee will ensure that the District performs a complete criminal history records check pursuant to 105 ILCS 5/10-21.9; i.e. *background check* or *background investigation*~~No individual who has been convicted of a criminal offense listed in Section 5/21B-80 of the School Code is permitted to student teach or complete field or other clinical experience.

Before permitting an individual to student teach or participate in any field experience in the District, the Superintendent or designee shall ensure that:

1. The District performed a *complete criminal history records check* as described below; and
2. The individual furnished evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5.

A complete criminal history records check pursuant to 105 ILCS 5/10-21.9 shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by 97-154).

Each student teacher may provide written authorization for, and may pay the costs of, his or her criminal history records check (including any applicable vendor's fees), and the Superintendent or designee will provide each student teacher with a copy of his or her report.

Assignment

The Superintendent or designee shall be responsible for coordinating placements of all student teachers within the District. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities. A teacher may be eligible for Continuing Professional Development Units (CPDU) for supervising a student teacher or teacher education candidate in clinical supervision.

Comment [AP1]: Update 1: This new sentence clarifies that no one may serve as a student teacher who was convicted of a crime specified in the School Code.

Issue 86, August 2014

Comment [AP2]: Update 2: This new paragraph implements the requirement to conduct a criminal background check on individuals seeking to be a student teacher. It also implements P.A. 98-716, which requires all new employees, including student teachers, to furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5.

Issue 86, August 2014

DRAFT UPDATE

LEGAL REF.: Adam Walsh Child Protection and Safety Act, P.L. 109-248.
Uniform Conviction Information Act, 20 ILCS 2635/1.
105 ILCS 5/21-14(e)(3)(E)(viii) ~~and~~), 5/10-22.34, and 5/24-5.
23 Ill.Admin.Code §25.875.

CROSS REF.: 5:190 (Teacher Qualifications), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications)

ADOPTED: ~~December 17, 2013~~

DRAFT UPDATE

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Work Year Categories

- 10-month support staff (building administrative assistants) shall be on duty two weeks prior to the opening of school and two weeks after the close of the regular school term. The paid work year shall consist of all days that the faculty is present.
- 11 month employees/August 1 - June 30

Sick Leave

Please refer to the following current agreement:

"Winnetka School District #36 Board of Education and Service Employees Local #73."

For employees not covered by this agreement:

Sick leave days shall be available annually and shall be accumulative to 240 days as follows:

- 10-Month Secretaries - shall have (13) days available, per year
- 11-Month Secretaries - shall have (14) days available, per year

After two years of employment, employees are eligible to be granted an additional 10 sick days, to be used solely in the event of their own serious illness or disability. These additional days will be granted only after all accumulated sick days from prior years, and (remaining) sick as from the current year have been depleted.

Comment [AP1]:
OPTION: The Illinois Municipal Retirement Fund requires that public bodies have a written plan allowing eligible employees to convert their eligible accumulated sick leave to service credit upon retirement (40 ILCS 5/7-139(a)(8). If the CBA referred to in this section contains this written plan, the subhead can be amended to add: IMRF Service Credit Plan

If this option is selected, 40 ILCS 5/7-139 will be added to the Legal References.

Issue 86, August 2014

Bereavement Leave

Please refer to the following current agreement:

"Winnetka School District #36 Board of Education and Service Employees Local #73."
"WINNETKA EDUCATORS ASSOCIATION"
For employees not covered by this agreement:

In the event of the death of an employee's family member or someone considered *as* a family member - it is recognized that up to three consecutive working days may be needed by the employee to attend the funeral services. If it is necessary to be for more than ~~three days~~, employees are allowed to use available sick days, in addition to the bereavement days.*

* 5 consecutive work days w/ Supervisor approval

Personal Business Leave

Three days shall be available annually for conducting personal business; such days shall be non-cumulative. However, one unused personal leave day per year shall accumulate as sick leave.

Vacations

Please refer to the following current agreement:

"Winnetka School District #36 Board of Education and Service Employees Local #73."

DRAFT UPDATE

For employees not covered by this agreement:

All twelve-month employees who have been continuously employed with the Board shall receive vacations with pay at their regular rate according to their established work schedule (pro-rated for less than full-time) according to the following schedule, unless otherwise negotiated.

Less than 1 year of service:	pro-rated
After 1 Year of service	2 weeks
After 2 years of service	3 weeks
After 7 years of service	4 weeks

Part-time employees who work at least 20 hours per week will receive vacation based on the same schedule at their current scheduled hours. For example, a part-time person that works eight five hour days in a two week period will be given eight five hour days of vacation in a two week period.

Holidays

Please refer to the following current agreement:

"Winnetka School District #36 Board of Education and Service Employees Local #73." and WEA

For employees not covered by this agreement:

All secretaries, on said holidays, shall receive the appropriate hours (based on each secretary's established work schedule) of holiday pay at their regular, straight time rate. The following holidays shall be recognized:

10/11 Month Employees		12-Month Employees
Labor Day	Thanksgiving Day	Same days as 10-11-Month Employees Plus:
Rosh Hashanah*	Friday after Thanksgiving	Christmas Eve Day
Yom Kippur*	Martin Luther King, Jr. Day	Christmas Day
Columbus Day*	Presidents' Day	New Year's Eve Day
Veteran's Day*	Memorial Day	New Year's Day
Day before Thanksgiving	Good Friday	Fourth of July

*If recognized by the School District

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave

Please refer to the following current agreement:

"Winnetka School District #36 Board of Education and Service Employees Local #73." and WEA

For employees not covered by this agreement:

Full-time educational support personnel have one paid personal leave day per year. The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal 3 days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

DRAFT UPDATE

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

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.

Leaves for Service in the Military and General Assembly

Educational support personnel shall receive the same military and General Assembly leaves that are granted professional staff.

School Visitation Leave

An eligible employee is entitled to a school visitation leave on the same terms and conditions granted professional staff.

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly.
2. School Visitation Leave.
3. Leaves for Victims of Domestic or Sexual Violence.

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.
820 ILCS 147 and 180/1 et seq.

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

ADOPTED: ~~June 6, 2014~~

DRAFT UPDATE

Instruction

Home and Hospital Instruction

A student who is absent from school, or whose physician anticipates that the student will be absent from school because of a medical condition may be eligible for instruction in the student's home or hospital. Eligibility shall be determined by State law and the Illinois State Board of Education ~~rule~~rules governing (1) the continuum of placement options for students who have been identified for special education services or (2) the home/ and hospital instruction provisions for students who have not been identified for special education services. Appropriate educational services from qualified staff will begin no later than 5 school days after receiving a physician's written statement. Instructional or related services for a student receiving special education services will be determined by the student's individualized education program.

Comment [AKL1]: This policy is updated to cite 23 Ill.Admin.Code §1.520. The rule addresses home and hospital instruction for students who have not been identified for special education services.

Issue 85, May 2014

A student who is unable to attend school because of pregnancy will be provided home instruction, correspondence courses, or other courses of instruction (1) before the birth of the child when the student's physician indicates, in writing, that she is medically unable to attend regular classroom instruction, and (2) for up to 3 months after the child's birth or a miscarriage.

Periodic conferences will be held between appropriate school personnel, parent(s)/guardian(s), and hospital staff to coordinate course work and facilitate a student's return to school.

LEGAL REF.: 105 ILCS 5/10-22.6a, 5/14-13.01, 5/18-4.5, and 5/18-8.05.
23 Ill.Admin.Code §§1.520, 1.610, and 226.300.

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

ADOPTED: ~~November 6, 2012~~

DRAFT UPDATE

Students

Harassment of Students Prohibited

Definitions

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

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

Bullying may take various forms, including, but not limited to, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is illustrative and non-exhaustive.

Hazing - Hazing is any act that subjects a student to electronic, written, physical or verbal harassment, mental or physical discomfort, intimidation, embarrassment, ridicule, or demeaning activity committed by an individual student or group of students for the purpose of initiation, maintaining membership, or holding office in any organization, club or athletic team, whether or not such group is recognized or informal.

Harassment - Harassment includes any unwelcome electronic, written, physical or verbal conduct, contact or communication that is motivated by or related to individual characteristics such as race, color, national origin, gender, economic status, disability, religion, religious affiliation or sexual orientation and that creates or can reasonably be predicted to create an intimidating, hostile or offensive educational environment. Although harassment that creates an intimidating, hostile or offensive environment can take many forms, some examples include name-calling, jokes, gestures or looks, posting, or distribution of derogatory pictures, notes or graffiti, blocking, pushing, hitting or other forms of physical aggression. Where harassment is , it may also include such conduct as persistent unwelcome attempts to interact with another, gesturing in a suggestive fashion, spreading of rumors, aggressive physical conduct such as kissing, touching or pulling at clothes. Sexual harassment also includes unwelcome sexual advances or requests for sexual favors when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of the receipt of educational or other school-related benefits; or
2. Submission to or rejection of such conduct by an individual is used as the basis for educational or other school-related decisions affecting that individual.

Bullying, Intimidation, and Harassment Prohibited

No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national~~ity~~ origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status

Comment [AKL1]: Update 1: This policy language was updated to list protected statuses from the anti-bullying statute word-for-word, despite some statuses being irrelevant to students in K-12.

Issue 86, August 2014

of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

Any district student who is determined, after an investigation, to have engaged in tolerate bullying, hazing, harassment or cyberbulling will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy. Any student making a knowingly false accusation regarding bullying, hazing harassment or cyberbulling will likewise be subject to disciplinary action up to and including suspension and expulsion.

Sexual Harassment Prohibited

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

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

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

Comment [AP2]: Update 2: The term *sexual violence* was added throughout this policy due to a U.S. Dept. of Education guidance document stating that acts of sexual violence may also be discrimination under Title IX.

Issue 86, August 2014

Making a Complaint; Enforcement

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

An allegation that a student was a victim of any prohibited conduct perpetrated by another student shall be referred to the Building Principal, Assistant Building Principal, or Dean of Students for appropriate action.

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

DRAFT UPDATE

Nondiscrimination Coordinator:

Ms. Trisha ~~Kocanda~~, Asst. Supt. of Personnel & Educational Program
Name
1235 Oak Street
Address
Winnetka, IL 60093

847/446-9400
Telephone

Dr. Maureen Hager
Director Human Resources

Comment [AKL3]: OPTION: Email addresses may be added to the Nondiscrimination Coordinator and Complaint Manager information found in this policy as well as policies 2:260, 5:10 and 5:20. If the board would like to add these, please attach the email addresses to the PRESS Plus response form.

Issue 86, August 2014

Complaint Managers:

Dr. Maureen Hager Director Human Resources

Ms. Trisha Kocanda, Asst. Supt. of Personnel & Educational Program	~~Mr. Mark Dithardt, Director Pupil Services~~
Name	Name
1235 Oak Street	~~1235 Oak Street~~
Address	Address
Winnetka, IL 60093	Winnetka, IL 60093
847/446-9400	~~847/446-9400~~ 847-446-0920
Telephone	Telephone

Dr. Daniel Ryan
Principal Humbard Woods School
1110 Chatfield Rd

The Superintendent shall use reasonable measures to inform staff members and students of this policy, such as, by including it in the appropriate handbooks.

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

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments.
34 C.F.R. Part 106.
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
23 Ill.Admin.Code §1.240 and Part 200.
Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998).
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10th Cir., 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 7:10 (Equal Educational Opportunities), 7:180 (~~Preventing~~Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Discipline), 7:240 (Conduct Code for Participants in Extracurricular Activities)

ADOPTED: ~~December 17, 2013~~

DRAFT UPDATE

Students

Attendance and Truancy

Compulsory School Attendance

This policy applies to individuals who have custody or control of a child: ~~(a) between the ages of 7 and 17 years of age (unless the child has graduated from high school),~~ (a) whose age meets the compulsory attendance age listed in State law, or (b) who is enrolled in any of grades, kindergarten through 12, in the public school regardless of age. ~~These individuals must cause the child to attend the District school wherein the child is assigned, except as provided herein or by State law.~~ Unless a student has already graduated from high school, compulsory attendance ages are as follows:

1. Before the 2014-2015 school year, students between the ages of 7 and 17 years.
2. Beginning with the 2014-2015 school year, students between the ages of 6 (on or before September 1) and 17 years.

Comment [AP1]: The policy is amended in response to new legislation that changes the compulsory attendance ages for students.

Issue 84, February 2014

Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, and (5) any child absent because his or her religion forbids secular activity on a particular day.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness, observance of a religious holiday, death in the immediate family, family emergency, other situations beyond the control of the student, other circumstances that cause reasonable concern to the parent/guardian for the student's safety or health, or other reason as approved by the Superintendent or designee.

Absenteeism and Truancy Program

The Superintendent or designee shall manage an absenteeism and truancy program in accordance with the School Code and School Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student from attendance who is necessarily and lawfully employed. The Superintendent or designee is authorized to determine when the student's absence is justified.
2. A process to telephone, within 2 hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification.
3. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in the School Code, Section 26-2a.
4. Methods for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information.
5. The identification of supportive services that may be offered to truant or chronically truant students, including parent-teacher conferences, student and/or family counseling, or

DRAFT UPDATE

information about community agency services. See Board policy 6:110, *Programs for Students At Risk of Academic Failure*.

6. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Intermediate Service Center, if truancy continues after supportive services have been offered.
7. A protocol for cooperating with non-District agencies including County or municipal authorities, the Intermediate Service Center, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records.
8. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a chronic truant for his or her truancy unless available supportive services and other school resources have been provided to the student.
9. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Superintendent believes qualifies.

LEGAL REF.: 105 ILCS 5/26-1 through 16.
705 ILCS 405/3-33.5.
23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: 6:110 (Programs for Students At Risk of Academic Failure), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:190 (Student Discipline), 7:340 (Student Records)

ADOPTED: ~~November 6, 2012~~

Students

Search and Seizure

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.

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.

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.

Students

School authorities may search a student and/or the student's personal effects in the student's possession (such as, purses, wallets, knapsacks, book bags, lunch boxes, etc.) when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objective and not excessively intrusive in light of the student's age and sex, and the nature of the infraction.

When feasible, the search should be conducted as follows:

1. Outside the view of others, including students,
2. In the presence of a school administrator or adult witness, and
3. By a certificated employee or liaison police officer of the same sex as the student.

Immediately following a search, a written report shall be made by the school authority who conducted the search, and given to the Superintendent.

Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

Notification Regarding Student Accounts or Profiles on Social Networking Websites

State law requires the District to notify students and their parents/guardians that school officials may request or require a student to provide a password or other related account information to gain access to the student's account or profile on a social networking website. This request or requirement may be made only if there is reasonable cause to believe that the student's account contains evidence that he or she violated a school disciplinary rule or Board policy.

ealeisa 9/17/14 11:53 AM

Comment [1]: As PRESS indicated, this new section addresses the requirements of the *Right to Privacy in the School Setting Act* (105 ILCS 75/1 *et seq.*), effective January 1, 2014. The Act requires schools to notify students and parents that students may be requested or required to provide social networking account passwords or other account information if the school has reasonable cause to believe that the student's account contains evidence that the student has violated a school disciplinary rule or policy.

The Act requires that this notification be published in a school's disciplinary rules, policies, or handbook or communicated by similar means. By including this language in the Board policy, the District will satisfy the Act's notice requirements. Therefore, we concur in the PRESS addition of this new section, with two changes addressed below.

ealeisa 9/17/14 10:10 AM

Comment [2]: The Act authorizes schools to request or require *students* to provide passwords and account information, not parents. Therefore, we recommend eliminating this phrase from the PRESS language.

ealeisa 9/17/14 8:55 AM

Deleted: or his or her parent/guardian

ealeisa 9/17/14 10:08 AM

Comment [3]: The Act permits schools to request *or require* the passwords and account information.

©2014 Policy Reference Education Subscription Service
Illinois Association of School Boards
Please review this material with your school board attorney before use.

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.
Right to Privacy in the School Setting Act, 105 ILCS 75/.
Cornfield v. Consolidated High School Dist. No. 230, 991 F.2d 1316 (7th Cir., 1993).
People v. Dilworth, 661 N.E.2d 310 (Ill., 1996), *cert. denied*, 116 S.Ct. 1692 (1996).
People v. Pruitt, 662 N.E. 2d 540 (Ill.App.1, 1996), *app. denied*, 667 N.E. 2d 1061 (Ill.App.1, 1996).
T.L.O. v. New Jersey, 105 S.Ct. 733 (1985).
Vernonia School Dist. 47J v. Acton, 115 S.Ct. 2386 (1995).
Safford Unified School Dist. No. 1 v. Redding, 129 S. Ct. 2633 (2009).

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

©2014 Policy Reference Education Subscription Service
Illinois Association of School Boards
Please review this material with your school board attorney before use

Students

Prevention of and Response to Bullying, Intimidation, and Harassment [1]

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

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, marital status, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations: [2]

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

Definitions from Section 27-23.7 of the School Code (105 ILCS 5/27-23.7) [3]

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

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;

jeseed 9/16/14 11:14 AM
Comment [1]: The Board may choose to leave this first paragraph in the Policy and doing so may assist the Board in its evaluation of the Policy every 2 years (as required by law) by using these goals as a starting point to assess its outcomes and effectiveness. Alternatively, this paragraph may be amended to reflect any specific goals/interests that the Board has regarding the prevention of bullying, or the paragraph may be removed altogether.

jeseed 9/16/14 10:13 AM
Comment [2]: The law does not require the Policy to include the protected statuses which are marked for deletion.

jeseed 9/15/14 10:21 AM
Deleted: order of protection status, status of being homeless, or actual or potential

jeseed 9/15/14 10:22 AM
Deleted: or parental

jeseed 9/15/14 10:22 AM
Deleted: including pregnancy,

jeseed 9/15/14 10:42 AM
Deleted: staff members

jeseed 9/15/14 2:04 PM
Comment [3]: Situation #4 must be included in the Policy beginning January 1, 2015.

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

[1] All districts must have a policy on bullying (105 ILCS 5/27-23.7, amended by P.A.s 98-669 and 98-801 (eff. 1-1-2015). Every 2 years, each district must review and re-evaluate this policy, make necessary and appropriate revisions, and file the updated policy with ISBE. This sample policy's first paragraph allows a school board to consider its goals for preventing bullying and remedying its consequences; it may be amended.

In addition to a bullying prevention policy, all districts must have a policy on student discipline (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). Boards must, in consultation with their parent-teacher advisory committees and other community-based organizations, address aggressive behavior, including bullying, in their student discipline policy. See 7:190, *Student Discipline*; 7:190-E1, *Aggressive Behavior Reporting Letter and Form.*

[2] This paragraph and its subparts 1-4 are from the bullying prevention statute (105 ILCS 5/27-23.7(a); see also 775 ILCS 5/1-103 and 23 Ill.Admin.Code §1.240). The protected statuses are mandated by the bullying prevention statute; the list of protected statuses is identical to the list in 7:20, *Harassment of Students Prohibited.*

[3] All definitions are directly from 105 ILCS 5/27-23.7, amended by P.A.s 98-669 and 98-801 (eff. 1-1-2015).

©2014 Policy Reference Education Subscription Service
Illinois Association of School Boards
Please review this material with your school board attorney before use.

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

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

Jeseed 9/16/14 10:51 AM
Comment [4]: The definition of Cyber-bullying must be in the Policy beginning January 1, 2015.

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

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

Bullying Prevention and Response Plan

The Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12. [4]

1. The District uses the definition of *bullying* as provided in this policy. [5]
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District's bullying prevention and response plan is intended to infringe upon any right to

Jeseed 9/15/14 2:04 PM
Comment [5]: The Board should not adopt the suggestion set forth in Footnote 5. This Policy includes the definition of bullying that is required by law and there is no need to augment it.

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

[4] As each numbered requirement, 1-12, corresponds with the same number in 5/27-23.7(b) 1-12, there are no reference citations in footnotes. All non-statutory requirements, plus alternatives and optional provisions, are described in footnotes.

[5] A board may augment the School Code requirement by using this alternative:
Using the definition of *bullying* as provided in this policy, the Superintendent or designee shall emphasize to the school community that: (a) the District prohibits bullying, and (b) all students should conduct themselves with a proper regard for the rights and welfare of other students. This may include a process for commending or acknowledging students for demonstrating appropriate behavior.

©2014 Policy Reference Education Subscription Service
Illinois Association of School Boards
Please review this material with your school board attorney before use.

exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.

3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the District Complaint Manager or any staff member with whom the student is comfortable speaking. [6] Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District Complaint Manager or any staff member. Anonymous reports are also accepted and may be made to the [District Complaint Manager] through the contact information provided below. Formal disciplinary action will not be taken solely on the basis of an anonymous report.

Complaint Manager:

Beth Marty N, Director Student Services
Name

1235 Oak Street
Address

bethmartyn@wheeling.org
Email

847-946-9400
Telephone

4. Consistent with federal and State laws and rules governing student privacy rights, the Superintendent, Building Principal, or designee shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. [7]

5. The Superintendent, Building Principal, or designee shall promptly investigate and address reports of bullying, by, among other things:

   a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.

   b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.

   c. Notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.

   d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building

jeseed 9/16/14 10:16 AM
Comment [6]: The Board should consider which administrator will be responsible for receiving reports/complaints of bullying. It can be the Complaint Manager, Nondiscrimination Coordinator, Building Principal(s), or another administrator.

jeseed 9/16/14 10:17 AM
Comment [7]: Input the position title of the administrator who will be responsible for receiving anonymous reports of bullying. If the Board chooses to have a different administrator responsible for anonymous reports than the administrator who is responsible for receiving all other reports of bullying, then also provide the name, address, email and telephone number of that administrator.

jeseed 9/16/14 10:17 AM
Comment [8]: The new law requires the District to provide for a procedure for anonymous reports and adds that formal disciplinary action shall not be permitted on the sole basis of an anonymous report.

jeseed 9/16/14 10:17 AM
Comment [9]: Input the name, address, email address, and telephone number of the staff member who will be responsible for receiving reports/complaints of bullying. Change the position title, if appropriate.

jeseed 9/16/14 5:37 PM
Comment [10]: The law does not require the Superintendent or designee to inform parents, but it does require the Policy to have a procedure for promptly informing parents. The Board may list either the Superintendent or Building Principal (or both) or even replace/add another appropriate administrator (e.g., the Complaint Manager). Alternatively, the Board may choose to set forth a different procedure for promptly informing parents. If so, please contact me about this option.

jeseed 9/16/14 5:37 PM
Comment [11]: Again, the law does not require the Superintendent or designee to investigate but requires the Policy to have a procedure for promptly investigating and addressing reports of bullying that includes items (a) through (d). The Board may list either the Superintendent or Building Principal (or both) or even replace/add another appropriate administrator. Alternatively, the Board may choose to set forth different procedures for investigating and addressing reports of bullying. If so, please contact me about this option.

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

[6] The statute requires that the policy contain the email address and telephone number for the staff person(s) responsible for receiving bullying reports. Using the district Complaint Manager or Nondiscrimination Coordinator is consistent with 2:260, *Uniform Grievance Procedure*. A board may substitute or add the Nondiscrimination Coordinator, Building Principal, or other position in this paragraph and below with the contact information. A board may also add a telephone number for making anonymous reports.

[7] 105 ILCS 5/10-20.14 contains a similar requirement. See 7:190-E1, *Aggressive Behavior Reporting Letter and Form*.

©2014 Policy Reference Education Subscription Service
Illinois Association of School Boards
Please review this material with your school board attorney before use.

Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The Superintendent, Building Principal or designees shall investigate whether a reported incident of bullying is within the permissible scope of the District's jurisdiction and the District or school shall provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs. [8]

6. The District shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

7. A reprisal or retaliation against any person who reports an act of bullying **is prohibited.** A student's act of reprisal or retaliation will be met with disciplinary consequences and appropriate remedial actions consistent with this and other Board Policies.

8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be met with disciplinary consequences and appropriate remedial actions consistent with this and other Board Policies.

9. The District's bullying prevention and response plan must be based on the engagement of a range of school stakeholders, including students and parents/guardians.

10. The policy shall be posted on the District's Internet website, if any, and included in the student handbook, and, where applicable, posted where other policies, rules, and standards of conduct are currently posted. The policy must also be distributed annually to parents/guardians, students, and school personnel, including new employees when hired.

11. The District shall review and re-evaluate its bullying prevention policy and make necessary and appropriate revisions every two years. The Superintendent or designee shall assist the Board with its evaluation and assessment of this policy's outcomes and effectiveness. This process shall include, without limitation:
    a. The frequency of victimization;
    b. Student, staff, and family observations of safety at a school;
    c. Identification of areas of a school where bullying occurs;
    d. The types of bullying utilized; and
    e. Bystander intervention or participation.

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

12. The District's bullying prevention plan must be consistent with the other Board policies.

    a.

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

[8] This sentence contains requirements found in 105 ILCS 5/27-23.7(d), amended by P.A. 98-801 (eff. 1-1-2015).

jeseed 9/16/14 5:37 PM
Comment [12]: Again, the law does not require the Superintendent or designee to investigate reports of bullying, but requires the Policy to include a process to investigate whether the reported act of bullying is within the permissible scope of the District's or school's jurisdiction. The Board may list either the Superintendent or Building Principal (or both) or even replace/add another appropriate administrator. Alternatively, the Board may choose to set forth a different process to investigate whether a reported act of bullying is within the permissible scope of the District's or school's jurisdiction. If so, please contact me about this option.

jeseed 9/16/14 10:26 AM
Deleted: shall require that

jeseed 9/16/14 11:08 AM
Comment [13]: This paragraph must be included in the Policy beginning January 1, 2015.

jeseed 9/15/14 12:03 PM
Deleted: Superintendent or designee

jeseed 9/16/14 10:28 AM
Comment [14]: The Policy must include a statement prohibiting reprisal/retaliation against anyone who reports bullying. The Policy must also include the consequences and appropriate remedial actions for a person who does so. The PRESS Policy requires the District to treat retaliation the same way it treats bullying, but this is unnecessary. Inst [2]

jeseed 9/15/14 12:07 PM
Deleted: treated as *bullying* for purposes of [1]

jeseed 9/15/14 12:07 PM
Deleted:

jeseed 9/16/14 10:28 AM
Comment [15]: The first sentence of item [3]

jeseed 9/16/14 11:04 AM
Comment [16]: As with item #7, false [5]

jeseed 9/15/14 12:16 PM
Deleted: treated as *bullying* for purposes of [4]

jeseed 9/15/14 1:35 PM
Deleted: Superintendent or designee shall post this

jeseed 9/15/14 1:35 PM
Deleted: it

jeseed 9/15/14 1:35 PM
Deleted: it

jeseed 9/16/14 10:45 AM
Comment [17]: The law requires the Polic [6]

jeseed 9/16/14 11:11 AM
Comment [18]: The law requires that the [7]

jeseed 9/16/14 11:11 AM
Comment [19]: While Optional Paragrapl [9]

jeseed 9/15/14 1:47 PM
Deleted: The Superintendent or designee sh [8]

jeseed 9/15/14 1:45 PM
Deleted: <#>2:260, *Uniform Grievance* [10]

©2014 Policy Reference Education Subscription Service
Illinois Association of School Boards
Please review this material with your school board attorney before use.

LEGAL REF.: 405 ILCS 49/, Children's Mental Health Act.
105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.
23 Ill.Admin.Code §§1.240 and §1.280.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Discipline), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Food Allergy Management Program), 7:310 (Restrictions on Publications)

280382_1

©2014 Policy Reference Education Subscription Service
Illinois Association of School Boards
Please review this material with your school board attorney before use.

DRAFT UPDATE

Students

Student Discipline

Prohibited Student Conduct

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

1. Using, possessing, distributing, purchasing, or selling tobacco materials.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, or selling:
   a. Any illegal drug, or controlled substance, or cannabis (including medical cannabis, marijuana, and hashish).
   b. Any anabolic steroid unless being administered in accordance with a physician's or licensed practitioner's prescription.
   c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription.
   d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited.
   e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
   f. "Look-alike" or counterfeit drugs, including a substance not containing an illegal drug or controlled substance, but one: (a) that a student believes to be, or represents to be, an illegal drug or controlled substance; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug or controlled substance.
   g. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.

   Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.
4. Using, possessing, controlling, or transferring a "weapon" as that term is defined in the *Weapons* section of this policy, or violating the *Weapons* section of this policy.

Comment [AP1]:
Update 1: To legally use medical cannabis, an individual must first become a registered qualifying patient. There are many situations in which no one, even a registered qualifying patient, may possess or use cannabis, including in a school bus or on the grounds of any preschool, or primary or secondary school. Contact the board attorney for advice concerning medical cannabis.

Issue 84, February 2014

The 'Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130 et seq.), which governs the use of medical marijuana in ILLINOIS, explicitly prohibits its possession and use on school grounds or in school buses.

DRAFT UPDATE

5. Using or possessing an electronic paging device. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off and out-of-sight during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student's individualized education program (IEP); or (c) it is needed in an emergency that threatens the safety of students, staff, or other individuals.

6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.

7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member's request to stop, present school identification, or submit to a search.

8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, and wrongfully obtaining test copies or scores.

9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*, is prohibited.

10. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.

11. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants.

12. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member.

13. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.

14. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, and hazing.

15. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

Comment [AKL2]:
Update 2: All school boards must have a policy on teen dating violence. A reference to the required policy is added. Please verify that the board adopted the policy listed and amend its title and/or coding if necessary.

Issue 84, February 2014

16. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

For purposes of this policy, the term "possession" includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event.

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

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

The grounds for disciplinary action, including those described more thoroughly later in this policy, apply whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

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

Disciplinary Measures

Disciplinary measures may include:

1. Disciplinary conference.
2. Withholding of privileges.
3. Seizure of contraband.
4. Suspension from school and all school activities for up to 10 days, provided that appropriate procedures are followed. A suspended student is prohibited from being on school grounds.
5. Suspension of bus riding privileges, provided that appropriate procedures are followed.
6. Expulsion from school and all school-sponsored activities and events for a definite time period not to exceed 2 calendar years, provided that the appropriate procedures are followed. An expelled student is prohibited from being on school grounds.

7. Notifying juvenile authorities or other law enforcement whenever the conduct involves illegal drugs (controlled substances), "look-alikes," alcohol, or weapons.
8. Notifying parents/guardians.
9. Temporary removal from the classroom.
10. In-school suspension for a period not to exceed 5 school days. The Building Principal or designee shall ensure that the student is properly supervised.
11. After-school study or Saturday study provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
12. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure giving the student and/or parent/guardian the choice.

A student may be immediately transferred to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code.

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

Isolated Time Out and Physical Restraints

Isolated time out and physical restraint shall be used only as a means of maintaining discipline in schools, that is, as a means of maintaining a safe and orderly environment for learning and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. The use of isolated time out and physical restraint by any staff member shall comply with the Illinois State Board of Education (ISBE) rules, Section 1.285, "Requirements for the Use of Isolated Time Out and Physical Restraint." Isolated time out and physical restraint are defined as follows:

Isolated time out - the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted.

Physical restraint - holding a student or otherwise restricting his or her movements. Restraint does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to: (1) prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or (2) remove a disruptive student who is unwilling to leave the area voluntarily.

The following also apply:

1. The circumstances under which isolated time out or physical restraint will be applied are limited to maintaining a safe and orderly learning environment. §1.280(c)(1).
2. The ISBE rules are adopted as the District's written procedure to be followed by staff for the use of isolated time out or physical restraint. §1.280(c)(2).

DRAFT UPDATE

3. Staff members shall inform the Building Principal whenever isolated time out or physical restraint is used and the Building Principal shall maintain the documentation required according to Section 1.285. §1.280(c)(3).
4. The Building Principal shall investigate and evaluate any incident that results in a serious injury as reported by the affected student, parent/guardian, staff member, or other individual. §1.280(c)(4).

Weapons

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than 2 calendar years:

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

The expulsion requirement under either paragraph 1 or 2 above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.

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

Comment [AP3]:
Update 3: The Firearm Concealed Carry Act permits a properly licensed individual to carry a concealed firearm within a vehicle into a school parking area and store it a locked vehicle out of plain view. The Federal Gun-Free Schools Act has a similar provision. The School Code, however, contains no similar exception to the ban on firearms at schools. Contact the board attorney before permitting students to store their firearms in their vehicle's trunk while parked at school.

Issue 84, February 2014

Required Notices

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

Delegation of Authority

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

DRAFT UPDATE

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

Student Handbook

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

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians during the registration process. Parents will be required to acknowledge having reviewed the current year District Parent/Student Handbook.

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

LEGAL REF.: Gun-Free Schools Act, 20 U.S.C. §7151 et seq.
Pro-Children Act of 1994, 20 U.S.C. §6081.
410 ILCS 130/, Compassionate Use of Medical Cannabis Pilot Program.
430 ILCS 66/, Firearm Concealed Carry Act.
105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10, 5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/24-24, 5/26-12, 5/27-23.7, ~~and~~ 5/31-3, and 110/3.10.
23 Ill.Admin.Code §1.280.

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

ADOPTED: ~~December 17, 2013~~

Comment [AP4]: To comply with ISBE's rule, a board must incorporate by reference the procedure developed by the superintendent, i.e., 7:190-AP4, *Use of Isolated Time Out and Physical Restraint*. By doing this, the procedure becomes part of the policy. Please verify the coding and title of this procedure and amend the reference if necessary.

Issue 84, February 2014

DRAFT UPDATE

Students

Conduct Code for Participants in Extracurricular Activities

The Superintendent or designee, using input from coaches and sponsors of extracurricular activities, shall develop a conduct code for all participants in extracurricular activities consistent with School Board policy and the rules adopted by any association in which the School District maintains a membership. The conduct code shall: (1) require participants in extracurricular activities to conduct themselves as good citizens and exemplars of their school at all times, including after school, on days when school is not in session, and whether on ~~and~~or off school property~~.~~; (2) emphasize that hazing and bullying activities are strictly prohibited; and (~~2~~3) notify participants that failure to abide by it could result in removal from the activity. The conduct code shall be reviewed by the Building Principal periodically at his or her discretion and presented to the Board.

Comment [AP1]: This policy is amended in response to the increased focus on bullying and hazing.

Issue 86, August 2014

All coaches and sponsors of extracurricular activities shall annually review the rules of conduct with participants and provide participants with a copy. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students in grades 7 through 8 participating in these programs.

LEGAL REF.: Board of Education of Independent School Dist. No. 92 v. Earls, 122 S.Ct. 2559 (2002).
Clements v. Board of Education of Decatur, 478 N.E.2d 1209 (Ill.App.4, 1985).
Kevin Jordan v. O'Fallon THSD 203, 706 N.E.2d 137 (Ill.App.5, 1999).
Todd v. Rush County Schools, 133 F.3d 984 (7th Cir., 1998).
Veronia School Dist. 475 v. Acton, 515 U.S. 646 (1995).
105 ILCS 5/24-24, 5/27-23.3, and 25/2.

CROSS REF.: 5:280 (Duties and Qualifications), 6:190 (Extracurricular and Co-Curricular Activities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Discipline), 7:300 (Extracurricular Athletics)

ADOPTED: ~~November 6, 2012~~

DRAFT UPDATE

Students

Student Support Services

The following student support services may be provided by the School District:

1. Health services supervised by a qualified nurse. The Superintendent or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease~~, including head lice (Pediculus Humanus Capitis)~~.
2. Educational and psychological testing services and the services of a psychologist as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.
3. The services of a social worker. A student's parent(s)/guardian(s) must consent to regular or continuing services from a social worker.
4. Guidance and counseling services.

The Superintendent or designee shall develop protocols for responding to students with social, emotional, or mental health problems that impact learning ability. The District, however, assumes no liability for preventing, identifying, or treating such problems.

This policy shall be implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

LEGAL REF.: Children's Mental Health Act of 2003, 405 ILCS 49/1 et seq.

CROSS REF.: 6:65 (Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:280 (Communicable and Chronic Infectious Diseases)

ADOPTED: ~~November 6, 2012~~

Comment [AKL1]: The policy is updated in the spirit of continuous improvement. The term *head lice* has been deleted from the policy as a *disease* because head lice are not known to transmit any disease and therefore are not considered a health hazard (see Centers for Disease Control's website at www.cdc.gov/parasites/lice/head/disease.html).

Issue 85, May 2014

Policy 8.21 Community Use of Outdoor Athletic Fields Policy

Outdoor athletic fields are available to community organizations and groups during non-school hours when such use does not: (1) interfere with any school function or affect the safety of students or employees, or (2) affect the property or liability of the School District.

Use of outdoor field spaces is limited to pre-approved community organizations and groups exclusively. Field use must be arranged by calling the District Office, providing proof of liability insurance, and paying a fee, if appropriate, depending on the user. The District's intent is to provide fields for community use at no additional cost or expense to taxpayers for field upkeep and maintenance.

Outdoor field space available for community use and/or rental shall include: the playfields between Skokie School and Carleton Washburne School, and fields at the elementary schools upon special request and depending on the activity proposed for use. It is understood that the District does not provide athletic field maintenance or employ a grounds crew to accommodate users.

Field Scheduling and Use Priority (School Use Has Priority in All Cases):

I. Classification I
School groups or school-affiliated or school-sponsored organizations shall use the facilities without charge with no expectation that the field will be maintained in any specific way to accommodate the usage unless and until the District funds a ground maintenance program. Examples of school-affiliated groups include the PTO, Caucus committees, and, Boy and Girl Scout organizations serving students enrolled in The Winnetka Public Schools.

II. Classification II
Organizations with a licensing agreement with The Winnetka Public School.

III. Classification III
Not-for-profit youth organizations, certain governmental agencies, and civic organizations with proof of a government recognized not-for-profit endorsement (501(c)3) who serve at least 51% of children living within the boundaries of The Winnetka Public School and for whom such use will not have a financial impact on the School District. Upon request, Classification III users will provide a current roster of participants to the Superintendent and/or designee.

IV. Classification IV
Non-resident groups.

All users in each classification must meet adhere the following:

Adult supervision must be present at all times and include adults who are trained and qualified in emergency medical care, including but not limited to automated external defibrillators, cardiopulmonary resuscitation, and shall at all times have available while on site an automated external defibrillator in accordance with Illinois law.

Proof of coverage that meets the District's minimum insurance requirement for General Liability, Umbrella Liability, Worker's Compensation (if appropriate), and Automobile Insurance Coverage if children and/or users are being transported by individuals other than parents/guardians as part of the activity.

Agree to sign a Hold Harmless Agreement presented by the District.

Make no alterations or changes to the District property including (but not limited to) installation of portable toilets, storage lockers, bleachers, or field apparatus without the express written permission of the Superintendent/designee. It is also understood that on-site storage is not permitted.

Agree to be responsible for labor and material cost of repair to damaged Board property and facilities after reasonable notice, if such damage arises out of the use of such facilities by approved users.

Provide supervision and security appropriate to the scope and nature of its activities on the property pursuant to the proposed use of the property.

Shall be responsible for picking up and removing all litter and trash.

The Superintendent/designee shall be responsible for developing procedures that adhere to the tenets of this policy.